

ARTICLE V. SEWER USE.

SECTION 111-128. Definitions.

(a) *Abbreviations.* The following abbreviations, when used in this article, shall have the following designated meanings:

Al₂(SO₄)₃ -----	Aluminum Sulfate
AWRF -----	Advanced Water Reclamation Facility
BAT -----	Best Available Technology
BMR -----	Baseline Monitoring Report
BOD₅ -----	Biochemical Oxygen Demand (five day)
BPT -----	Best Practicable Technology
CBI -----	Compliance Bio-monitoring Inspection
CERCLA -----	Comprehensive Environmental Response, Compensation, and Liabilities Act of 1980
CFR -----	Code of Federal Regulation
Cl₂ -----	Chlorine
COD -----	Chemical Oxygen Demand
CSI -----	Compliance Sampling Inspection
DNR -----	Department of Natural Resources of the State of Georgia
DMR -----	Discharge Monitoring Report
D.O. -----	Dissolved Oxygen
EPA -----	United States Environmental Protection Agency
EPCRA -----	Emergency Planning and Community Right-To- Know Act of 1986
EPD -----	Environmental Protection Division of the Dept. of Natural Resources of the State of Georgia
ERP -----	Enforcement Response Plan
FeCl₃ -----	Ferric Chloride
Fe₂(SO₄)₃ -----	Ferric Sulfate
F/M Ratio -----	Food to Microorganism Ratio for the City's WPCP
FOG -----	Fats, Oils, and Grease (and Wax)
GA129 -----	Georgia 129 Priority Pollutants
GAIWQS -----	Georgia In-stream Water Quality Standards
gpd -----	gallons per day
gpm -----	gallons per minute
H₂S -----	Hydrogen Sulfide
H.M. # -----	Hach Method number for certain laboratory procedures (see Hach Water Analysis Handbook)
IPP -----	Industrial Pretreatment Permit
IU -----	Industrial User
MGD -----	Million Gallons per Day
MPN -----	Most Probable No. of coliform group organisms
mg/L -----	milligrams per Liter
MSDS -----	Material Data Safety Sheet

NH₃ -----	Ammonia (as N)
NO₃ -----	Nitrate
NPDES -----	National Pollutant Discharge Elimination System
NRDC -----	National Resource Defense Council
NSPS -----	New Source Performance Standards
O&M Manual -----	Operations and Maintenance Manual
OMR -----	Operations Monitoring Report
PO₄ -----	Phosphorous (as P)
POTW -----	Public Owned Treatment Works
ppm -----	parts per million (same as mg/L)
ppb -----	parts per billion (same as µg per liter)
PSES -----	Pretreatment Standards for Existing Sources
PSNS -----	Pretreatment Standards for New Sources
RCRA -----	Resource Conservation and Recovery Act
SARA -----	Superfund Amendment Reauthorization Act
SCADA -----	Supervisory Control And Data Acquisition system
SIC -----	Standard Industrial Classification
SIU -----	Significant Industrial User
S.M.# -----	Standard Methods number for certain laboratory procedures (see Standard methods for the Examination of Water and Waste Water)
TKN -----	Total Kjeldahl Nitrogen
TOMP -----	Toxic Organic Management Plan
TSCA -----	Toxic Substance Control Act
TSS -----	Total Suspended Solids
TTO -----	Total Toxic Organics
µg/L -----	micrograms per liter (same as parts per billion)
U.S.C. -----	United States Code
WPCP -----	Water Pollution Control Plant (Waste Water Treatment Plant), (Advanced Water Reclamation Facility)
WWTP -----	Waste Water Treatment Plant (Water Pollution Control Plant), (Advanced Water Reclamation Facility)

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Aluminum Sulfate (Alum) means an aluminum salt that is used as a coagulant in water treatment. Also used to remove phosphorous in wastewater treatment. $\text{Al}_2(\text{SO}_4)_3 \cdot 14\text{H}_2\text{O}$

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

Authorized Representative of the User

- (1) If the user is a corporation the term “authorized representative of the user” means:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authorized 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, the term “authorized representative of the user” means a general partner or proprietor, respectively.
- (3) If the user is a Federal, State, or local government facility, the term “authorized representative of the user” means 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:
 - a. the authorization is in writing,
 - b. the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and
 - c. the written authorization is submitted to the City.

Biochemical Oxygen Demand (BOD₅) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building Drain means the 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 the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

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

Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollution discharge limits promulgated by EPA in accordance with sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N. Parts 405-471.

Chemical Oxygen Demand (COD) means a measure of the oxygen consuming capacity of inorganic and organic matter present in water and wastewater. It is expressed as the amount of oxygen in milligrams per liter by weight consumed from a chemical oxidant in a specific test.

Chlorine means a chemical used to disinfect water and wastewater. Cl₂ in gaseous form, chlorine dioxide, sodium hypochlorite (bleach), or calcium hypochlorite (HTH).

City means the governmental body having jurisdiction over the maintenance and operations of the sewer system within the City of Cumming Water and Sewer Service Area which includes those areas within the corporate city limits of Cumming, Georgia, and adjacent areas within unincorporated Forsyth County, Georgia

Code of Federal Regulations (CFRs) means those environmental regulations compiled by the federal government and found in 40 CFR.

Combined Sewer means a sewer receiving both surface runoff and sewage.

Composite Sample means the accumulation of a number of individual samples over a period of time, so taken as to represent the nature of the wastewater.

Council means the city council, which has jurisdiction over the maintenance and operations of the sewer system within the City of Cumming Water and Sewer Service Area which includes those areas within the corporate city limits of Cumming, Georgia, and adjacent areas within unincorporated Forsyth County, Georgia

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

Department of Natural Resources (DNR) means the department of State government that is responsible for environmental protection and executes this responsibility through the Environmental Protection Division (EPD).

Director of Utilities (Director) means the Director of the Department of Utilities of the City of Cumming, Georgia or his representative.

Director means the Director of the City of Cumming Department of Utilities, or a duly authorized representative.

Discharge means the introduction of pollutants into the City's sewerage system from any non-domestic source regulated under Section 307 (b) and (c) of the Act.

Dissolved Oxygen (DO) means the molecular (atmospheric) oxygen dissolved in water or wastewater.

Easement means an acquired legal right for the specific use of land owned by others. Generally, permanent water and sewer easements are 20-ft wide and temporary easements are 40-ft wide.

Environmental Protection Agency (USEPA) means the federal agency responsible for protecting the environment of the United States of America.

Environmental Protection Division (Georgia EPD) means the division of the Department of Natural Resources of the State of Georgia that is responsible for the protection of the State of Georgia's environment.

Existing Source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Fats, Oils and Grease (FOG) and Wax means fats, oils, grease, or wax, whether emulsified or not and substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 - 65 degrees C).

Ferric Chloride means an iron salt that is used as a coagulant in water and wastewater treatment. $\text{Fe}(\text{Cl})_3$

Ferric Sulfate means an iron salt that is used as a coagulant in water and wastewater treatment. $\text{Fe}_2(\text{SO}_4)_3$

Floatable Oil means oil, fat, or grease in a physical state such that it will separate from wastewater by treatment in an American Petroleum Institute (API) type of oil/water gravity separator. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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

Food Service Establishment means any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as motels, hotels, prisons, or schools.

Food to Microorganism Ratio means a measure of food provided to bacteria in an aeration tank $F/M = [(Biochemical\ Oxygen\ Demand\ in\ lb/day) \div (Mixed\ Liquor\ Volatile\ Suspended\ Solids\ in\ lbs)]$

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and sale of food or produce.

Georgia 129 Priority Pollutants (GA129) means the list of 129 pollutants made up of volatiles, acids, base/neutrals, pesticides, metals, and others that are of concern to the State of Georgia in regard to the environment.

Georgia In-stream Water Quality Standards (GAIWQS) means a listing of pollutants that may be present in waterways for which the State of Georgia has set concentration limitations.

Grab Sample means a sample which is taken from a waste stream without regard to the flow in the waste stream.

Grease and Oil means the group of substances with similar physical characteristics, which include fatty acids, soaps, fats, oils and any other material that can be solvent extracted and is not volatilized during evaporation of the solvent.

Grease Trap or Grease Interceptor means a device primarily used in the food services industry for removal of oils, greases, and food solids from a process waste stream. In addition, the City may require an grease/oil/sand interceptor for other dischargers such as car washes.

Hach Water Analysis Handbook means a water and wastewater laboratory analysis handbook that is published by the Hach Company, Loveland Colorado. Many of the specialized Hach analytical methods for the examination of water and wastewater are approved by the EPA. Hach Methods are designated by a Hach method Number (H.M.#).

Health Officer means the director of the Forsyth County Board of Health or other person designated by the Forsyth County Board of Commissioners and their duly appointed assistants.

Hydrogen Sulfide H₂S means a corrosive, explosive, flammable and colorless gas that is formed in anaerobic or septic wastewater and that occurs to some degree in all sewer systems. This gas smells like rotten eggs and is very poisonous to the human respiratory system.

Industrial User means any source or non-domestic customer of the water and sewer department who produces industrial waste and discharges into the Water Pollution Control Facilities.

Industrial Wastewater means wastewater in which the solid, liquid, and gaseous wastes from process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource (as distinct from domestic or sanitary wastes) is found.

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

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

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, 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 disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations; Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act, (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Mass Emissions Rate means the weight of material discharged to the POTW during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

Material Safety Data Sheets (MSDS) means a document which provides the pertinent chemical makeup and characteristics of a substance or mixture. These documents are required to be made available to personnel that may come into contact with them.

May is permissive (see "shall").

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

Micrograms per Liter ($\mu\text{g}/\text{L}$) means a measurement of concentration (same as parts per billion - ppb)

Milligrams per Liter (mg/L) means a measurement of concentration (same as parts per million - ppm)

Million Gallons per Day (MGD) means the quantity of gallons of water used or wastewater treated divided by 1,000,000 (e.g. 75,000 gallons per day \div 1,000,000 = 0.75 MGD).

National Categorical Pretreatment Standards means any National Pretreatment Standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a water pollution control facility by existing or new industrial users in specific industrial subcategories.

National Pollutant Discharge Elimination Systems Permit (NPDES Permit) means the National Pollution Discharge Elimination System permit issued to the City authorizing the discharge of Advanced Water Reclamation Facility effluent to the waters of the State.

Natural outlet means any outlet including storm sewers and combined sewer overflows, into a water-course, pond, ditch, lake, or other body of surface water or groundwater.

New source.

- (1)** The term “new source” means 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 criteria of Subsection (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3)** Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a.** Begun, or caused to begin as part of a continuous on site 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 placement, assembly, or installation of new source facilities or equipment.

- 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.

Nitrates (NO₃) means a pollutant that is found in water and is a derivative of nitrogen ammonia. This pollutant is harmful to humans and especially to infants. In infants this pollutant can cause methemoglobinemia or "blue baby syndrome"

Normal Strength Discharge or Normal Wastewater means wastewater discharged into the sanitary sewer system which has a Biochemical Oxygen Demand (BOD) concentration less than or equal to 200 mg/L, an average concentration of Total Suspended Solids (TSS) of not more than 220 mg/L, a Chemical Oxygen Demand (COD) of not more than 500 mg/L, Total Phosphorus not more than 8 mg/L, and Total Kjeldahl Nitrogen (TKN) of not more than 40 mg/L.

Parts Per Billion (ppb) means a measurement of concentration (same as micrograms per Liter - µg/L). Since a liter of water weighs essentially 1,000,000,000 micrograms, a concentration of 1 µg/L is equal to one part per billion.

Parts Per Million (ppm) means a measurement of concentration (same as milligrams per Liter - mg/L). Since a liter of water weighs essentially 1,000,000 milligrams, a concentration of 1 mg/L is equal to one part per million.

Pass Through means the discharge from an industrial pretreatment facility which exits the City POTW and enters 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 City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means 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 assigns. This definition includes all Federal, State, and local governmental entities.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in Standard Units (S.U.).

Phosphorus (PO₄) means total phosphorus expressed in terms of milligrams per liter.

Pollutant means 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, TKN, Phosphorous, Oil and Grease, Toxicity, odor, etc.).

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

Pretreatment Requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standard means prohibited discharge standards, categorical pretreatment standards, and local limits.

Privy or Pit means a 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.

Properly Shredded Garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public Sewer means a sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

Public Owned Treatment Works, POTW or Sewage Works means a "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

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

Septic Tank means 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 discharge from the tank and distribute it underground to be absorbed or filtered.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which causes them to be 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.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be inadvertently present.

Sewer means a pipe or conduit for carrying wastewater.

Shall is mandatory (see also "may").

Significant Industrial User (SIU) means:

- (1) Except as provided in paragraph (2) of this section, below:
 - a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N;
 - b. Any Industrial User that discharges an average of 25, 000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater). Any Industrial User that contributes a process waste-stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant. Any Industrial User that is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon finding that an Industrial User meeting the criteria in paragraph (1)(b) above 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.

Significant Non-Compliance (SNC) means a violation by an industrial user which meets one (1) or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all measurements for each pollutant parameter

taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

- (3) Any other violation of pretreatment effluent limit (daily maximum or longer-term average) that the City determines 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 a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge
- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a 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, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
- (7) Failure to accurately report noncompliance
- (8) Any other violation or group of violations that the City determines will adversely affect the operation or implementation of the City's pretreatment program

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation and which may, in the opinion of the Director, adversely affect the collection system and/or performance of the wastewater facilities.

Storm Drain or Storm Sewer means a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Surcharge means a fee associated with the discharge of COD greater than 500 mg/L or TSS in excess of 220 mg/L or a TKN content in excess of 40 mg/L to the POTW. The fee is calculated based on the pounds of pollution discharged to the POTW. Any sample found to be in excess of 1500 mg/L COD, or 500 mg/L TSS, or 100 mg/L TKN, may be assessed a fine in addition to being surcharged.

Suspended Solids means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtration as approved by EPA and referred to as nonfilterable residue.

Total Kjeldahl Nitrogen (TKN) means the total nitrogen as measured by the Kjeldahl technique, expressed in milligrams per liter by weight.

Total Toxic Organics (TTO) means the list of regulated organic chemicals as specified by the USEPA

Toxic means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPD under the provision of the Clean Water Act, Section 307 (a) or other Acts.

Unpolluted Water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and Advanced Water Reclamation Facility.

User or Industrial User means a source of indirect discharge.

Waste Hauler means any individual, association, partnership, corporation, municipality, state, federal agency, or any agent or employee thereof that transports waste by vehicle.

Wastewater means liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant (WWTP) means any arrangement of devices and structures used for treating sewage (see also "Water Pollution Control Facility" or "Advanced Water Reclamation Facility").

Water Pollution Control Facility (WPCF) means any arrangement of devices and structures used for treating sewage (see also "Wastewater Treatment Facility" or "Advanced Water Reclamation Facility").

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 111-129. Purpose and Policy.

This article sets forth uniform requirements for users of the sewage works for the City of Cumming and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et. seq.) and the General Pretreatment Regulations (40 Code of Regulations Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the sewage works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the sewage works that will pass through the sewage works inadequately treated into receiving waters or otherwise be incompatible with the sewage works;
- (3) To protect sewage works personnel who may be affected by wastewater in the course of their employment and the general public;

- (4) To promote reuse and recycling of industrial wastewater and biosolids from the sewage works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the sewage works; and
- (6) To enable the City of Cumming to comply with its National Pollution Discharge Elimination System Permit conditions, biosolids use and disposal requirements, and any other applicable Federal or State laws.

This ordinance shall apply to all users of the City of Cumming Sanitary Sewer System. The ordinance authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 111-130. Administration.

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

SECTION 111-131. 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 a sanitary working condition.

(b) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within any area under the jurisdiction of the City of Cumming any human or animal excrement, garbage, or other objectionable wastes. No person shall dispose of human waste except in an approved toilet.

(c) It shall be unlawful to discharge to any natural outlet within the City of Cumming, or in any area under the jurisdiction of the City of Cumming, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(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 of Cumming'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 of Cumming, is hereby required at the owner(s) expense to install suitable toilet facilities herein, and to connect such facilities

directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(f) All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer as may be permitted under this Ordinance; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used.

SECTION 111-132. Private Wastewater Disposal.

The following septic tank regulations for private sewer disposal shall apply:

- (1)** All new construction commenced after the date of this Ordinance, shall be connected to the Public Sewer when it is deemed available by the Mayor and Council. Subject to sewer availability, no on-site system (septic tank system) shall be permitted for new construction. Existing homes and other existing facilities served by septic tank systems at the date of this Ordinance, may remain being serviced by septic tank as long as it is not causing a public health problem as determined either by the City or the Forsyth County Health Department.
- (2)** Any premises 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, as determined by the City or the Forsyth County Health Department, shall be corrected within thirty (30) days from the receipt of written notification from the City or the Forsyth County Health Department. The City or the Forsyth County Health Department may, at its discretion, require said facility to be connected to the Public Sewer, in which case, the connection shall be made within thirty (30) days after receiving such notice. The septic tank must then be cleaned and filled with a suitable material at the owner's expense.
- (3)** All private wastewater disposal systems shall be permitted by the Forsyth County Public Health Department.
- (4)** 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.
- (5)** Discharge of septic tanks in sewer system is regulated as follows.
 - a.** *Restricted.* It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch basin or other opening into the city sewerage system, or any system connected with and discharging into the sewerage system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in subsection b.

- b.** *Permits.* The Director is authorized to grant permits to discharge the contents of septic tanks at locations specified by the Director and under his supervision. Septic tank pumpage will not be accepted from areas outside the boundaries of the City of Cumming Water and Sewer Service Area. 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 process.
- c.** *Charges.* A charge shall be made for the privilege of dumping the contents of septic tanks into the City's POTW and the total amount is due at the time of discharge.

(6) Premises with private water systems shall not be connected with the public sewerage system. The purchase of a City water meter and connection to the City's water system sewer system is requisite to connection to the City's sewer system.

(7) Those developers who wish to connect their development to a private wastewater treatment facility shall not be permitted to connect onto the City of Cumming Water System.

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

(9) All proposed developments shall comply with the City of Cumming Wastewater Service Policy.

(10) Grease Interceptor Regulations for private sewage disposal systems- *see section 111-134(f)*

SECTION 111-133. Building Sewers and Connection.

(a) There shall be two classes of building sewer permits: for residential service and for commercial and industrial service. In either case, the owner or his agent shall make application on a special form furnished by the City of Cumming. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee as specified in the City of Cumming Schedule of Water and Sewer Fees shall be paid at the time the application is filed. In addition to such building sewer permits, all significant industrial users shall obtain a wastewater discharge permit as described in this ordinance.

(b) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of Cumming.

(c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Cumming from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this ordinance.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply. Additionally, the following materials and methods shall apply to building sewers within the City of Cumming supervision:

- (1)** The building sewer shall be cast iron soil pipe, ASTM Specification A74, latest revision, or equal; ductile iron pipe, American National Standards Institute (ANSI) Specification A21.51, latest revision, or equal; or polyvinyl chloride (PVC) sewer pipe, ASTM Specification D3034, latest revision. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe or ductile iron pipe with bolted mechanical joints may be required by the Director where the sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that plastic pipe may be acceptable if laid on a suitable concrete bed or cradle as approved by the Director.
- (2)** The size and slope of the building sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot. Furthermore, the appropriate requirement of the Occupational Health and Safety Act (OSHA) shall be followed.
- (3)** The depth shall be sufficient to afford protection from frost, and the building sewer shall be laid at uniform grade and with straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall not be placed in the same trench with water service lines.
- (4)** An excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12, latest revision,

except that no backfill shall be placed until the work has been inspected and approved.

(5) All joints and connections shall be made gas-tight and watertight.

Push-on joints for cast iron soil pipe shall have neoprene gaskets in accordance with the requirements of ASTM C564. Push-on joints for ductile iron pipe shall also have neoprene gaskets and be installed according to the manufacturer's recommendations. PVC pipe joint material shall be of the bell and spigot type, sealed with a rubber "O"-ring gasket, having a composition and texture which is resistant to the common ingredients of sewage, industrial wastes (including oils), and groundwater, and which will endure permanently under the conditions likely to be imposed by this use. Installation of gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer. Other jointing materials may be used only when approved by the Director.

(6) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the City of Cumming shall, at the owner's expense, cut a neat hole into the public sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees, and install a forty-five (45) degree elbow with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at an elevation of at least one-tenth (0.1) foot above the invert of the public sewer. A neat smooth joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Director.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof down spouts, foundation drains, areaway 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 unless such connection is approved for purposes of disposal of polluted surface drainage.

(i) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Director or his representative.

(j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other

public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Cumming.

(k) The City of Cumming will define the availability of sewers and any costs associated with sewer permits or construction.

(l) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Cumming or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

(m) All Pump Stations in or contributing to the City's sewer system must comply with the requirements of the most current edition of the Manual of Technical Specifications Wastewater Pumping Stations and Force Mains for the City of Cumming Pump Station Requirements.

(n) If any house sewer permits the entrance of infiltration or inflow, the City of Cumming 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 wastewater treatment from the owner's property.
- (3)** Require the owner to disconnect his sewer from the City of Cumming sewer system.

SECTION 111-134. Restricted Use of the Public Sewers.

(a) *Discharge of Unpolluted Waters.* 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. 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 Director. The discharge of cooling or condensing water will be allowed into a storm sewer system provided an NPDES permit by the Georgia Environmental Protection Division is obtained from the Georgia Environmental Protection Division.

(b) *Discharge of Sanitary Wastewater.* No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system. All sanitary sewage and industrial process wastewaters shall be properly pretreated, if deemed necessary by the Director, and discharged to an approved sanitary sewer system.

(c) *Prohibited Discharges.* No person shall introduce or cause to be introduced into the sewage works any of the following described waters, wastes, pollutants, substances, or wastewaters if it appears likely, in the opinion of the Director, that such wastes can harm the

sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, or public property or constitute a nuisance.

(1) Any pollutant or wastewater which causes pass through the POTW or interference with the operation of the POTW. These general prohibitions apply to all users of the sewage works whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(2) Any pollutants which create a fire or explosive hazard in the sewage works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using test methods specified in 40 CFR 261.21.

(3) Any pollutants, including oxygen-demanding pollutants (BOD5, 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.

(4) 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;

(5) Any 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 dimension.

(6) Any 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);

(7) Any 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.

(8) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems;

(9) Any septage, chemical toilet contents, industrial sludges or similar matter or materials, unless specifically authorized by the Director through issuance of a permit pursuant to this Article.

(10) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

(11) Any substance that will cause the City's wastewater facilities to violate its NPDES permit or cause a violation of the water quality standards of the receiving waters.

- (12)** Any quantities of flow, concentrations, or both which constitute a "slug"
- (13)** Any 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.
- (14)** 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).
- (15)** Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director.
- (16)** Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (17)** 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 Advanced Water Reclamation Facility impacts the treatment works.
- (18)** Any waters or wastes containing phenols or other taste or odor-producing substances in concentrations which exceed limits that may be established by the Director 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.
- (19)** Any radioactive waste or isotopes of such half-life concentration as may exceed limits established by the Director in compliance with applicable State or Federal Regulations.
- (20)** Any 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.)
- (21)** Any wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, that consequently imparts color to the treatment plant's effluent.
- (22)** Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such a degree that the Advanced Water Reclamation Facility effluent cannot meet the requirements of the City's NPDES Permit.
- (23)** Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(24) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a Whole Effluent Toxicity Test or Georgia 129 Priority Pollutant Scan.

(25) Any detergents, surface-active agents, or other substances which may cause excessive foaming in the sewage works.

(26) Any 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 Director.

(27) Any pollutants, substances, or wastewater prohibited by sections of this ordinance shall not be processed or stored in such a manner that they could be accidentally discharged to the sewage works.

(d) *National Categorical Pretreatment Standards/Local Limits.* The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(1) Where a categorical pretreatment standard is expressed only in terms of 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 CFR 403.15.

(5) Upon the promulgation of a national categorical pretreatment standard for a particular pretreatment standard for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Director shall notify all affected significant industrial users of the applicable reporting requirements under 40 CFR 403.12.

(e) *Local Limits.* The following Table lists the local limits as derived by the City of Cumming. These limits were based on the maximum head works loading acceptable to protect the receiving stream, activated sludge process, nitrification process, NPDES permit requirements, and "clean sludge" requirements of 40 CFR Part 503. User discharge concentrations apply at the point where the industrial waste is discharged to the sewage

works. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits:

(1) Maximum Discharge Limit: Maximum daily concentrations (mg/L, 24 hour composite) are as follows:

Parameter	Maximum Industrial Discharge mg/L
Arsenic	0.111
Cadmium	0.008
Chloride	2025
Chromium (Total)	2.46
Copper	0.109
Cyanide	0.082
Iodine	112.5
Lead	0.116
Mercury	0.002
Molybdenum	0.0364
Nickel	1.422
Selenium	0.126
Silver	2.613
Zinc	0.212
Biochemical Oxygen Demand	500
Chemical Oxygen Demand	1500
Phosphorous	8
Total Kjeldahl Nitrogen	100
Ammonia (as N)	40
Total Suspended Solids	500
Oil and Grease	100

The concentration limitations above are based on a specific mass limitation for each pollutant. The City may impose mass limitations in addition to, or in place of, the

concentration limitations above. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewage works. In addition, the City may enter into special agreements with industrial dischargers whereby the City allows higher discharge concentrations of the above described local limits as long as the maximum headworks loading to the POTW for any pollutant is not exceeded.

(2) “Normal” Domestic Wastewater Concentrations, Surcharge Ranges, and Maximum Allowable Concentrations for Conventional Pollutants. The following table lists concentrations for “normal” wastewater, concentration ranges used by the City for levying surcharges, and the maximum concentration allowed before a surcharge and a fine are levied by the City.

Conventional Pollutant	Normal Domestic Concentration mg/L	Surcharge Range 1 mg/L	Surcharge Range 2 mg/L	Surcharge Range 3 mg/L	Maximum Allowable Concentration mg/L
BOD₅ - Biochemical Oxygen Demand	200	201-300	301-400	401-500	500
COD - Chemical Oxygen Demand	500	501-800	801-1100	1101-1500	1500
TKN - Total Kjeldahl Nitrogen	40	41-60	61-80	81-100	100
P - Total Phosphorous	4	4-5	5.1-7	7.1-8	8
TSS - Total Suspended Solids	220	221-300	301-400	401-500	500
FOG - Fats Oil and Grease	50	50-65	66-80	81-100	100
Ammonia (as N)	15	15-20	21 - 25	26 - 30	30

(3) More Stringent Standards or Requirements Established by the City.

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewage works for the above mentioned conventional pollutants or any other pollutant discharged by a user.

(4) Authority of Director. If any waters or wastes are discharged or are proposed to be discharged to the public sewer and contain the substances or possess the characteristics enumerated above and, in the judgment of the Director, have the potential to have a deleterious effect upon the sewage works, processes, equipment, sludge, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.

- c. Require control over the quantities and rates of discharge.
- d. Designate that certain wastewater be discharged only into specific sewers.
- e. Require industrial users to relocate and/or consolidate points of discharge.
- f. Require industrial users to separate sewage waste streams from industrial waste streams.
- g. Require any person discharging into the sewage works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- h. Require surcharge payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this document and such other conditions as may be necessary to protect the sewage works and determine the industrial user's compliance with the requirements of this ordinance.

If the Director permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to review and approval by same and shall be subject to the requirements of all applicable codes, ordinances, and laws.

(f) Grease Interceptor (Grease Trap) Regulations

(1) Grease Interceptor Required: All food service establishments discharging to the City's sewerage system (or to a private septic system when deemed necessary by the City) shall install, operate, and maintain a sufficiently sized grease and oil, water and solids separator (hereinafter called a grease interceptor) in order to achieve and maintain compliance with requirements set forth in this Ordinance. All interceptors shall be of a type and capacity approved by the Director and shall be so located as to be readily and easily accessible for cleaning and inspection.

(2) Sizing: All grease interceptors required in this section shall be sized according to the following formulas. No single grease interceptor shall be smaller than 1000 gallons or larger than 3000 gallons. In certain cases, multiple grease interceptors may be utilized. More detailed design considerations are contained in the City's Grease Interceptor Design Manual.

- a. **Formula for Restaurants.** $(S) \times (GS) \times (HR/12) \times (LF) =$ Grease Interceptor Capacity, in gallons where: S = Numbers of seats in dining area, GS = Gallons of wastewater per seat (use 15 gallons per seat); HR = Numbers of hours open; LF = Loading Factor = 2.0 for Interstate freeways, 1.5 for other freeways, 1.25 for recreational areas, 1.0 for other highways.
- b. **Formula for Hospitals, Schools, Nursing Homes, Other Types of Commercial Kitchens with Varied Seating Capacities.** $(M) \times (GM) \times (SC) \times (LF) =$ Grease Interceptor Capacity, in gallons where M = Meals per day; GM, Gallons of Wastewater per meal (Use 5 gallons per meal); LF = Loading factor – 1.0 with dishwashing or 0.5 without dishwashing; SC = storage capacity factor – 1.0 for Public sewer, 2.5 for on-site septic disposal

(3) Maintenance: All grease interceptors shall be maintained by the user at the user's expense to be in continuously efficient operation. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, sludges, and solids. Decanting or backflushing of the grease interceptor of its contents for the purpose of reducing the volume to be hauled is prohibited. Practices such as “blow-and-go”, “pump-and-dump”, skimming, recycling, or other similar practices are also prohibited. Each food service establishment must have a maintenance contract with a private grease interceptor maintenance company, if required by the Director.

(4) Frequency of Maintenance: All grease interceptors must be pumped out completely once every ninety (90) days. The Director may, in writing, increase pumping frequency on a case-by-case basis based on actual observance. The Director may issue a variance to the ninety (90) day maintenance requirement and allow up to 365 days for certain low-volume grease producing establishments. In general, the establishments that qualify for a variance are limited to Daycare Centers, Sandwich Shops, Coffee Chops, Churches, and Ice Cream Shops.

(5) Additives: The use of any additive, such as enzymes, chemicals, or bacteria, prior to or in any grease interceptor is prohibited.

(6) Legal Disposal: The user shall be responsible for the proper removal and legal disposal of the grease interceptor waste. All waste removed from each grease interceptor must be disposed of at a facility permitted by the Georgia Environmental Protection Division to receive such waste. In no manner shall any grease interceptor waste be discharged to the City's sewerage system, AWRP, or in a manner that would endanger the waters of the State of Georgia.

(7) Manifests: The user shall be responsible for maintaining records (manifests) detailing the dates of service and quantity of waste removed. The manifest shall include the waste hauler company name, address, and telephone number and the driver's name. The manifest shall include the ultimate disposal facility company name, address, and telephone number and the person receiving the waste and the quantity of waste received. These records shall be subject to the City's review without prior notification. The City may require that these records be mailed or faxed to the City at the owner's expense.

(8) Grease Interceptor Maintenance Company Permits: All grease trap maintenance and waste hauling companies must obtain a permit from the City of Cumming prior to conducting such activities in the City's sewer system. A permit fee set by the City of Cumming must be paid and a background check on the grease interceptor maintenance company must be conducted before a permit can be issued.

(9) Grease, Sand and Oil Separators. Grease, Oil, and Sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, or other harmful ingredients. The grease, oil and sand separators shall be sized for proper operation at all times and shall be approved by the Director.

(10) Car Washes, Equipment Washes, and Related Facilities: All car washes, heavy equipment washing facilities and related facilities shall install a sand and oil separator as described above. In addition, if required by the Director, all such facilities shall install a gray water recycling system as approved by the City.

(g) Industrial Pretreatment Facilities Required.

(1) Industrial users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this document within the time limitations specified by EPA, the State, or the City of Cumming, whichever is more stringent. All facilities necessary for compliance with this Article shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City 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 article.

(2) Prohibition of Bypass. 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. In some cases, it may be necessary for the Industrial User to halt production at the production facility until the problem is corrected.

(3) Acceptable Reasons for a Bypass Event. The Director may approve an anticipated bypass event if he determines that the bypass event will not affect the City's sewer conveyance system, the wastewater treatment process at the POTW, the sludge or biosolids generated by the POTW, or the receiving stream. In addition, the Director must determine whether or not the bypass will meet the four conditions (a., b., c., and d.) listed below. In most cases, bypass events are prohibited and the City will take enforcement action against a user unless the following conditions are met:

- a. The bypass event did not adversely affect the City's sewer conveyance system, the wastewater treatment process at the POTW, the sludge or biosolids generated by the POTW, or the receiving stream.
- b. The bypass event was unavoidable to prevent loss of life, personal injury, or severe property damage;
- c. There were no feasible alternatives to the bypass event, such as the use of auxiliary treatment facilities, retention of untreated wastes, or scheduling maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed to prevent a bypass which occurred during normal periods of equipment down time or preventive maintenance; and

- d. The industrial user submitted notices as required under subsection (5) of this section listed below regarding notification.

(4) *Permitted Bypass Event.* If approved by the Director, a user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, and which does not adversely affect the City's sewer conveyance system, the wastewater treatment process at the POTW, the sludge or biosolids generated by the POTW, or the receiving stream. Permission for a bypass event will only be granted if it is deemed by the Director that it is necessary for essential maintenance to assure efficient operation of the pretreatment facility

(5) *Notice of Bypass.*

- a. If an industrial user knows in advance of the need for a bypass, the user shall submit written notification to the City at least ten (10) days before the date of the bypass and receive approval prior to the bypass.
- b. 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 and times of the bypass,
 - 2. the exact cause and a description of the bypass,
 - 3. the anticipated time the bypass is expected to continue, if it has not been corrected; and,
 - 4. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass in the future.

(h) *Mandatory Certification*

The operator in responsible charge of a wastewater treatment system and laboratory analysts performing laboratory tests in conjunction with the operation of a wastewater treatment system required by this document, must be certified in accordance with the rules of the Georgia State Board of Examiners for Certification of Water and Wastewater Operators and Laboratory Analysts.

(i) *Control / Observation Manholes (See Section 111-138)*

(j) *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. Alternately, the

Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City of any accidental or slug discharge, as required by this document, and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection of maintenance and storage areas for 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.
- (5) Posted notices required: Posted notice of procedures to be followed in the event of an accidental discharge or slug loading shall be provided by the user in the location of potential discharge problem areas, sewer drains, pretreatment facilities, or other areas required by the City.

(k) *Hauled Wastewater*

- (1) **Restricted.** It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the City of Cumming sewer system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in Subsection (2) hereof.
- (2) **Permits.** The Director is hereby authorized to grant permits to discharge the contents of septic tanks at locations specified by the Director and under his supervision. Septic tank pumpage will not be accepted from areas outside the boundaries of the City of Cumming Water/Sewer Service Area. A map showing this service area is available from the City. 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. In conjunction with permits, the hauler shall be required to pay an annual hauling permit fee set by the City of Cumming.
- (3) Waste haulers will be required to carry liability insurance, and provide evidence of same to the City, in such amounts and forms as determined by the City of Cumming. Such insurance shall afford compensation for taking corrective action and for bodily injury, and for property damage to third persons caused by hauler negligence and/or accidents.

(4) The Director may prohibit the disposal of hauled waste of unusual strength or character. No hauled waste shall be accepted that violates federal, state, or local regulations or threatens to cause the City's AWRP to violate its NPDES permit, violate Georgia water quality standards, or contaminate its AWRP sludge.

(5) Samples of hauled waste are to be provided to ensure compliance with applicable standards. The Director may require industrial waste haulers to provide a waste analysis of any load prior to discharge.

(6) Waste haulers must provide a waste tracking form (manifest) for every load. Forms shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names, addresses, and signature of each waste generator, and volume and characteristics of waste. For hauled industrial or commercial waste, the form shall identify the type of industrial or commercial establishment, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(7) Waste haulers must provide prior notification to the Director of the intent to discharge, and the actual discharge must be performed while supervised by wastewater treatment plant personnel.

(8) Waste haulers shall pay a waste hauler discharge fee as established by the City of Cumming.

(I) Authority to Accept Industrial Wastes

No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City of Cumming and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Director for treatment. The industrial waste would be subject to surcharges levied on the industrial concern. No waiver of National Categorical Pretreatment Standards shall be given for any reason.

SECTION 111-135. Wastewater Discharge Permits.

(a) Wastewater Discharge Permits Required

(1) All significant industrial users connected to, proposing to be connected to, or otherwise contributing to the sewage works shall obtain a wastewater discharge permit. No significant industrial user shall discharge wastewater into the POTW without first obtaining a discharge permit from the City of Cumming. Existing Significant Industrial Users that have filed a timely application pursuant to this ordinance may continue to discharge pursuant to Section 7.2 below.

(2) The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements of Federal, State, or local law.

(b) *Wastewater Discharge Permitting: Existing Connections*

Any user required to obtain a discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future shall, within thirty (30) days after said date, apply to the Director for a wastewater discharge permit in accordance with Section 111-135 (c) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with the wastewater discharge permit issued by the Director.

(c) *Wastewater Discharge Permitting: New Connections*

(1) REQUIRED: Application - fee. Proposed new significant industrial users shall apply, at least 90 days prior to connection to the sewage works, and shall obtain the permit prior to contributing to the system. All users required to obtain a wastewater discharge permit must submit a permit application in the form prescribed and furnished by the City. The Director may require all users to submit as part of an application the following:

(a) All information required by section 111-136(a) (2) a. – h.

(b) A 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.

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(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. Plans must include detailed drawings of the pretreatment facility, a detailed description of the treatment process, and the exact location(s) of the treatment facility(ies).

(g) Time and duration of discharges: and

- (h)** Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge application.
- (i)** Details of systems and plans to prevent and control the loss of materials through spills to the public sewer system.
- (2)** An industrial pretreatment permit fee based on the amount of wastewater discharged to the system. This fee must be paid at the time the permit application is submitted and must be paid in full. At the time the permit expires, a new application and industrial pretreatment permit fee may be required by the City of Cumming.
- (3)** Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (4)** The permit application should be completed and returned within thirty (30) days of receipt of the permit application

(d) *Application Signatories and Certification*

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 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."

(e) *Wastewater Discharge Permit Decisions*

- (1)** The Director will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a discharge permit. The Director may deny any application for a wastewater discharge permit.
- (2)** The City of Cumming reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.

(f) *Wastewater Discharge Permit Duration*

A wastewater discharge permit shall be issued for a specified time period not to exceed three (3) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three (3) years at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire. In addition, a wastewater discharge permit can be modified at any time by the Director with 30 days written notice to the Permittee.

(g) 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.

(1) Wastewater discharge permits must contain:

- a.** A statement that indicates wastewater discharge permit duration, which duration shall not exceed more than three (3) years.
- b.** A statement that the wastewater discharge permit is nontransferable without prior notification to the Director in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- c.** Effluent limits based on applicable pretreatment standards.
- d.** Self-monitoring, sampling, reporting, notification, and record keeping requirements. These shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- e.** A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such a schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(2) Wastewater discharge permits may contain, but need not be limited to:

- a.** Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- b.** Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

- c.** Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
- d.** Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- e.** The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- f.** Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- g.** A statement that compliance with the wastewater discharge permit does not relieve a 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.
- h.** Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance and Federal and State laws, rules and regulations.

(h) *Wastewater Discharge Permit Appeals and Modifications*

- (1)** 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 notice of its issuance.
 - a.** Failure to submit a petition for review, within the 30 day period, 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 fifteen (15) 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.

- (2)** 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 permit issuance;
 - c.** A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge such as but not limited to a more restrictive NPDES Permit;
 - d.** Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving water;
 - e.** Violation of any terms or conditions of the wastewater discharge permit;
 - f.** Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
 - g.** Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.03;
 - h.** To correct typographical or other errors in the wastewater discharge permit; or
 - i.** To reflect a transfer of the facility ownership or operation to a new owner or operator.

(i) *Wastewater Discharge Permit Transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if a permittee gives at least thirty (30) days advance notice to the Director and the transfer is approved. The notice to the Director must include a written certification by the new owner or operator which:

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

(j) Wastewater Discharge Permit Revocation

- (1)** The Director may revoke a 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 111-136 (e) of this ordinance;
 - c.** Misrepresentation or failure to fully disclose all relevant facts in the discharge permit application;
 - d.** Falsifying self-monitoring reports;
 - e.** Tampering with monitoring equipment;
 - f.** Refusing to allow the Director 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 a discharge permit application.
 - l.** Failure to provide advance notice of the transfer of business ownership of permitted facility.
 - m.** Violation of any pretreatment standard or requirement, or any terms of the discharge permit or this ordinance.

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

(k) Wastewater Discharge Permit Re-issuance. A user with an expiring discharge permit shall apply for a discharge permit re-issuance by submitting a complete permit application in accordance with subsection (c) of this section, not more than ninety (90) days and not less than sixty (60) days prior to the expiration of current permits.

(I) Regulation of Waste Received from Other Jurisdictions

- (1)** If another municipality or government entity, or user located within another municipality or government entity, contributes wastewater to the POTW, the City shall enter into a multi-jurisdictional agreement with the contributing municipality or government entity. If at any time the City deems a discharge from a user, municipality, or other government entity to be harmful to the City's sewer system, Advanced Water Reclamation Facility, wastewater treatment facilities, or human health, the City shall have the power to terminate the discharge and/or plug the discharge line coming from the user, municipality, or other government entity.
- (2)** Prior to entering into an agreement required by subsection (I) (1) of this section, the Director shall request the following information from the contributing municipality or government entity:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality or government entity;
 - b. An inventory of all users located within the contributing municipality or government entity that are discharging to the POTW; and
 - c. Such other information as the Director may deem necessary.
- (3)** A multi-jurisdictional agreement, as required by subsection (I) (1) above, shall contain the following conditions:
 - a. A requirement for the contributing municipality or government entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in section 111-134 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits.
 - b. A requirement for the contributing government entity to submit a revised user inventory on at least an annual basis;
 - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing government entity; which of these activities will be conducted by the City, and which will be conducted jointly by the contributing government entity and the City.
 - d. A requirement for the contributing government entity to provide the City with access to all information that the contributing government entity obtains as part of its pretreatment activities;

- e. Limits on the nature, quality, and volume of the contributing government entity 's discharge;
- f. A provision ensuring the Director access to the facilities of users located within the contributing government entity 's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
- g. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

(m) Substitution for adequate treatment prohibited.

The Significant Industrial User 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 of this ordinance or the user's permit. The City may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is applicable.

SECTION 111-136. Reporting Requirements.

(a) Baseline Monitoring Reports

(1) *Baseline Report of User.* Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in subsection (a)(2) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that have 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 subsection (a)(2)a. through e. of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) *Submission of Required Information.* Users described above shall submit the information described in subsection (a)(1) of this section shall submit the information set forth as follows:

- a. **Identifying information** - The name and address of the facility, including the name of the operator and owner.
- b. **Environmental permits** - A list of any environmental control permits held by or for the facility.

- c. Description of operations** - A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from regulated processes.
- d. Flow measurement** - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6 (e).
- e. Measurement of pollutants:**

 - 1.** The categorical pretreatment standards applicable to each regulated process
 - 2.** The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous daily maximum, and long term average concentration 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 subsection (j) of this section.
 - 3.** Sampling must be analyzed in accordance with procedures set forth in subsection (j) of this section.
- f. Certification** - A statement reviewed by the user's authorized representative and certified by a qualified professional indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional **operation and maintenance (O&M)** and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. Compliance schedule** - If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and 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 subsection (b) of this section.
- h. Signature and certification** - All base line monitoring reports must be signed by an authorized representative and certified in accordance with Section 111-135 (d).

(b) *Compliance Schedule Progress Reports.* The following conditions shall apply to the compliance schedule required by this article:

- (1)** The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and conducting operation).
- (2)** No increment referred to above shall exceed nine (9) months;
- (3)** The user shall submit a progress report to the City 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.
- (4)** In no event shall more than nine months elapse between such progress reports to the City.

(c) *Reports on Compliance with Categorical Pretreatment Standard Deadline*

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

(d) *Periodic Compliance Reports*

- (1)** All significant industrial users shall, at a frequency determined by the Director, but in no case less than twice per year (in June and December) submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this ordinance. All monthly reports must be post marked no later than the 15th day of the month following the reporting period. Failure to collect samples, test, or furnish information in a timely manner shall be a violation of this article.

- (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in subsection (k) of this section, the results of this monitoring shall be included in the report.

(e) Reports of Changed Conditions. Each user must notify the Director of any planned 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.

- (1) The Director 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 111-135 (c).
- (2) The Director may issue a wastewater discharge permit under section 111-135 (e) of this ordinance or modify an existing wastewater discharge permit under section 111-135(h) of this ordinance in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems

- (1) In the case of any discharge including, but not limited to, accidental discharges, discharges of a 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 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.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the occurrence. 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 persons or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (3)** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a discharge described in subsection (f)(1) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(g) Reports from Non-permitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

(h) Notice of Violation/Repeat Sampling and Reporting

If the sampling performed by the user indicates a violation the user must notify the Director 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 Director within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

(i) Notification of the Discharge of Hazardous Waste

- (1)** Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste under 40 CFR Part 261, 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 constituents contained in the wastes, an estimation of the mass of constituents 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 needs to be submitted only once for each hazardous waste discharged. However, notification of changed conditions must be submitted under subsection (e) of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c), and (d) of this section.
- (2)** Dischargers are exempt from the requirements of subsection (i)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous

wastes, as specified in 40 CFR 261.30(d) and 261.33(e). Discharges 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.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, 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.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

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

(k) Sampling Collection

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

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

(m) Record Keeping

- (1) Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements.
- (2) 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. 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.
- (3) Records of sampling and analyses shall include: The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedure, who performed the sampling or measurements, the date (s) analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses.

SECTION 111-137. Powers and Authorities of Inspectors.

- (a) Duly authorized employees or agents of the City of Cumming 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 ordinance.
- (b) While performing the necessary work on private properties referred to herein, the authorized employees or agents of the City of Cumming shall observe all safety rules applicable to the premises established by the company.
- (c) Duly authorized employees or agents of the City of Cumming bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Cumming 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.

SECTION 111-138. Inspection, Monitoring and Entry.

(a) *Inspection, Monitoring, and Entry*

- (1)** Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director and all other duly authorized City personnel, employees, or agents will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2)** *Manhole to observe, sample, and measure Industrial Wastewaters:* All significant industrial users shall install a suitable control manhole or other suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. Plans and/or drawings of this structure shall be approved by the Director. The requirement for this structure may be waived if it is deemed by the Director to be unnecessary.
- (3)** The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling, metering, and/or observation of the user's operations. It shall be a violation of this ordinance for any person or industrial user to tamper with, remove, adjust, disconnect, or otherwise interfere with the operation of these devices.
- (4)** The Director may require the user to install monitoring equipment as necessary to conduct sampling, metering, and/or observation of the users operations. 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 at a frequency deemed necessary by the Director, to ensure accuracy. Records of this calibration must be submitted to the Director upon request.
- (5)** 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 Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (6)** Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this ordinance.

(b) *Search Warrants.* If the Director 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 ordinance, 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

ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the City of Cumming Municipal Court or the Forsyth County Magistrate Court.

SECTION 111-139. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

- (1) When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES Program or Pretreatment Program, and in enforcement proceedings involving the person furnishing the report.
- (2) Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 403.14(b) will not be recognized as confidential information and will be available to the public without restriction.
- (3) All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302.

SECTION 111-140. Publication of Users in Significant Noncompliance.

The Director shall publish annually in the City's legal organ a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. In addition, this list shall be publicized on the City of Cumming's website. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six (6) 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) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the

applicable criteria (1.4 for BOD, TSS, and Oil and Grease, and 1.2 for all other pollutants [including TKN, Phosphorous, and COD] but does not include pH);

- (3) Any other discharge violation the Director 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 of the public or to the environment, or has resulted in the Director exercising his 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 or 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 Director determines will adversely affect the operation of implementation of the local pretreatment program.

Section 111-141. Administrative Enforcement Remedies.

(a) *Notification of Violation.* When the Director finds that a customer or user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that customer or user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions shall be submitted by the customer or user to the Director. Submission of this plan in no way relieves the customer or user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in the section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) *Consent Orders.* The City is hereby empowered to enter into Consent Agreements, Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any customer or user responsible for noncompliance. Such documents will include specific action to be taken by the customer or user to correct the noncompliance with a time period specified by the document. Such documents shall have the force and effect as the administrative orders issued pursuant to subsections (d) and (e) of this section and shall be judicially enforceable.

(c) *Show Cause Hearing.* The City may order a customer or user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the customer or user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the customer or user show cause why the proposed enforcement should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the customer or user. A show cause hearing shall not be a bar against, or prerequisite for, taking other action against the customer or user.

(d) *Compliance Orders.* When the City finds that a customer or user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the customer or user responsible for the discharge directing that the customer or user come into compliance within a specified time. If the customer or user does not come into compliance within the time provided, water and sewer service may be discontinued unless adequate treatment facilities, device or other related appurtenances are installed and properly operated and maintained. Compliance orders also may contain other requirements to address noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the customer or user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the customer or user.

(e) *Cease and Desist Order*

(1) When the City finds that a customer or user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the customer or user's past violations are likely to recur, the Director may issue an order to the customer or user directing it to cease and desist all such violations and directing the customer or user to:

- a.** Immediately comply with all requirements; and
- b.** Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including, but not limited to halting operations and/or terminating the discharge.

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

(f) Administrative Fines

- (1)** When the City finds that a customer or user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such customer or user in an amount not to exceed \$ 1000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long term average wastewater discharge limits, fines shall be assessed for each day during the period of violation.
- (2)** Unpaid charges, fines, and penalties shall, after fifteen (15) days be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 2% per month. A lien against the customer or user's property will be sought for unpaid charges, fines, and penalties.
- (3)** Customer or users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the customer or user's appeal is successful, the payment shall be returned to the customer or user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4)** Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the customer or user.

(g) Emergency Suspensions of Wastewater Discharge Permits. The Director may take whatever action may be deemed necessary and appropriate, including immediately suspending a customer or user's discharge, after informal notice to the customer or user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a customer or user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1)** Any customer or user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a customer or user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the customer or user to recommence its discharge when the customer or user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in (h) of this Section are initiated against the customer or user.

- (2)** A customer or user responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrences, to the Director prior to the date of any show cause or termination hearing under subsection (c) of this section.
- (3)** Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) *Termination of Discharge and / or Potable Water Supply*

In addition to the provisions in section 111-135 (j), any customer or user who violates the following conditions is subject to discharge and/or potable water supply:

- (1)** Violation of wastewater discharge permit conditions;
- (2)** Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3)** Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4)** Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (5)** Violation of the pretreatment standards in section 111-134.
- (6)** Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment process;
- (7)** Fails to pay monthly bills for sanitary sewer service when due.
- (8)** Repeats a discharge of prohibited wastes into public sewers.
- (9)** Releases acids or chemicals into the public sewers that cause damage to or rapid deterioration of sewer lines, interfere with the treatment process, or interfere with the proper conveyance and treatment of wastewater.
- (10)** A governmental agency informs the City of Cumming that the effluent from the City's wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is discharging wastewater into the public sewer that cannot be sufficiently treated or requires treatment that is not provided by the City of Cumming as normal domestic treatment.

Such user will be notified of the proposed termination of its discharge and/or potable water supply and be offered an opportunity to show cause under subsection (c) of this section as to

why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or prerequisite for, taking any other action against the user.

(i) *Recovery of Costs Incurred.* In addition to civil and criminal liability, any person, customer, or permittee violating any of the provisions of their permit or the City of Cumming Utilities Ordinance or causing damage to or otherwise inhibiting the City's wastewater disposal systems shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City of Cumming shall bill the customer or user 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 subsection (f)(2) of this section. All cost of any additional or supplemental sampling or analyses required as a result of any customer's or user's excessive pollutant loadings such as BOD, suspended solids, floating oil and grease, Coliform bacteria, heavy metals, or priority pollutants as determined by the Director or resulting from a user's suspected, regular or frequent violation of this Ordinance or a pretreatment permit shall be paid for by that user.

Section 111-142. Judicial Enforcement Remedies.

(a) *Injunctive Relief.* When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition a Court of competent jurisdiction, through the City Attorney for the issuance of temporary or permanent injunction, as appropriate. Said temporary or permanent injunction shall restrain or compel the specific performance of the wastewater discharge permit, order, or other requirement for the user to conduct environmental rededication. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil Penalties*

- (1)** A user who has violated, or continues to violate, any provision of this 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 monthly or other long-term average discharge limit violations, penalties shall accrue for each day during the period of the violation.
- (2)** The City may recover reasonable attorney's fees, court costs, court recorder fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.
- (3)** In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic

benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (5) All ordinance violations inside the City limits will be prosecuted in the City of Cumming Municipal Court. All ordinance violations occurring outside the City limits shall be prosecuted in the Forsyth County Magistrate Court or other Court of competent jurisdiction.

(c) *Criminal Prosecution*

- (1) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, shall be punished as provided in section 1-11.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, shall be punished as provided in section 1-11. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this 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 be punished as provided in section 1-11
- (4) In the event of a second conviction, a user shall be punished as provided in section 1-11
- (5) All ordinance violations inside the City limits will be prosecuted in the City of Cumming Municipal Court. All ordinance violations occurring outside the City limits shall be prosecuted in the Forsyth County Magistrate Court or other Court of competent jurisdiction.

SECTION 111-143. Service Charges.

(a) *Sewer Service Charge*

- (1) **Established:** It is hereby determined to be necessary, in order to provide facilities for the protection of the public health, safety, welfare, and to comply with State and Federal water quality laws and regulations for the protection of

the quality of the waters of the state, to fix and collect charges upon all premises or facilities served by the water pollution control facilities of the City.

- (2) **Uses of Proceeds:** The revenue received from the collection of these charges, as hereinafter authorized, together with other revenue derived from the operation of the system and from the sale of water, shall be deposited with the chief financial officer and credited to the water and sewer revenue fund and shall be used for the operation and maintenance of the water pollution control and water purification systems and incidental expenses connected therewith: to pay debt requirements on revenue bonds issued; to provide funds for the planning, design, construction, improvement, repair and extension of the water pollution control and water purification systems, facilities and appurtenances used in connection with the operation of the systems; to acquire necessary easements or the purchase of land; and to provide funds for the necessary reserves for debt and improvements.
- (3) **Determination of Amounts:** For the purposes provided in (2) above, there is hereby charged and assessed to each premises or facility served by the water pollution control facilities of the City, or otherwise discharging wastewater, industrial wastes, water or liquids, either directly or indirectly into the water pollution control facilities, a sewer service charge and assessment payable as hereinafter provided, and in the amount determinable as follows:
- a. The sewer service charge shall be based upon the quantity of water used by the premises or facility therein or thereon as measured by a water meter or meters there in use, or as otherwise currently established.
 - b. The sewer service charge shall consist of a charge per thousand gallons of water consumed, including adjustments thereto, plus the fixed costs. Rates shall be established for each customer class.
 - c. Water used from private sources shall be metered as required in (d) of this section below and shall be figured at prevailing City rates and sewer service charges shall be billed accordingly.
- (4) **Independent Water Supply:** Installation of Meter: In the event a lot, parcel of land, premises or facility discharging wastewater, industrial waste, water or other liquids, which either directly or indirectly enters into the City's water pollution control facilities, or ultimately enters the facilities, is supplied either in whole or in part with water from wells or any source other than the City, those wells or other source of supply shall be registered with the City on or before the effective date of this Article, and if not measured by a water meter, the owner or occupant shall, at his own cost, install and maintain a meter on the supplies in such a location and in such a manner as is satisfactory to the City. These meters shall serve as a control for the establishment of the sewer service charge and shall be read monthly or bi-monthly by employees of the City.

(5) Additional Meters: Where it can be shown to the satisfaction of the Director that a significant portion of the water used by customers, as measured by the water meter or meters does not enter the water pollution control facilities, then that portion of water shall not be used for billing of the sewer service charge. The Director may require or permit the installation of additional meters or other devices as may be deemed necessary to establish that portion which does not enter the system.

(b) Industrial Waste Surcharges:

(1) Established: All persons discharging industrial wastes into the public sewers shall be charged and assessed a surcharge, in addition to any sewer service charges, if these wastes have a concentration greater than the following:

- a. A COD content of 500 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.
- b. A TSS content of 220 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.
- c. A TKN content of 40 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.
- d. A Total Phosphorous concentration of 5 mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b) 2) of this section.
- e. A Biochemical Oxygen Demand (BOD₅) concentration of 200 mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section. This parameter may be used in lieu of COD as determined by the Director.
- f. A Fats, Oils and Grease (FOG) concentration of 100 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.
- g. An Ammonia Nitrogen of 20 mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.
- h. A Chloride of 2025 mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b)(2) of this section.

The amount of the surcharge, which is hereby charged and assessed against all persons discharging industrial wastewater into the public sewers, shall reflect the cost incurred by the City in handling the excess COD, TSS, TKN, Phosphorous, BOD₅, FOG, Ammonia, and Chloride. This surcharge shall include a proportionate share of charges

for maintenance and operation of the water pollution control facilities including depreciation and other incidental expenses.

- (2) Formula Determining Surcharge:** When any or all the COD, TSS, TKN, Phosphorous, BOD₅, FOG, Ammonia, and Chloride concentrations of wastewater or waste accepted for admission to the City water pollution control facilities exceed the values of these constituents set forth in (b) (1) above, the excess concentrations of any or all, as the case may be, shall be evaluated in terms of these values and be subject to a surcharge on the amount derived in accordance with the following formula:

$$\text{Amount of Surcharge} = (\text{COD1} + \text{COD2} + \text{COD3} + \text{COD4} + \text{TSS1} + \text{TSS2} + \text{TSS3} + \text{TSS4} + \text{TKN1} + \text{TKN2} + \text{TKN3} + \text{TKN4} + \text{PHOS1} + \text{PHOS2} + \text{PHOS3} + \text{PHOS4} + \text{BOD1} + \text{BOD2} + \text{BOD3} + \text{BOD4} + \text{FOG1} + \text{FOG2} + \text{FOG3} + \text{FOG4} + \text{Amon1} + \text{Amon2} + \text{Amon3} + \text{Amon4} + \text{Chlor1} + \text{Chlor2} + \text{Chlor3} + \text{Chlor4})$$

Where:

“COD1” = (8.34) x (Flow in MGD) x (Cost "A") x (mg/L of COD above 500 mg/L but below 801 mg/L).

“COD2” = (8.34) x (Flow in MGD) x (Cost "B") x (mg/L of COD above 800 mg/L but below 1101 mg/L).

“COD3” = (8.34) x (Flow in MGD) x (Cost "C") x (mg/L of COD above 1100 mg/L but below 1501 mg/L).

“COD4” = (8.34) x (Flow in MGD) x (Cost "D") x (mg/L of COD above 1500 mg/L).

“TSS1” = (8.34) x (Flow in MGD) x (Cost "E") x (mg/L of TSS above 220 mg/L but below 421 mg/L).

“TSS2” = (8.34) x (Flow in MGD) x (Cost "F") x (mg/L of TSS above 420 mg/L but below 621 mg/L).

“TSS3” = (8.34) x (Flow in MGD) x (Cost "G") x (mg/L of TSS above 620 mg/L but below 901 mg/L).

“TSS4” = (8.34) x (Flow in MGD) x (Cost "H") x (mg/L of TSS above 900 mg/L).

“TKN1” = (8.34) x (Flow in MGD) x (Cost "I") x (mg/L of TKN above 40 mg/L but below 76 mg/L).

“TKN2” = (8.34) x (Flow in MGD) x (Cost "J") x (mg/L of TKN above 75 mg/L but below 101 mg/L).

- “TKN3” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "K"}) \times (\text{mg/L of TKN above 100 mg/L but below 136 mg/L})$.
- “TKN4” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "L"}) \times (\text{mg/L of TKN above 135 mg/L})$.
- “PHOS1” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "M"}) \times (\text{mg/L of PHOS above 8 mg/L but below 16 mg/L})$.
- “PHOS 2” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "N"}) \times (\text{mg/L of PHOS above 15 mg/L but below 21 mg/L})$.
- “PHOS 3” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "O"}) \times (\text{mg/L of PHOS above 20 mg/L but below 31 mg/L})$.
- “PHOS 4” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "P"}) \times (\text{mg/L of PHOS above 30 mg/L})$.
- “BOD1” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Q"}) \times (\text{mg/L of BOD above 200 mg/L but below 501 mg/L})$.
- “BOD2” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "R"}) \times (\text{mg/L of BOD above 500 mg/L but below 1111 mg/L})$.
- “BOD3” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "S"}) \times (\text{mg/L of BOD above 1110 mg/L but below 901 mg/L})$.
- “BOD4” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "T"}) \times (\text{mg/L of BOD above 900 mg/L})$.
- “FOG1” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "U"}) \times (\text{mg/L of FOG above 100 mg/L but below 126 mg/L})$.
- “FOG 2” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "V"}) \times (\text{mg/L of FOG above 125 mg/L but below 151 mg/L})$.
- “FOG 3” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "W"}) \times (\text{mg/L of FOG above 150 mg/L but below 176 mg/L})$.
- “FOG 4” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "X"}) \times (\text{mg/L of FOG above 175 mg/L})$.
- “Ammon1” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Y"}) \times (\text{mg/L of Ammonia above 15 mg/L but below 21 mg/L})$.
- “Ammon2” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Z"}) \times (\text{mg/L of Ammonia above 20 mg/L but below 26 mg/L})$.
- “Ammon3” = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AA"}) \times (\text{mg/L of Ammonia above 25mg/L but below 31 mg/L})$.

"Ammon4" = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "BB"}) \times (\text{mg/L of Ammonia above 30 mg/L})$.

"Chlor1" = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "CC"}) \times (\text{mg/L of Chloride above 2025 mg/L but below 2051 mg/L})$.

"Chlor2" = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "DD"}) \times (\text{mg/L of Chloride above 2050 mg/L but below 2076 mg/L})$.

"Chlor3" = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "EE"}) \times (\text{mg/L of Chloride above 2075 mg/L but below 3001 mg/L})$.

"Chlor4" = $(8.34) \times (\text{Flow in MGD}) \times (\text{Cost "FF"}) \times (\text{mg/L of Chloride above 3000 mg/L})$.

Where cost factors are as follows:

"A" = The annual average cost of removal of one (1) pound of COD at a concentration between 201 and 500 mg/L.

"B" = The annual average cost of removal of one (1) pound of COD at a concentration between 501 and 1110 mg/L.

"C" = The annual average cost of removal of one (1) pound of COD at a concentration between 1111 and 900 mg/L

"D" = The annual average cost of removal of one (1) pound of COD at a concentration above 900 mg/L.

"E" = The annual average cost of removal of one (1) pound of TSS at a concentration between 221 and 420 mg/L.

"F" = The annual average cost of removal of one (1) pound of TSS at a concentration between 421 and 620 mg/L.

"G" = The annual average cost of removal of one (1) pound of TSS at a concentration between 621 and 900 mg/L.

"H" = The annual average cost of removal of one (1) pound of TSS at a concentration above 900 mg/L.

"I" = The annual average cost of removal of one (1) pound of TKN at a concentration between 41 and 75 mg/L.

"J" = The annual average cost of removal of one (1) pound of TKN at a concentration between 76 and 100 mg/L.

"K" = The annual average cost of removal of one (1) pound of TKN at a concentration between 101 and 135 mg/L.

"L" = The annual average cost of removal of one (1) pound of TKN at a concentration above 135 mg/L.

"M" = The annual average cost of removal of one (1) pound of Total Phosphorous (P) at a concentration between 9 and 15 mg/L.

"N" = The annual average cost of removal of one (1) pound of Total Phosphorous (P) at a concentration between 16 and 20 mg/L.

"O" = The annual average cost of removal of one (1) pound of Total Phosphorous (P) at a concentration between 21 and 30 mg/L.

"P" = The annual average cost of removal of one (1) pound of Total Phosphorous (P) at a concentration above 30 mg/L.

"Q" = The annual average cost of removal of one (1) pound of (BOD) at a concentration between 201 and 500 mg/L.

"R" = The annual average cost of removal of one (1) pound of (BOD) at a concentration between 501 and 1110 mg/L.

"S" = The annual average cost of removal of one (1) pound of (BOD) at a concentration between 1111 and 900 mg/L.

"T" = The annual average cost of removal of one (1) pound of (BOD) at a concentration above 900 mg/L.

"U" = The annual average cost of removal of one (1) pound of (FOG) at a concentration between 100 and 125 mg/L.

"V" = The annual average cost of removal of one (1) pound of (FOG) at a concentration between 126 and 150 mg/L.

"W" = The annual average cost of removal of one (1) pound of (FOG) at a concentration between 151 and 175 mg/L.

"X" = The annual average cost of removal of one (1) pound of (FOG) at a concentration above 175 mg/L.

"Y" = The annual average cost of removal of one (1) pound of Ammonia (NH₃) at a concentration between 15 and 20 mg/L.

"Z" = The annual average cost of removal of one (1) pound of Ammonia (NH₃) at a concentration between 21 and 25 mg/L.

"AA" = The annual average cost of removal of one (1) pound of Total Ammonia (NH₃) at a concentration between 26 and 30 mg/L.

"BB" = The annual average cost of removal of one (1) pound of Total Ammonia (NH₃) at a concentration above 30 mg/L.

"CC" = The annual average cost of removal of one (1) pound of Chloride at a concentration between 2025 and 2050 mg/L.

"DD" = The annual average cost of removal of one (1) pound of Chloride at a concentration between 2051 and 2075 mg/L.

"EE" = The annual average cost of removal of one (1) pound of Chloride at a concentration between 2076 and 3000 mg/L.

"FF" = The annual average cost of removal of one (1) pound of (BOD) at a concentration above 3000 mg/L.

- (3) Determination of Amounts:** The rates of surcharge for each of the aforementioned constituents shall be determined annually by the Director in order that the above factors may correctly represent current treatment costs. A schedule of the surcharges shall be as established in section 12-111.
- (4) Changing Industrial Waste Surcharge:** The industrial waste surcharge cost factors (cost per pound of removal) may be changed by the Mayor and Council without notice.
- (5) Schedule of Fees, Surcharges, and Fines:** Waste hauler permit fees, grease hauler permit fees, industrial user permit fees, and wastewater surcharges and fines shall be established in section 12-111.

(c) Billing Procedure. Industrial wastes surcharges provided for in this Article shall be prepared and rendered to the address supplied by the Director. The volume of flow used in billing the industrial waste surcharges shall be based upon metered, estimated, or prorated water consumption as shown in the records of meter reading maintained by the City.

(d) Payment of Bills. Sewer service charges and surcharges provided in this article shall be payable at City Hall or at other authorized locations, at the same time as the water bills for a lot, parcel of land, building, premise or facility are payable and payments for water shall not be accepted unless payment of the sewer service charge or surcharge is made at the same time, provided however, that sewer service and/or surcharge is applicable.

(e) Annual Analysis:

- (1) Frequency of Analysis:** The industrial wastewater of each industrial user subject to the Industrial Waste Surcharge, and discharging into the City sewers shall be subject to periodic inspection and a determination of character and concentration of the wastewater shall be made annually, or more often, as may be deemed necessary by the Director.
- (2) Sampling and Analysis Procedures:** Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 as amended. The samples shall be 24-hour composite samples. At a minimum, three (3) 24-hour composite samples shall be made. Sample results shall be averaged using a flow weighted average to determine the overall average concentration for use in billing the industrial surcharge. Grab samples taken in accordance with 40 CFR 136 shall be taken for total toxic organics, pH, oil and grease, hexavalent chromium, phenol, cyanide, etc.

(f) Permit Fees. The City may establish a fee for industrial pretreatment permits. Such fee shall be as stated in section 12-111. This fee will be collected prior to the issuance or re-issuance of an industrial pretreatment permit. These fees will be used to offset the costs of implementing the City's pretreatment program. Other permit and permit fees associated with (septic) waste haulers, grease trap maintenance companies, and port-a-john haulers will be assessed. These permits and permit fees will be issued by the Director to each company doing business in the City's service area. In addition, a dollar amount per thousand gallons of (septic or port-a-john) waste discharged to the City's sewer system by waste haulers will also be assessed. This fee will be set by the City and will be used to offset the costs of treatment at the POTW.

SECTION 111-144. Compliance With Regulatory Requirements.

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

SECTION 111-145. Conflict With Other Ordinances.

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

SECTION 111-146—111-173. Reserved.