

**NEWTON COUNTY WATER AND SEWER AUTHORITY
WATER POLLUTION CONTROL PLANT**

Sewer Use Ordinance

Public Notice: _____

Adopted: _____

Send Correspondence to:

Newton County Water and Sewerage Authority
PO Box 1137
Covington, GA 30015

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**NEWTON COUNTY WATER AND SEWERAGE AUTHORITY USE AND
PRETREATMENT ORDINANCE**

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Newton County Water and Sewerage Authority (Authority) and enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Newton County Water and Sewerage Authority's Publicly Owned Treatment Works. 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 establishment of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Newton County Water and Sewerage Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Authority may be delegated by the Authority to other Authority personnel.

1.3 Abbreviations

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

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- TSS - Total Suspended Solids
- U.S.C. - United States Code

1.4 Definitions

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

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- B. Approval Authority. The State of Georgia Department of Natural Resources Environmental Protection Division.
- C. Authority. The Newton County Water and Sewerage Authority, or personnel appointed by The Newton County Water and Sewerage Authority, to enforce and carry out requirements of this ordinance.
- D. Authorized Representative of the User.
 - (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the user is a partnership or sole proprietorship: a general partner or the sole proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.

- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Commercial Waste Rule. Section 391-3-6-.24 of the Georgia Rules (Appendix B). All the definitions and rules are incorporated into this ordinance by reference.
- H. Existing Source. 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.
- I. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- J. Health Officer. The director of the County Board of Health or other person designated by the board of commissioners and their duly appointed assistants.
- K. High Strength Wastewater. Wastewater which contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater as defined in Section 14 of this ordinance
- L. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- M. Industrial Wastewater. 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.
- N. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- O. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource

Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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

Q. New Source.

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

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (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 onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (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.
- R. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- S. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation.
- T. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- U. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- V. Pollutant. Dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- W. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- X. Pretreatment Coordinator. The person designated by the Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- Y. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

- Z. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- AA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 and 2.3 of this ordinance.
- BB. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the Authority. 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.
- CC. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- DD. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- EE. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up two (2) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- FF. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.

- GG. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- HH. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- II. Superintendent. The person designated by the Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- JJ. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- KK. User or Industrial User. A source of indirect discharge.
- LL. Wastewater. 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.
- MM. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference or sludge inhibition, or exceeds federal categorical standards. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in quantities or of such size which will cause obstruction of the flow in the POTW resulting in interference;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 104°F (40°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°F (40°C);
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Pretreatment Coordinator in accordance with Section 3.4 of this ordinance;
 - (9) 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;

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Pretreatment Coordinator;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
- (17) Fats, oils, or grease concentrations of vegetable or animal origins in concentrations greater than one-hundred (100) mg/L.
- (18) Non-human blood and large concentrations of embalming fluids and human body parts.
- (19) Ground up food wastes exceeding one gallon per day.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

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

- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Pretreatment Coordinator shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. 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.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

The Authority is required to develop and enforce "Local Limits" governing the quality and quantity of User discharges to the Authority's POTW. The Authority has established limits for a number of critical pollutants based on the operating limitations of the POTW, NPDES permit requirements, receiving stream water quality standards, sludge disposal requirements, and POTW worker safety. Background loadings for the domestic and commercial loadings were based on locally collected data where possible, otherwise EPA data was used. Maximum industrial discharge concentrations were derived for various pollutants to accomplish the above requirements to protect human health and the local environment. Discharges to the POTW containing pollutants in concentrations in excess of the values shown in Table 2-3 are prohibited.

- A. Because plant operation characteristics can change and State and Federal standards for water quality are subject to change, the Local Limits are also subject to revision. Therefore, the Authority reserves the right to revise a User's discharge Permit to restrict the volume or mass of particular pollutants previously permitted. If necessary, the Authority has the right to revoke a User's Permit if such discharge would result in a direct or indirect violation of State or Federal standards by the POTW.
- B. Local limits have been calculated in accordance with the above considerations and are provided in Table 2-3 of this ordinance.

Table 2-3. Local Limits	
POLLUTANT	Limit* (mg/L unless otherwise indicated)
Arsenic	0.013
Cadmium	0.008
Chromium	2.000
Copper	1.305
Lead	0.116
Mercury	0.025
Nickel	0.034
Selenium	0.091
Zinc	2.432
Cyanide, Total	3.762
Molybdenum	0.034
Silver	0.850
Phenols	2.0
Ammonia (as N)	35**
Surfactants (as MBAS)	150
Total Toxic Organics (TTO)	2.13
Total Oil and Grease	100
Petroleum Oil and Grease	25
Biochemical Oxygen Demand (BOD)	250**
Chemical Oxygen Demand (COD)	750**
Total Suspended Solids (TSS)	250**
True Color	400 ADMI Units
<p>* Equivalent mass-based limits may be imposed at the Authority's discretion</p> <p>** May be exceeded/surcharged at the discretion of the Authority. Specific "not-to-exceed" upper limits may be established through permitting on a case-by-case basis.</p> <p>NOTE: All metals are "total" metals unless otherwise specified.</p>	

2.4 Authority's Right of Revision

The Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements than the provisions of this SUO including the National Categorical Pretreatment Standards.

2.5 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Pretreatment Coordinator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is deemed to be appropriate.

2.6 Construction Standards

- A. *General.* The size, slope, alignment, materials of construction, methods used in excavating and placing the pipe, jointing, testing and backfilling the trench for building sewers, shall all conform to local building codes, plumbing codes and all other applicable requirements of the Authority. In cases of conflict or in the absence of guiding provisions, materials and procedures set forth in A.S.T.M. and Water Pollution Control Federation Manual of Practice No. 9 shall govern. All joints of the building sewer shall be tight and waterproof. No installation of pipe or other materials for sewer extensions shall be allowed until required information is received and the design is approved by the Authority.

Additionally, the following materials and methods shall apply to building sewers within the Authority's supervision:

- (1) The building sewer shall be 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 ductile iron pipe. Bolted mechanical joints maybe required by the Superintendent 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 Authority.

- (2) The size and slope of the building sewer shall be subject to the approval of the Authority, 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 requirements 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 Authority. 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 gastight and water tight.

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 Authority.

- (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 Authority 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 Authority.

- B. *Prohibitions.* No building sewers shall be connected to a sanitary sewer until drawings are received and until the extension has been inspected, tested, and accepted by the Authority. Groundwater, rainwater, mud, and gravel shall be kept out of the sanitary sewer system at all times, including during construction.

- C. *Other Regulations.* Design and construction of sanitary sewer extensions shall comply with all local, state, and federal rules and regulations pertaining to sewer installation, including, but not limited to rules and regulations for safety, erosion and sediment control, stream buffer protections, wetlands, and water quality standards.

2.7 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. No person shall dispose of human excrement except in a toilet.
- C. It shall be unlawful to discharge to any natural outlet within the Authority's sewer system, or in any area under the jurisdiction of the Authority, 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 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. All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used.

2.8 Private Sewage Disposal

- A. When a public sanitary sewer is not available in accordance with this Ordinance, building sewers shall be connected to private onsite sewage management systems complying with the provisions of the Authority, the health officer, and the Georgia Department of Natural Resources. The following conditions shall apply for private onsite sewage management systems:
- (1) Approval to construct, repair, alter, enlarge and/or use privies, privy vaults, cesspools, aeration systems and septic tanks shall be granted by the health officer. The owners shall operate and maintain the private wastewater disposal in a sanitary manner at all times in accordance with the conditions of the SUO, and any special conditions imposed by the Authority, at no expense to the Authority. The Authority or health officer shall have the right to inspect such facilities at reasonable times with prior notice. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the applicable local, state and Federal laws. The Authority will not approve any private wastewater disposal system employing subsurface soil disposal where the lot area does not meet County Health Department or Georgia Environmental Protection Division standards.

- (2) Approval to install and operate private sewage lift stations that discharge sewage from private property into the POTW must be obtained from the Authority. Final approval shall be granted only after the Authority reviews and approves the plans and specifications. The owner shall operate and maintain the private sewage lift station at no expense to the Authority and according to established standards. The Authority shall have the right to inspect at reasonable times with prior notice the private sewage lift stations and require improvements necessary to satisfy the requirements set forth in this SUO.
 - (3) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the health officer. Septic tanks shall be maintained in sanitary working order.
 - (4) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well being.
 - (5) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Authority.
 - (6) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.
- B. No requirement contained in this Ordinance shall be construed to relieve the applicant of any additional requirements that may be imposed by other authorities having legal jurisdiction.
- C. At such time as public sewer becomes available within two hundred (200) feet to the property served by a private sewage disposal system, the Authority may require a direct connection to be made to the public sewer within thirty (30) days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.
- D. No pit privy shall be installed in the following locations:
- (1) Where a public sewer is accessible to the premises involved; or,
 - (2) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to the public health; or,
 - (3) Where a pit privy may pollute any water supply; or,
 - (4) Where the use of pit privies is not in keeping with the standard of sanitation in adjacent areas.
- E. Discharge of septic tanks in sewer system.

- (1) It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the Authority 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 herein.
 - (2) A charge shall be made for the privilege of dumping the contents of septic tanks, as provided in separate rules.
- F. Any premise that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the health officer and said system is not functioning in a sanitary manner, and order that said system be corrected.
- G. Premises with private water systems shall not be connected with the public sewerage system unless expressly approved by the Authority.
- H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

2.9 Building Sewers and Connections

- A. The owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.
- B. 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 Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- C. 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 Authority does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Authority, to meet all requirements of this ordinance.
- E. The applicant for the building sewer permit shall notify the Authority 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 Authority or its representative.
- F. 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 Authority.
 - G. The Authority will define the availability of sewers and any costs associated with sewer permits or construction.
 - H. If any house sewer allows the entrance of infiltration or inflow, the Authority may:
 - (1) Require the owner to repair the house sewer.
 - (2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property.
 - (3) Require the owner to disconnect his sewer from the Authority sewer system.
 - I. 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.
 - J. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which 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.
 - K. The Authority shall have unlimited access to all Authority sewers. This unlimited access shall be for inspection and maintenance, to include the cutting or clearing of trees, shrubs, wood piles, or debris across the entire width of the sewer easement. To the extent that the owners or occupants of property adjacent to, or containing sewer easements, has created or caused impediments to access, the Authority shall have the right to relocate any impediments to sewer or manhole access off of the easement and onto the property of the of the person(s) who created or caused the impediment. To the extent that any cost is encountered in removing or relocating such impediments, the Authority may charge the owner such costs.
 - L. The latest version of the Newton County Water and Sewerage Authority Development Regulations is incorporated into this SUO by reference.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Newton County Water and Sewerage Authority Pretreatment Coordinator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator 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 Authority under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Pretreatment Coordinator may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Pretreatment Coordinator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided in accordance with the requirements outlined in Section 3.5 when, in the opinion of the Pretreatment Coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Pretreatment Coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. Whenever deemed necessary, the Authority may require users to install a suitable monitoring manhole on the building sewers on their property to facilitate observation, sampling, and measurement of wastewaters. The manhole, when required, shall be

accessibly and safely located and shall be constructed in accordance with plans approved by the Authority. The manhole shall be installed by the industrial user at their expense and shall be maintained by the industrial user as to be safe and accessible at all times. It shall be unlawful for any industrial user to discharge, or cause, or allow to be discharged, unless otherwise authorized in writing by the Authority, any industrial wastewater which bypasses or does not flow through, the monitoring manhole, unless discharged through a NPDES permitted facility or disposed of off-site at a licensed disposal facility.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Pretreatment Coordinator shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan unless such a plan already exists. The Pretreatment Coordinator may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Pretreatment Coordinator may develop such a plan for any user at the user's expense in the event that a user does not develop a plan in a timely manner. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Pretreatment Coordinator of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- E. A drawing of sufficient scale and quality to identify chemical and wastewater storage areas in the facility, sewer drain locations in and around the facility, material handling areas, and storage of emergency response equipment if required to protect the POTW from a slug discharge.

3.4 Hauled Wastewater

- A. All hauled waste must be introduced into the POTW only at locations designated by the Pretreatment Coordinator, and at such times as are established by the Pretreatment Coordinator. Such waste shall not violate Section 2.1 of this ordinance or any other requirements established by the Authority. No septic tank wastes from outside Newton County will be accepted for disposal.

- B. All haulers of Commercial Wastes or Industrial Wastewater must obtain a Transporter Permit in accordance with the Commercial Waste Rule (Appendix B). The Pretreatment Coordinator may require generators of hauled Commercial Wastes or Industrial Wastewater to obtain wastewater discharge permits. The Pretreatment Coordinator also may prohibit the disposal of hauled Commercial Wastes or Industrial Wastewater. The discharge of hauled Commercial Wastes or Industrial Wastewater is subject to all other requirements of this ordinance.
- C. All haulers of Commercial Wastes or Industrial Wastewater may discharge loads only at locations designated by the Pretreatment Coordinator. No load may be discharged without prior consent of the Pretreatment Coordinator. The Pretreatment Coordinator may collect samples of each hauled load to ensure compliance with applicable standards. The Pretreatment Coordinator may require the Commercial Wastes or Industrial Wastewater hauler to provide a waste analysis of any load prior to discharge.
- D. All haulers of Commercial Wastes or Industrial Wastewater must provide a waste-tracking manifest to the Authority for every load generated by facilities served by the Authority in accordance with the Commercial Waste Rule. The manifest form shall include, at a minimum, the name and address of the Commercial Wastes or Industrial Wastewater hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of commercial establishment or industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. Haulers of "Commercial Waste" (e.g., FOG) must meet all state requirements of the Commercial Waste Rule.

3.5 Commercial Wastewater Pretreatment

- A. Requirements for installation of a sand and oil/grease interceptors shall be as follows:
 - (1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors or traps. Additionally, any user who generates wastewater which contains greater than the quantity of oil and grease regulated under Section 2.1, and, provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap, will be required to install a grease/oil interceptor.
 - (2) All users whose wastewater stream is associated with unusually large quantities of grit, sand, or gravel shall be required to install a sand trap. All car/truck wash systems, including automobile dealerships that wash vehicles, shall be required to install sand traps. Minimal contributors of sand and grit may be exempt from this requirement at the discretion of the IPC.
 - (3) The requirements of this SUO section shall not apply to private living quarters or dwelling units.

- B. Design criteria for required sand and oil/grease interceptors at restaurants and other regulated establishments shall be as follows:
- (1) All oil/grease interceptors shall have a capacity of 15 gallons per seat, except as provided below.
 - (2) No oil/grease interceptors shall be smaller than 750 gallons nor larger than 3000 gallons.
 - (3) The minimum size for a sand trap shall be 750 gallons.
- C. Design criteria for required sand and oil/grease interceptors for establishments other than eating establishments shall be as follows:
- (1) All interceptors shall have a capacity that will provide not less than ten (10) minutes nor more than (30) minutes retention time at the peak eight (8) hour flow rate.
 - (2) Flow through velocities shall not exceed one foot per second at the peak eight (8) hour flow rate.
 - (3) All interceptors must be easily accessible and easy to sample and inspect. Unless otherwise expressly approved by the Authority, all interceptors must be located so as to have outside access except for under-the-counter interceptors. The IPC may require interceptor owners/operators to open the interceptors for inspection.
 - (4) "Under-the-counter" oil/grease interceptors are not acceptable except under the following circumstances:
 - a) A properly functioning under-the-counter unit installed prior to the adoption of this ordinance ("grandfathered unit").
 - b) For eating establishments located in "strip shopping centers" for which the plumbing system(s) will not allow an underground unit.
 - c) For eating establishments that do not provide deep fried foods and have fewer than 40 seats.
 - d) As may be expressly approved by the Authority's Pretreatment Coordinator where unusual circumstances may be shown creating an undue hardship, and where, in the opinion of the Pretreatment Coordinator such an under-the-counter system will perform adequately.
- D. Maintenance requirements
- (1) All grease, oil, and sand interceptors or traps shall be maintained by the user at the user's expense. The frequency of removal shall be such as to ensure that no overflows of oil, grease, or sand into the wastewater system ever results as determined by the Authority.

- (2) All grease, oil, and sand interceptors or traps shall provide continuous efficient operation.
- (3) Users shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, means of disposal as required by the Commercial Waste Rule, which are subject to review by the Authority.
- (4) At a minimum, oil/grease interceptors or traps shall be maintained at the following intervals:
 - a. Monthly for establishments serving an average of 200 or more customers per day, except as provided in d and e below;
 - b. Quarterly for establishments serving an average of 100-200 customers per day, except as provided in d and e below; and
 - c. Every six months for establishments serving an average of 100 or fewer customers per day, except as provided in d and e below.
 - d. At an interval such that settled solids plus the grease in the interceptor do not exceed 20% of the total volume of the interceptor.
 - e. As otherwise determined by the Pretreatment Coordinator.
- (5) Within thirty (30) days of a pumping or maintenance activity, each user shall submit manifest of proper maintenance and disposal of wastes to the Authority. The following information, as applicable, must be provided as a minimum:
 - a. Generator information
 - Name and physical address of facility
 - Volume of waste pumped
 - Date and time of pumping activity
 - Signature of authorized representative
 - b. Transporter Information
 - Name and address of hauler
 - Permit number
 - Name and signature of driver
 - c. Receiver Information
 - Name and physical address of facility
 - Permit number
 - Volume of waste received
 - Date and time waste was received
 - Signature of authorized representative

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Pretreatment Coordinator, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user (SIU) shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Pretreatment Coordinator, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Pretreatment Coordinator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and will subject the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of 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 or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Pretreatment Coordinator for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Pretreatment Coordinator.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application supplied by the Authority. The Pretreatment Coordinator may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. A baseline monitoring report (BMR) may be substituted in place of a permit application at the discretion of the Pretreatment Coordinator,

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must contain the following certification statement:

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

Permit application and user report certification statements must be signed as follows:

- (1) By a responsible corporate officer, defined as follows: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) By a general partner or sole proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;
- (3) By a duly authorized representative of the individual designated in Items 1-2 above if:
 - (i) The authorization is made in writing by the individual described in Items 1-2 above;
 - (ii) The authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator or a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental affairs for the company; and
 - (iii) The authorization is submitted to the Authority.

4.7 Wastewater Discharge Permit Decisions

The Pretreatment Coordinator will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Pretreatment Coordinator will determine whether or not to issue a wastewater discharge permit. The Pretreatment Coordinator may deny any application for a wastewater discharge permit for just cause.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

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

5.2 Wastewater Discharge Permit Contents

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

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The Pretreatment Coordinator shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Pretreatment Coordinator to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Pretreatment Coordinator fails to act within sixty (60) 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.

- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the appropriate Court within the legal designated Statute of Limitations.

5.4 Wastewater Discharge Permit Modification

The Pretreatment Coordinator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Pretreatment Coordinator and the Pretreatment Coordinator approves the wastewater discharge permit transfer. The notice to the Pretreatment Coordinator must include a written certification by the new owner or operator which:

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

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

5.6 Wastewater Discharge Permit Revocation

The Pretreatment Coordinator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Pretreatment Coordinator of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Pretreatment Coordinator timely access to the facility premises and records;

- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Pretreatment Coordinator shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Pretreatment Coordinator shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Pretreatment Coordinator may deem necessary.

- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing municipality 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 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Authority's ordinance or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the Pretreatment Coordinator;
 - (4) A requirement for the contributing municipality to provide the Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the Pretreatment Coordinator access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Pretreatment Coordinator; and
 - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. 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 Pretreatment Coordinator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B (1-5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative

of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.

- (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

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

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

- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

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

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

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

- D. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

6.3 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 Pretreatment Coordinator a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. Both Categorical Industrial Users and Significant Industrial Users shall, at a frequency specified by the user's Permit, 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 local permit limits and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Pretreatment Coordinator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Pretreatment Coordinator 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 4.5 of this ordinance.
- B. The Pretreatment Coordinator may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of thirty (30) percent or greater, and the discharge of any previously unreported pollutants.
- D. The Authority reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by the 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.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall telephone and notify the Pretreatment Coordinator of the incident within 24 hours of the user becoming aware of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must verbally notify the Pretreatment Coordinator 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 Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. The Pretreatment Coordinator has the authority to waive resampling requirements if the Pretreatment Coordinator monitors the wastewater discharge at the user's facility at least once a month, or if the Pretreatment Coordinator samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. 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 Pretreatment Coordinator, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

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

6.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Pretreatment Coordinator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

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

6.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; preservative used to protect the samples; and the results of such analyses. Also, a chain-of-custody record should be maintained that records the signatures of all persons handling the samples, date and time that samples changed hands, type of samples collected, and security measures employed such as sealed containers, etc. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority, or where the user has been specifically notified of a longer retention period by the Authority.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

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

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Pretreatment Coordinator may require the user to install monitoring manholes and/or equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Authority and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Authority access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Authority 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 a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority 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 Authority may seek issuance of a search warrant to enter the facility.

SECTION 8 - 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 Authority'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 Pretreatment Coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) 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;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-)month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Pretreatment Coordinator 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;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. 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;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Authority 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 Pretreatment Coordinator may serve upon that user a written Notice of Violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Pretreatment Coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

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

10.4 Compliance Orders

When the Authority 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 Authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

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

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

10.6 Administrative Fines

- A. When the Authority 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 Authority may fine such user in an amount not to exceed \$1,000 per day. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1-1/2%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

- C. Users desiring to dispute such fines must file a written request for the Authority 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 Authority will hear the matter at a regular or called council meeting. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

The Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Authority 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 Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Authority 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 Authority may petition the County of proper jurisdiction through the Authority's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

- A. 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 Authority for a maximum civil penalty of not less than \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Criminal Prosecution

- A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one hundred eighty (180) days, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000, or be subject to imprisonment for not more than one hundred eighty (180) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one hundred eighty (180) days, or both.
- D. In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one hundred eighty (180) days, or both.

11.4 Remedies Nonexclusive

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

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

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

12.2 Water Supply Severance

Whenever 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, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated to the Authority its ability to comply.

12.3 Public Nuisances

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

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its

treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through (B)(7) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

13.3 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C.
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Pretreatment Coordinator, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the Pretreatment Coordinator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass.

The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Pretreatment Coordinator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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

SECTION 14 - WASTEWATER TREATMENT RATES

1) Establishment of High Strength Wastewater

All users discharging “high strength” wastewater into the Newton County Water and Sewerage Authority’s Wastewater System shall be assessed a monetary surcharge, in addition to the normally required sewer use charges, in an amount to be calculated as shown below. The surcharge shall be determined by the utilization of the sampling and testing procedures as provided in Sections 14.2 and 14.3, below.

A “high strength” wastewater is defined as wastewater which contains pollutant concentrations that exceed the following surcharge threshold concentrations:

<u>Parameter</u>	<u>Surcharge Threshold</u>
BOD	250 mg/L
TSS	250 mg/L
Ammonia	35 mg/L
COD*	750 mg/L

*COD may be used to determine surcharges in place of BOD.

14.2 Fees for High Strength Wastewater

When the concentrations of the surcharged parameters shown above exceed the values of the constituents as set forth in Section 14.1, above, the excess concentrations shall be subject to a surcharge in the amount derived in accordance with the following formula:

$$\frac{(P - T) \times G \times 8.34 \times C}{1000} = \$/\text{month}$$

Where:

“P” is equal to the average concentration in mg/l of the parameter being evaluated (BOD, TSS, Ammonia or COD) as established in accordance with Section 14.3 of this Ordinance. The surcharge is for pollutants in excess of the threshold amounts established by the Authority in accordance with Section 14.5 of this Ordinance. The parameter concentration used for the surcharge calculation will be an average of the Authority’s sample results plus the User’s self-monitoring results. If the Authority’s sampling results are twenty percent (20%) or more greater than the User’s results, then the Authority will use the Authority’s results to calculate surcharge. Should the Authority’s sampling results be twenty percent (20%) or more greater than the User’s results for three consecutive months, the Authority will use the Authority’s results exclusively and indefinitely to calculate surcharge.

“T” is equal to the Surcharge Threshold concentration for the parameter being surcharged as shown in Section 14.1, above.

“G” is equal to the user’s monthly water consumption in thousands of gallons as determined in accordance with Section 14.4 of this Ordinance.

“8.34” is a conversion factor.

“C” is equal to the unit cost in dollars per pound (\$/lb) for the treatment of the surcharged parameters. This value shall be established by the Authority and revised from time to time as necessary in accordance with Section 14.5 of this Ordinance. The initial value of C values shall be as follows:

C = \$0.25/pound for BOD and TSS; C = \$0.45/pound for ammonia, and C = \$0.10/pound for COD.

14.3 Quantitative Measurement of Surchargable Parameters

The measurement of the surcharge parameters shall be conducted as follows: Unless a user has indicated on the wastewater permit application, or otherwise demonstrated that seasonal or otherwise predictable fluctuations may occur, the Authority shall sample and test the user once per year, except that the duration of the sampling to determine surcharges shall be for a period of not less than three (3) calendar days. Procedures regarding collection of "representative" samples are provided in items 5) and 6) hereafter.

- 1) A twenty-four (24) hour composite sample shall be collected over three (3) consecutive days. Samples shall be taken in increments of not more than one hour, properly refrigerated and composited in proportion to the flow for a representative sample if possible. If a flow monitoring structure is available, or required by the Authority, flow-weighted samples may be collected in lieu of time-weighted samples.
- 2) All wastewater monitoring samples required by the Authority shall be tested by an independent laboratory using acceptable procedures in accordance with 40 CFR 136.
- 3) The Authority may sample the user without providing any prior notice to the user with regard to the sampling period.
- 4) The Authority may sample the user as often as desired at the Authority’s expense if, in the opinion of the Authority, representative samples have not been previously obtained.
- 5) If in the opinion of the user, the samples taken by the Authority are not representative of the user’s typical wastewater, then the user may request a re-sampling. At the user’s request, the City shall grant the user not more than two (2) re-samplings per year. All user requested re-sampling shall be done at the user’s expense. A reasonable cost shall be charged to the user by the Authority therefore.

- 6) The surcharge rate shall be established based on an average concentration for each surchargable parameter identified in accordance with Items (1-6) of this Section. The average concentration will be used in the formula in Section 14.2 above. Surcharge rates per unit mass may be established in accordance with Section 14.5 below.

14.4 Determination of Wastewater Volume

Unless otherwise provided, the volume of wastewater delivered to the POTW will be based upon the quantity of wastewater that passes through an “open channel” flow meter to the Authority’s sewers. Open channel flow meters must be independently calibrated no less often than once per year. Documentation of such calibration must be provided to the Authority. If the User does not have an open channel flow meter, or, the open channel flow meter has not been properly calibrated within the time frame provided above, the volume of water delivered to the Authority’s sewers will be considered to be the volume purchased from the water purveyor. If the usage volume as measured by the open channel flow meter differs significantly from the water volume metered by the purveyor, the user shall make known to the Authority such differences. If differences do exist, it shall be the obligation of the user to install Authority approved meters or other devices to accurately determine the portion or quantity of wastewater delivered to the POTW at locations readily accessible for meter reading by the Authority. Separate water meters installed in the public right of way are preferred for measuring consumptive water usage. The Authority may consider establishing a constant ratio, factor, or percentage to be applied to the metered water quantity delivered by the water industry. Determining, as well as justifying, the factor to the Authority will be the responsibility of the user. The value of this factor may be periodically reviewed for accuracy by the Authority. Other methods may be established by the Authority to estimate the quantity of wastewater released to the sanitary sewer which considers the amount of water consumed during different seasons. Users that claim wastewater volumes to be inaccurately determined by these methods shall bear the expense of installing Authority approved meters to estimate flows to the POTW more accurately.

14.5 Authority to Collect Fees

The Authority has the authority to collect fees and surcharges necessary to implement this SUO. The Authority shall elsewhere maintain a list of fees and surcharges required under the terms of this SUO. Limits and fees may be modified from time to time and may change without notice to users. This list shall be available for review or copying from the Pretreatment Coordinator upon written request.

14.6 Capital Recovery from Permitted Industries

All Significant Industrial Users permitted by the Authority shall be required to pay the capital recovery portion of the tap fee as calculated by the Authority (based on equivalent residential users) for all increases in permitted wastewater discharges.

SECTION 15 - MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Authority.

15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 16 - EFFECTIVE DATE

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

Adopted by the Newton County Water and Sewerage Authority
this ____ day of _____, 20 ____.

Attest:

Secretary Treasurer

Executive Director

Chairman