

## TITLE 5

### UTILITIES

- Sec. 5-1-1. Generally.
- Sec. 5-1-2. Findings.
- Sec. 5-1-3. Objectives.
- Sec. 5-1-4. Definitions.
- Sec. 5-1-5. Scope of responsibility.
- Sec. 5-1-6. Powers of the department of public works.
- Sec. 5-1-7. Stormwater runoff quantity controls.
- Sec. 5-1-8. Prohibition.
- Sec. 5-1-9. Illicit connections.
- Sec. 5-1-10. Maintenance and inspection.
- Sec. 5-1-11. Variances for requirements.
- Sec. 5-1-12. Appeals.
- Sec. 5-1-13. Cooperation with other governments.
- Sec. 5-1-14. Property owner liability; supplemental charges.
- Sec. 5-1-15. Enforcement; penalties.
- Sec. 5-1-16. Severability.
- Sec. 5-1-17. Prior inconsistent ordinances.

#### Article 1. In General

- Sec. 5-2-1. Standard and special water service.
- Sec. 5-2-2. Who may renew services, move curb stops, etc.
- Sec. 5-2-3. Water and sewer lines in same ditch.
- Sec. 5-2-4. Use of pipes previously run to the curb.
- Sec. 5-2-5. Compliance with plumbing code, etc., and payment of inspection fees prerequisite to introduction of water.
- Sec. 5-2-6. When sewer connections required.
- Sec. 5-2-7. Who may tap mains and pipes, run service lines, etc.
- Sec. 5-2-8. Reselling or distributing water prohibited.
- Sec. 5-2-9. Notice of leaking fixtures.
- Sec. 5-2-10. Installation, etc., of meters—Generally.
- Sec. 5-2-11. Where meter service required.
- Sec. 5-2-12. Water obtained through false pretenses.
- Sec. 5-2-13. Unauthorized turning on or off of water, tampering with meters, etc.
- Sec. 5-2-14. Use of water from fire hydrant for purposes other than fire extinguishment.
- Sec. 5-2-15. Covering tops of meter boxes.
- Sec. 5-2-16. Augusta-Richmond County to keep metered services in repair; liability of property owner for damage.
- Sec. 5-2-17. Reduction in size of meter.
- Sec. 5-2-18. Change of location of meter.
- Sec. 5-2-19. Removing, etc., meters, valves and other appurtenances of utilities.
- Sec. 5-2-20. Curb stops—Generally; lawn and yard hydrants.
- Sec. 5-2-21. Curb stop requirements; curb stop box.
- Sec. 5-2-22. Duty of persons taking water as to service pipes and fixtures.
- Sec. 5-2-23. Change in location of fire hydrant, etc.
- Sec. 5-2-24. Liability of plumber not properly replacing curb stop box or injuring property.
- Sec. 5-2-25. Fire protection service—Generally.
- Sec. 5-2-26. Same—Air pressure tanks for dry systems.
- Sec. 5-2-27. Use of water from public water openings.
- Sec. 5-2-28. Permitting waste of water.

AUGUSTA-RICHMOND COUNTY CODE, READOPTED 7-10-2007

- Sec. 5-2-29. Injuring, obstructing, etc., houses, pipes, fireplugs, etc., pertaining to utilities department.
- Sec. 5-2-30. Trespass at reservoir, etc.
- Sec. 5-2-31. Bathing in, throwing articles into, or washing dogs, clothes, etc., in reservoirs.
- Sec. 5-2-32. Opening curb cock.
- Sec. 5-2-33. Interference with water supply for extinguishing fires.
- Sec. 5-2-34. Leaving valve closed or in bad order.
- Sec. 5-2-35. Installation of water services prior to paving streets.
- Sec. 5-2-36. Acceptance of water mains in subdivisions.
- Sec. 5-2-37. Police powers of certain employees.
- Sec. 5-2-38. Refusal to admit public utilities personnel to make inspections.
- Sec. 5-2-39. Rules and regulations as to public utilities.
- Sec. 5-2-40. Penalty.

**Article 2. Rates and Charges**

- Sec. 5-2-41. Payment of charges prerequisite to making connections, etc.
- Sec. 5-2-42. Charges and use of water and sewer main regulations.
- Sec. 5-2-43. Application for use of water and manner of billing—Generally.
- Sec. 5-2-44. Measurement by meters.
- Sec. 5-2-45. Schedule of water and sewer rates and minimum charges.
- Sec. 5-2-46. Charges when meter supplies houses of different ownership.
- Sec. 5-2-47. Minimum charge when two or more houses are on the same meter. (Reserved)
- Sec. 5-2-48. Assessments against tenements; supply of water to two or more families through same service pipe.
- Sec. 5-2-49. Effect of failure to pay bills when due; fees in connection with cut-off and/or unauthorized obtaining of water; removal of dead meters.
- Sec. 5-2-50. Adjustment of excessive bills caused by leaking fixtures—Generally.
- Sec. 5-2-51. Same—Plumber's certificate of repairs prerequisite to reduction in water bill.
- Sec. 5-2-52. Same—Authority of manager, public utilities sales, to reduce water bill.
- Sec. 5-2-53. Same—Spot-checks of plumbers' certificates.
- Sec. 5-2-54. Same—Repairs to be made before issuance of plumbers' certificates.
- Sec. 5-2-55. How water rents to be collected; defaults.
- Secs. 5-2-56—5-2-69. Reserved.

**Article 3. Sewers**

- Sec. 5-2-70. Sewer assessment charges—Generally.
- Sec. 5-2-71. Same—Special commercial or industrial users.

**Article 4. Backflow Prevention and Cross-Connections**

- Sec. 5-2-72. Definitions.
- Sec. 5-2-73. Purpose.
- Sec. 5-2-74. General provisions.
- Sec. 5-2-75. Inspection.
- Sec. 5-2-76. Other instances where protective devices required.
- Sec. 5-2-77. Sign requirements.
- Sec. 5-2-78. Timeframe for compliance.
- Sec. 5-2-79. Penalty.
- Sec. 5-2-80. Right of director to sever cross-connection.
- Sec. 5-2-81. Severability.

## UTILITIES

Sec. 5-2-82. Penalty for violation of article.

Sec. 5-2-83. Reserved.

Secs. 5-2-84—5-2-109. Reserved.

### **Article 5. Water Conservation Restrictions**

Sec. 5-2-110. Definitions.

Sec. 5-2-111. Residential standards.

Sec. 5-2-112. Commercial standards.

Sec. 5-2-113. Applicability.

Sec. 5-2-114. Exemptions.

Sec. 5-2-115. Enforcement; penalty.

Sec. 5-3-1. General provisions.

Sec. 5-3-2. Use of public sewer.

Sec. 5-3-3. Private sewage disposal.

Sec. 5-3-4. General requirements.

Sec. 5-3-5. Discharge limits and standards.

Sec. 5-3-6. Hauled waste.

Sec. 5-3-7. Wastewater discharge permit requirements.

Sec. 5-3-8. Reporting requirements section.

Sec. 5-3-9. Sampling and analytical requirements.

Sec. 5-3-10. Compliance monitoring.

Sec. 5-3-11. Confidential information.

Sec. 5-3-12. Publication of users in significant non-compliance.

Sec. 5-3-13. Administrative enforcement remedies.

Sec. 5-3-14. Judicial enforcement remedies.

Sec. 5-3-15. Supplemental enforcement action.

Sec. 5-3-16. Affirmative defenses to discharge violations.

Sec. 5-3-17. Wastewater treatment surcharge rates.

Sec. 5-3-18. Miscellaneous provisions.

Sec. 5-3-19. Effective date.

## Chapter 1

**STORMWATER MANAGEMENT****Sec. 5-1-1. Generally.**

This Chapter shall be known as the Stormwater Management Ordinance of Augusta-Richmond County.

**Sec. 5-1-2. Findings.**

(a) Uncontrolled stormwater drainage/discharge may have a significant, adverse impact on the health, safety, and welfare of the citizens of Augusta-Richmond County. Surface water runoff can carry pollutants and nutrients into receiving waters.

(b) Uncontrolled stormwater drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

(c) Altered land surfaces can change the rate and volume of runoff.

(d) Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as state and federal fines associated with water quality violations.

(e) Many future problems can be avoided through proper stormwater management.

(f) Every parcel of real property, both public and private, either uses or benefits from the maintenance of Augusta-Richmond County's stormwater system.

(g) Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the stormwater system.

**Sec. 5-1-3. Objectives.**

The objectives of this chapter include the following:

- (a) To protect, maintain, and enhance the public health, safety, and general welfare. This objective will be achieved by provid-

ing for regulation and management of Augusta-Richmond County's stormwater system, including public and private facilities in Augusta-Richmond County.

- (b) To comply with State Department of Natural Resources and Federal Environmental Protection Agency stormwater regulations developed pursuant to the Federal Clean Water Act. These requirements include:

- (1) Control of the contribution of pollutants to the municipal storm sewer system by stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharged from sites of commercial and industrial activity;
- (2) Prohibition of illicit connections to municipal separate storm sewers;
- (3) Control of discharge to municipal separate storm sewers of spills, dumping or disposal of materials other than stormwater; and,
- (4) Control, through intergovernmental agreements, of contribution of pollutants from one municipal system to another.

**Sec. 5-1-4. Definitions.**

(a) For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word shall connotes mandatory and not discretionary; the word may is permissive.

(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Augusta-Richmond County Ordinances and as used elsewhere in this Code.

- (1) *Accidental discharge.* A discharge prohibited by this chapter into the municipal

- storm sewer system which occurs by chance and without planning or consideration prior to occurrence.
- (2) *Appeals authority.* The Augusta-Richmond County Commission, one of whose purpose is to review appeals to this chapter and render decisions and variances.
- (3) *Best Management Practices (BMPs).* A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.
- (4) *Clean Water Act.* The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).
- (5) *Cooling water.* Water used exclusively as a cooling medium in an appliance, device or apparatus.
- (6) *Conveyance.* Stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, or swales.
- (7) *Department.* The department of public works responsible for all stormwater management activities and implementation of the provisions of this chapter.
- (8) *Development* means:
- a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;
  - b. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
  - c. Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock or a site; or
  - d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation mud, sand or rock of a site.
- (9) *Director.* Either the director of department of public works or any duly authorized representatives of the director.
- (10) *Easement.* An acquired legal right for the specific use of land owned by others.
- (11) *Governing body.* The Augusta-Richmond County Commission.
- (12) *Illicit connection.* A connection to a municipal separate storm sewer system which results in discharge that is not composed entirely of stormwater runoff, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer).
- (13) *Maintenance.* Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.
- (14) *Municipal storm sewer system.* A conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:
- a. Owned or operated by Augusta-Richmond County;
  - b. Designed or used for collecting or conveying stormwater;
  - c. Not a combined sewer; and,
  - d. Not a part of a Publicly Owned Treatment Works (POTW).
- (15) *National Pollutant Discharge Elimination System (NPDES).* A regulatory mechanism established by the U.S. Environmental Protection Agency pursuant to the Water Quality Act and the Clean Water Act with permit application requirements as set forth in 55FR47990 as implemented by the Georgia Environmental Protection Division of the Department of

- Natural Resources in accordance with the State Water Quality Control Act, O.C.G.A. § 12-5-21.
- (16) *Person*. Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.
- (17) *Pollution*. The contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- (18) *Private*. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.
- (19) *Procedure*. A procedure adopted by the utility, by and through the director of public works, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of Augusta-Richmond County.
- (20) *Regulation*. Any regulation, rule or requirement prepared by the department and adopted by Augusta-Richmond County pursuant to the requirements of this chapter.
- (21) *Sanitary sewer system*. The complete sanitary sewer system of the county which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, excluding sewage treatment facilities.
- (22) *Site*. Any lot, plot, parcel or tract of land.
- (23) *Stormwater management*. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.
- (24) *Stormwater management facilities*. Constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.
- (25) *Stormwater runoff*. The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.
- (26) *Variance*. The modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.
- (27) *Water quality*. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.
- (28) *Water quantity*. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

**Sec. 5-1-5. Scope of responsibility.**

(a) The provisions of this chapter shall apply throughout Augusta-Richmond County.

(b) The director of the department of public works or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

(c) The department of public works shall be responsible for the conservation, management, maintenance, extension, and improvement of the Augusta-Richmond County stormwater system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in Augusta-Richmond County's NPDES stormwater permit.

(d) The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.

**Sec. 5-1-6. Powers of the department of public works.**

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or to restrain any violation of this chapter.

(b) The department of public works shall:

- (1) Administer, coordinate and oversee acquisition, design, construction, and operation and maintenance of municipal stormwater facilities and conveyances;
- (2) Establish or oversee establishment of development standards and guidelines for controlling stormwater runoff,

- (3) Determine the manner in which stormwater facilities should be operated;
- (4) Inspect private systems which discharge to the Richmond County's stormwater system;
- (5) Advise the Augusta-Richmond County Commission and other Augusta-Richmond County departments on issues related to stormwater;
- (6) Protect facilities and properties controlled by the Department of Public Works and prescribe how they are used by others;
- (7) Require new, increased, or significantly changed stormwater contributions to comply with the terms of this chapter.
- (8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,
- (9) Adopt and implement the stormwater management program for Augusta-Richmond County.

**Sec. 5-1-7. Stormwater runoff quantity controls.**

(a) Water quantity controls will be provided as a part of all development pursuant to the provisions of the Augusta-Richmond County Soil Erosion and Sediment Control Ordinance, Zoning Ordinance, Water and Wastewater Disposal Ordinance, and Subdivision of Land Ordinance, and regulations adopted pursuant to those ordinances.

(b) Augusta-Richmond County may allow stormwater runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by its ordinances and regulations to be discharged into drainage facilities off-site of the development, provided the following conditions are met:

- (1) It is not practicable to completely manage runoff on-site in a manner that meets the design and performance standards found in the ordinances and regulations.

- (2) Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,
- (3) Adequate provision is made for sharing of construction, maintenance and operating costs of facilities.

**Sec. 5-1-8. Prohibition.**

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal separate stormwater system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(b) The director may require controls for or exempt from the prohibition provision above the following, provided he/she determines they are not a significant source of pollution:

- (1) Unpolluted industrial cooling water, but only under the authorization and direction of the director and appropriate NPDES permit. (Per State requirements, the discharge should not raise the temperature of the receiving stream more than five (5) degrees after the discharge has thoroughly mixed with receiving waters. In secondary trout streams, there shall be no elevation in temperature exceeding two (2) degrees above the natural stream temperature).
- (2) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.
- (3) Unpolluted pumped ground water.
- (4) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.
- (5) Discharges or flows from fire fighting.

- (6) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than stormwater runoff, the person concerned shall inform the department of public works within twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the municipal system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

**Sec. 5-1-9. Illicit connections.**

(a) It is unlawful for any person, to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water which is approved by the director, based on the exemptions listed in section 5-1-8(b), to Augusta-Richmond County's stormwater system.

(b) Improper connections in violation of this Code must be disconnected and redirected, if necessary, to the Augusta-Richmond County sanitary sewer system upon approval by the director of the water and sewer department.

**Sec. 5-1-10. Maintenance and inspection.**

(a) Any stormwater management facility or BMP which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for maintenance.

(b) All other stormwater management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by Augusta-Richmond County.

(c) The director may require dedication of privately owned stormwater facilities which discharge to the stormwater system to Augusta-Richmond County.



(d) The department of public works director shall determine inspection schedules necessary to enforce the provisions of this chapter.

(e) The director or designee, bearing proper credentials and identification shall be permitted to enter, without hindrance, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this chapter. The director or designee shall duly notify the owner of said property or the representative on-site, except in the case of an emergency.

(f) The director or designated employee of the department of public works, bearing proper credentials and identification, shall be permitted to enter, without hindrance, all properties for which Augusta-Richmond County holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the stormwater management facilities lying within said easement. The director or designee shall duly notify the owner of said property or the representative on-site, except in the case of an emergency.

(g) Measurements, tests and analyses performed by the department of public works or required of any discharger to the municipal system shall be in accordance with 40 CFR Part 136, unless another method is approved by the director.

(h) If, after inspection, the condition of a facility presents any immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, Augusta-Richmond County shall have the right, but not the duty, to take action as may be necessary to protect the public and make the facility safe.

(i) Inspection reports shall be maintained in a permanent file located at the department of public works office for a period of three (3) years. All such records shall be open to the public.

#### **Sec. 5-1-11. Variances for requirements.**

(a) The director may grant a variance from requirements of this chapter if exceptional circumstances applicable to a site exist such that strict

adherence to the provisions of this chapter will result in unnecessary hardship and will not fulfill the intent of this chapter.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The director will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

#### **Sec. 5-1-12. Appeals.**

(a) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the director within ten (10) days of the issuance of said decision by the director. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error.

(b) The director may reverse his/her decision giving written reason for reversal. In the event the director does not reverse his/her decision, the director shall prepare and send to the board of appeals and appellant a written response to said notice of appeal within thirty (30) days of receipt of the notice of appeal.

(c) All appeals shall be heard by a board of appeals to be constituted of the county administrator, the director of inspections, and the Director of the Augusta-Richmond County Planning and Zoning Commission. The hearing shall be held within thirty (30) days after receipt of notice of appeal or on a date mutually agreed upon in writing by the appellant and the board of appeals. The board of appeals shall then make its finding within ten (10) days of the appeal hearing. Decisions of the board of appeals shall be based upon guidelines for appeals established by the Augusta-Richmond County Commission as amended from time to time.

(d) If the appellant is dissatisfied with the decision of the board of appeals, he/she can appeal said decision to the Augusta-Richmond County

Commission within thirty (30) days of the hearing decision being rendered to appellant. The Commission shall notify appellant of a time and place for hearing the appeal, and said time shall be within thirty (30) days of receipt of notice from appellant. The Commission shall make a finding on the appeal within ten (10) days of the hearing.

(e) If the appellant is dissatisfied with the Commission's decision, he/she can appeal said decision to the Superior Court of Richmond County within thirty (30) days of the date of that decision. Said appeal shall consist of a review of the record in the appeal process.

**Sec. 5-1-13. Cooperation with other governments.**

Augusta-Richmond County may enter into agreements with the State of Georgia or with other local governments to carry out the purpose of this chapter. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring, and cooperative management of stormwater system and management programs.

**Sec. 5-1-14. Property owner liability; supplemental charges.**

Any person in violation of any portion of this chapter shall pay for all costs of Augusta-Richmond County associated with the violation, including (but not limited to) containment, cleanup, injury, death, legal, or other costs.

**Sec. 5-1-15. Enforcement; penalties.**

(a) This chapter shall be enforced by the office of the director of public works. Citations for violation may be issued by inspectors from the department of public works. Citation shall specify the nature of violation and the potential penalty involved.

(b) Any person, cited for violating this chapter shall be tried as a misdemeanor and shall upon conviction, shall be subject to the penalties provided in section 1-6-1.

(c) In addition, Augusta-Richmond County may institute appropriate action or proceedings at law or in equity for the enforcement of this chapter or

to correct violations of this chapter. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent Augusta-Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

**Sec. 5-1-16. Severability.**

If any term, requirement or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

**Sec. 5-1-17. Prior inconsistent ordinances.**

Any provisions and ordinances adopted prior to the date of adoption of this chapter and that are inconsistent with this chapter are hereby voided, but only to the extent of such inconsistency.

## Chapter 2

**WATER AND SEWERS****ARTICLE 1. IN GENERAL****Sec. 5-2-1. Standard and special water service.**

The standard water service shall consist of a one inch tap and service pipe with a five-eighths inch meter. Any larger service than this shall be considered special.

**Sec. 5-2-2. Who may renew services, move curb stops, etc.**

No person other than waterworks workmen shall renew any service or move any curb stop or meter, or meter box, except by written permission of the Director of Public Utilities.

**Sec. 5-2-3. Water and sewer lines in same ditch.**

Water and sewer lines may be laid in the same ditch.

**Sec. 5-2-4. Use of pipes previously run to the curb.**

In putting in a water or sewer service, no plumber will be permitted to make use of pipe previously run to the curb which does not conform to rules existing at the time such service is to be used, but before making such connections, the plumber or owner shall first get the utilities department either to reject or consent to such connection. If rejected, the owner will be required to have it changed at his expense, and if an entirely new service shall be put in, the old one shall be disconnected at the main at the expense of the owner before water is turned on to the new service.

**Sec. 5-2-5. Compliance with plumbing code, etc., and payment of inspection fees prerequisite to introduction of water.**

Water will not be introduced into any premises where fixtures do not meet the requirements of

the plumbing code and other ordinances of Augusta-Richmond County relative to plumbing or where inspection fees have not been paid.

**Sec. 5-2-6. When sewer connections required.**

(a) Where property is located within 200 feet of Augusta's sanitary sewer system and may be served by a sanitary sewer, every building shall be connected thereto. If there should be more than one building on the property, each building shall be connected separately to the sewer if the number of fixtures in all buildings exceeds ten (10). The word *fixture* as used herein shall mean any water appliance emptying into the sewer.

(b) Upon connection to Augusta's sanitary sewer system, the property owner shall fill in any previous septic tank system.

(c) The Augusta Utilities Department is authorized to disconnect the water supply to any customer whose property is required to be connect to Augusta's sewer system, but who fails to connect same, as provided in subparagraph (a). The water shall then remain disconnected until the customer has complied with the connection requirements, and paid a disconnection fee and/or a reconnection fee in the same amount as provided by Augusta's policy for the disconnection and reconnection of water service for a delinquent account, as provided in Article 2 of this Chapter. This is in addition to any other penalties provided under this Article.

(Ord. No. 6549, § 1, 9-3-02)

**Sec. 5-2-7. Who may tap mains and pipes, run service lines, etc.**

Water and sewer mains and pipes shall be tapped and necessary curb stop, meter and meter boxes set by the waterworks employees and by no other person whatsoever. Any person not a waterworks employee and without a permit from the Augusta-Richmond County water and sewerage department, who so taps, sets, or tampers with any water main or pipe, or permits such activities to take place on property owned or rented by him, or uses water obtained from such unauthorized connections, or supplies water through such unauthorized connections, shall be punished as provided herein.

**Sec. 5-2-8. Reselling or distributing water prohibited.**

(1) Owners or operators of property which is provided with water and/or sewer service by the Augusta water and sewer system, and which contain residential or commercial units not billed directly by the city may on and after March 21, 2006, separately charge the tenants or occupants of those units for the costs of providing water and wastewater service provided the conditions hereinafter set forth are met.

(2) The total amount charged to the tenants or occupants (customers) shall not exceed the amount charged by the city to the property owner or operator for the same period and equivalent usage, plus an administrative fee for servicing the account.

(3) The administrative fee for water and sewer service must be separately itemized on each bill to the customer.

(4) The administrative fee for water and sewer service shall not exceed \$5.00 per invoice or bill to any customer unless the fee rate has been first approved by the Augusta Utilities Department Director and the Augusta Administrator.

(5) The full terms of service and a description of all charges shall be clearly disclosed to the customer in a contractual agreement prior to billing.

(6) The owner or operator shall provide customers with a toll-free customer service phone number.

(7) An electronic or written copy of all rates and customer bills issued for the previous 24 months shall be maintained and such records shall be made available upon request to the city and/or to the customer billed.

(8) The owner or operator shall remain solely responsible for timely payments of all city water and sewer charges. Payment to the city shall not be dependent upon collections from the tenants or occupants.

(9) If individual meters are installed, they shall be of a type and quality approved for such use by the Augusta Utilities Department. (Ord. No. 6863, §§ 1, 2)

**Sec. 5-2-9. Notice of leaking fixtures.**

Notice of leaking fixtures shall be sent to the property owner or his agent, where the address of such owner or agent is known. Otherwise, notice shall be sent to the tenant who shall be instructed by the owner or agent to give him notice personally of any such leaking fixture.

**Sec. 5-2-10. Installation, etc., of meters—Generally.**

It shall be in the authority and discretion of the Augusta-Richmond County Commission to require meters of such style and character as it may approve, to be put, at any time, in the service pipes of railroad companies, mills, manufactories and other industrial establishments, public buildings, hotels, etc., at the expense of the party for whose use they are applied, and if furnished in any case by Augusta-Richmond County, the cost of such meter shall be collected from the party using the same before the use of water is permitted. The care and repair of meters shall be at the expense of parties using the same.

**Sec. 5-2-11. Where meter service required.**

A meter service shall be required for each premises utilizing Augusta-Richmond County water. No person, whether owner or tenant, receiving water supplied from Augusta-Richmond County through a meter approved for their premises shall supply any other, separate premises with water. Premises shall mean each separate house, building, trailer, mobile home, manufactured home or similar structure, whether or not located on the same tract of land. Any person supplying another with water in violation of this section shall have his water turned off until such unauthorized use of water is stopped and he shall have paid to Augusta-Richmond County any charges the Director of Public Utilities may determine to be due for water used in violation of this section and for the expense of cutting off and restoring water service.

**Sec. 5-2-12. Water obtained through false pretenses.**

If water has been supplied to any premises, and afterwards it shall be found that false representation has been made by such applicant, or that water is being used in or upon the premises for purposes not set forth in the application made for water supply to the premises, the water shall be shut off, and shall remain shut off, until all unauthorized use of water has been stopped, and any sum of money determined due for the use thereof has been paid to Augusta-Richmond County.

**Sec. 5-2-13. Unauthorized turning on or off of water, tampering with meters, etc.**

It shall be unlawful for any person other than duly authorized employees of Augusta-Richmond County to turn on or turn off water, or tamper with meters or curb stops, without permission.

**Sec. 5-2-14. Use of water from fire hydrant for purposes other than fire extinguishment.**

Permit required. Any person desiring to use water from any fire hydrant or other public water opening for any purpose except for the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the superintendent of the court water and sewerage system. All water so used shall be supplied through a portable meter at regular meter rates.

**Sec. 5-2-15. Covering tops of meter boxes.**

It shall be unlawful for any person to willfully, maliciously or carelessly cover the tops of meter boxes belonging to the utilities department with dirt, rocks or debris, so as to hide such meter boxes from view or render same difficult of access.

**Sec. 5-2-16. Augusta-Richmond County to keep metered services in repair; liability of property owner for damage.**

After payment of charges for metered services by the property owner, Augusta-Richmond County

will keep the same in repair and make replacements when necessary without further cost, except as otherwise provided in this article. The property owner shall be liable, however, for any damage to a meter caused by hot water from a boiler or range tank backing out into the main, or any damage caused by himself, his family, employees or occupants of the property.

**Sec. 5-2-17. Reduction in size of meter.**

If Augusta-Richmond County is requested to reduce the size of meter, for example, from three-fourths ( $\frac{3}{4}$ ) inch to five-eighths ( $\frac{5}{8}$ ) inch, no refund will be allowed on the larger meter. Any special fittings used in making the change shall be paid for by the property owner.

**Sec. 5-2-18. Change of location of meter.**

The moving of a water meter serving one property to another location to serve another property shall not be allowed except with permission of the Director of Augusta-Richmond County Utilities Department, and only then upon the receipt by the Director of Augusta-Richmond County Utilities Department of a release in written form of the obligation to serve the property from which the meter is removed. A renewal of such abandoned service shall be paid for at the rate set out for new services.

**Sec. 5-2-19. Removing, etc., meters, valves and other appurtenances of utilities.**

It shall be unlawful for any unauthorized person to remove, alter, tamper with or in any way interfere or intermeddle with any of the wells, reservoirs, basins, water mains, pipes, plugs, meters, valves, curb cocks or other appurtenances of the utilities.

**Sec. 5-2-20. Curb stops—Generally; lawn and yard hydrants.**

(a) All persons taking Augusta-Richmond County water shall provide a brass curb stop, ground from bottom, with water pressure under core, similar to Mueller make, or its equal, to be approved by the Director of Augusta-Richmond County Utilities Department, fitted with a tee

handle extension rod with pipe casing. The handle shall be not less than eight inches across, easily accessible to occupants, and at such point that all water may be drained out of the pipes for the protection of such occupants in enabling them to turn off water in case of leaks, and to drain the pipes inside to prevent freezing, which should be fully explained to occupants by the plumber doing the work, when possible. These curb stops shall be so placed as to accomplish the purpose for which they are designed. They shall be placed at a point where they will never freeze. All the service pipe between the curb stop and curb shall be laid so that it will not be exposed to frost. This section shall apply to yard hydrants as well as house service pipes.

(b) The curb stops shall not be put in an inaccessible place. This rule will require pipes to be run down outside of cellar walls, and come in under the wall at least six inches below the cellar floor. Draincocks shall be put in pipes to drain them when traps are unavoidable.

(c) Yard hydrants may be placed in yards of residences without pipes being extended into the house, but shall not be placed in unenclosed premises, or where there is access to them by persons occupying adjoining premises, either on the sides, rear or front, except by special permit from the Director of Augusta-Richmond County Utilities Department.

(d) A separate curb stop shall be required on a branch to lawn or yard hydrants. Key-top cocks will be allowed in exposed places on lawns. When the consumer desires to discontinue use of a lawn or yard hydrant, the plumber will be required to disconnect the full run of pipe back to the connection with the main run of pipe.

**Sec. 5-2-21. Curb stop requirements; curb stop box.**

A curb stop with a round waterway shall be inserted in each service or supply pipe to premises in every case, and shall be protected by an iron box to be supplied by the utilities department at the expense of the owner of the premises. It shall be unlawful for any person to put in any curb stop box other than that furnished by the utilities department.

**Sec. 5-2-22. Duty of persons taking water as to service pipes and fixtures.**

All persons taking Augusta-Richmond County water shall keep their own service pipes and all fixtures connected therewith in good repair and protected from frost, at their own expense.

**Sec. 5-2-23. Change in location of fire hydrant, etc.**

If it becomes necessary to change the location of any fire hydrant or other fixture of the utilities system at the request and for the convenience of a property owner or tenant, the cost of labor and material, plus twenty percent, shall be charged for such work; provided, that the change or removal has the approval of the Director of Augusta-Richmond County Utilities Department and has been applied for in writing.

**Sec. 5-2-24. Liability of plumber not properly replacing curb stop box or injuring property.**

Should any plumber, in making an attachment, or in shutting off or in turning on water, not properly replace the curb stop box, or should he in any manner injure the property of the utilities department, or property owner, he shall pay the sum of such damage, and upon refusal to pay same, he shall be refused any plumbing permit until such bill is paid.

**Sec. 5-2-25. Fire protection service—Generally.**

Fire protection service shall be put in such manner that all pipes will be open and easily accessible for inspection at any time. No connection for any other purpose whatever will be permitted with fire service, and all existing connections with fire systems designed for any purpose shall be disconnected.

**Sec. 5-2-26. Same—Air pressure tanks for dry systems.**

Service tanks to furnish air pressure for dry systems shall be connected with a metered service and not with fire service.

**Sec. 5-2-27. Use of water from public water openings.**

Any person desiring to use water from any fire hydrant or other public water opening for any purpose except the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the Director of Augusta-Richmond County Utilities Department or his designee. All water so used shall be supplied through a portable meter at regular meter rates, unless authorized by the Director.

**Sec. 5-2-28. Permitting waste of water.**

Any water tenant who shall let the water from his hydrant or other fixtures run to waste or any other person who shall cause a waste of water from the utilities department shall be punished as provided in herein. Any water tenant who permits such waste to exist, after being so fined, shall also be liable to have the water shut off upon twenty-four hours' notice, until the proper repairs have been made at such tenant's expense. Where the water supply is shut off as herein provided, the water shall not again be turned on until all water bills and the cost of shutting off and turning on the water shall have been paid.

**Sec. 5-2-29. Injuring, obstructing, etc., houses, pipes, fireplugs, etc., pertaining to utilities department.**

It shall be unlawful for any person to use a pipe wrench on the stem of a fire hydrant, to injure any house, wall, bank, fence, bridge, pipe, curb stop, fireplug or other fixtures pertaining to the Augusta-Richmond County utilities department, or to obstruct the passage thereto, or in any way prevent the proper use thereof. Any person violating this section shall be liable for the expense of repairing any damage done, and shall be punished as provided in herein.

**Sec. 5-2-30. Trespass at reservoir, etc.**

It shall be unlawful for any unauthorized person to be within the fence enclosing the reservoir and basin, or within the fence enclosing the pumping station, at any time.

**Sec. 5-2-31. Bathing in, throwing articles into, or washing dogs, clothes, etc., in reservoirs.**

It shall be unlawful for any person to bathe in any of the basins or reservoirs of the utilities department of Augusta-Richmond County or to throw or deposit anything whatever therein or to wash any dog, clothes or anything in the waters thereof.

**Sec. 5-2-32. Opening curb cock.**

It shall be unlawful for any person to open any curb cock found closed without permission from the Director of Augusta-Richmond County Utilities Department.

**Sec. 5-2-33. Interference with water supply for extinguishing fires.**

It shall be unlawful for any person to interfere in any way with the supply of water for the extinguishing of fires.

**Sec. 5-2-34. Leaving valve closed or in bad order.**

It shall be unlawful for any person, permitted by the Director of Augusta-Richmond County Utilities Department to shut down any valve, to leave such valve closed or in bad order without reporting the same to the Director of Augusta-Richmond County Utilities Department.

**Sec. 5-2-35. Installation of water services prior to paving streets.**

The owners of all vacant lots or lots without water services abutting on a street of Augusta-Richmond County which is to be paved shall be given thirty days' written notice by the engineering or public utilities department that such street is to be paved. Within such thirty-day period the property owners shall have installed all water services required to serve their property, and if they shall fail to do so the Commission may:

- (a) Do all work required to serve such properties without thereafter causing a cut to be made in the pavement and charge the cost thereof to the property owner and

enforce the same by lien upon such property and execution to be issued thereon; or

- (b) Refuse to cut such pavement to install such water services and connections for a period of five (5) years from the date of the completion of the pavement except in extreme cases of emergency.

**Sec. 5-2-36. Acceptance of water mains in subdivisions.**

It shall be unlawful for the Commission or any committee thereof to accept as a part of the water works system of Augusta-Richmond County any subdivision having water mains running through such subdivision that are less than six inches in diameter; except that water mains installed in dead-end roads or streets, also known as cul-de-sacs, may be less than six (6) inches in diameter, subject to the approval of the Director of Augusta-Richmond County Utilities Department.

**Sec. 5-2-37. Police powers of certain employees.**

The superintendent and assistant superintendents of the pumping station and the filter plant are each vested with the full power of a law enforcement officer in the enforcement of the provisions of all laws, rules and regulations applicable to any portion of the public utilities, or to the grounds around the same.

**Sec. 5-2-38. Refusal to admit public utilities personnel to make inspections.**

It shall be unlawful for any person to refuse to admit the authorized employees of the utilities department to his premises for inspection of water supply or appliances.

**Sec. 5-2-39. Rules and regulations as to public utilities.**

- (a) The director of the Augusta Utilities Department is authorized to make such rules and regulations with reference to the public utilities and the use of water therefrom as he may deem expedient.

- (b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand (\$1000.00) or imprisonment not to exceed sixty (60) days.

- (c) Upon violation of any provision of this article, or any other water conservation plan made by the Director of Augusta's Utilities Department, pursuant to this section, the Augusta Utilities Department is authorized to disconnect the water supply to the property which is in violation of this article. The water shall then remain disconnected until the customer has paid a disconnection fee and/or a reconnection fee in the same amount as provided by Augusta's policy for the disconnection and reconnection of water service for a delinquent account, as provided in Article 2 of this Chapter.  
(Ord. No. 6545, § 1, 8-6-02)

**Sec. 5-2-40. Penalty.**

Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided in section 1-6-1.

**ARTICLE 2. RATES AND CHARGES**

**Sec. 5-2-41. Payment of charges prerequisite to making connections, etc.**

No connection or tap shall be made or water or sewer service installed until proper payment of charges has been made and deposited with Augusta-Richmond County. Such deposit or payment shall include all water connection charges, sewer connection charges and plumbing fees, the intention of this section being that all charges of whatsoever nature shall be paid before any of the work above set out is done, unless the house to be served cannot be served by a sewer main, in which case no charge shall be made for sewer connection but all other charges as set out shall



be paid. Water connections shall not be made until proper payment is made for sewer connection where the sewer is available.

**Sec. 5-2-42. Charges and use of water and sewer main regulations.**

The Commission shall from time to time establish charges, rates and regulations through ordinances for the use of the water and sewer mains of Augusta-Richmond County.

**Sec. 5-2-43. Application for use of water and manner of billing—Generally.**

Application for the use of water on any premises shall be made by the property owner or his agent, who shall sign the form of agreement

prescribed by the Director of Augusta-Richmond County Utilities Department. Meters will be read and bills rendered once each month to the person designated in the agreement.

**Sec. 5-2-44. Measurement by meters.**

All water furnished from Augusta-Richmond County mains shall be, except as provided in section 5-2-50, paid for by meter measurement.

**Sec. 5-2-45. Schedule of water and sewer rates and minimum charges.**

(a) Effective September 1, 1996, the following rates for water and sewer are established for the Augusta-Richmond County Consolidated Water and Sewer System:

RESIDENTIAL RATE STRUCTURE

<i>Meter Size</i>	<i>Water</i>	<i>Sewer</i>
ALL METERS >3kgal	\$ 8.00	\$ 6.70
ALL METERS <3kgal	5.53+ \$0.76/kgal	9.40+ \$0.87/kgal

COMMERCIAL (NON-RESIDENCE) RATE STRUCTURE:

<i>Meter Size</i>	<i>Water</i>	<i>Sewer</i>
<sup>5</sup> / <sub>8</sub> — <sup>3</sup> / <sub>4</sub> "	\$ 6.00+ \$0.97/kgal	\$ 9.90+ \$1.10/kgal
1"	\$ 8.50+ \$0.97/kgal	14.15+ \$1.10/kgal
1 <sup>1</sup> / <sub>4</sub> " & 1 <sup>1</sup> / <sub>2</sub> "	14.10 + \$0.97/kgal	23.65+ \$1.10/kgal
2"	20.25 + \$0.97/kgal	34.15+ \$1.10/kgal
3"	33.90 + \$0.97/kgal	57.50+ \$1.10/kgal
4"	49.10 + \$0.97/kgal	83.80+ \$1.10/kgal
6"	82.80 + \$0.97/kgal	140.80+ \$1.10/kgal
8"	120.10 + \$0.97/kgal	204.40+ \$1.10/kgal
10"	160.40 + \$0.97/kgal	273.25+ \$1.10/kgal
12"	208.15 + \$0.97/kgal	346.05+ \$1.10/kgal
00	8.50 + \$0.97/kgal	14.15+ \$1.10/kgal

(b) The monthly residential sewer rate shall be charged based on the average water usage for that address from the previous December, January and February billing cycles.

(c) In cases where a December, January and February consumption is not previously established for that address, the monthly residential sewer charge shall be the lesser of fifteen dollars and fifty cents (\$15.50), or the amount calculated for actual water usage for that month.

(d) The rate for wastewater from co-generation facilities is established at the rate of \$1.25/kgal. Effective April 1, 2002, and annually thereafter, the rate for wastewater from co-generation facilities as set forth in this section shall be adjusted equal to the percentage increase in the Consumer Price Index (CPI) for all Urban Consumers for the South Region.

(e) The rates for water and sewer set forth in this section shall be adjusted as established in the budget adopted by the Augusta-Richmond County

Commission for such year. Any change in the rate shall be effective on April 1 of each year following adoption of this ordinance.

(Ord. No. 6023, 3-18-98; Ord. No. 6237, § 1, 1-4-00; Ord. No. 6441, § 1, 12-3-01)

**Sec. 5-2-46. Charges when meter supplies houses of different ownership.**

If a meter supplies a house of different ownership than the house from the address of which the meter is installed, it shall carry a minimum charge for each such house, as provided in section 5-2-45. The charges for water used through such meter shall be collected from the consumer at the address at which the meter is installed.

**Sec. 5-2-47. Minimum charge when two or more houses are on the same meter. (Reserved)**

**Sec. 5-2-48. Assessments against tenements; supply of water to two or more families through same service pipe.**

Water supplied to tenement houses, that is, houses wherein two (2) or more families reside, shall be assessed against the owner of such property as follows, that is to say, each tenement separately. In case two (2) or more parties or families are supplied with water from the same service pipe, if either of the parties fails to pay the water rent when due, or to comply with the rules of the utilities department, the water will be turned off from such pipe until the rent is paid or the rules are complied with.

**Sec. 5-2-49. Effect of failure to pay bills when due; fees in connection with cut-off and/or unauthorized obtaining of water; removal of dead meters.**

(a) Each and every bill for water consumed shall be subject to a penalty of ten (10) percent if not paid by the penalty date shown on the bill.

(b) If any bill is not paid by the shut off date established for said bill by the Augusta-Richmond County Utilities Department, the water will be shut off until all arrears are paid.

The water will not be turned on until all arrears are paid together with a delinquent fee of twenty-five dollars (\$25.00) for cutting on and off.

In cases where shutting off water would be contrary to special health needs at the customer's site or would severely impact the conduct of business at a customer's site; the Utilities Department may opt not to shut off the water. A notice of a shut off date or a proposed shut off date will be hand delivered to the customer and the twenty-five dollar (\$25.00) delinquent fee will be added to the bill.

(c) Where water has been cut off due to non-payment, but is being received through tampering with the water meter, a fee of sixty-five dollars (\$65.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's placing of a locking device on the water meter. This fee will be in addition to any other fee previously assessed.

(d) Where a locking device placed on a water meter has been broken or otherwise made ineffective, a fee of one hundred five dollars (\$105.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's removal of the water meter. This fee will be in addition to any other fee previously assessed.

(e) Where a water meter has been removed and water is being obtained through an unauthorized meter or "straight line", a fee of one hundred twenty-five dollars (\$125.00) will be charged to the account in connection with the Augusta Utilities Department's removal of the unauthorized meter or "straight line". This fee will be in addition to any other fee previously assessed.

In addition, the responsible party may be cited with a violation of this Code and subject to punishment as provided in Code section 1-6-1. Any additional costs or fines ordered by the Court would also be required to be paid prior to restoration of service.

(Ord. No. 6045, 6-2-98)

**Sec. 5-2-50. Adjustment of excessive bills caused by leaking fixtures—Generally.**

In cases of a bill deemed excessive, the utilities department, on complaint or request of the prop-

erty owner or his agent or tenant, will make an investigation of the plumbing. This section shall not apply to minimum charge bills and shall not apply to property occupied by the owner.

**Sec. 5-2-51. Same—Plumber's certificate of repairs prerequisite to reduction in water bill.**

No reduction shall be made in any water bill until the manager, public utilities sales, has received a certificate from a licensed plumber certifying that repairs have been made to water works, plumbing fixtures or piping upon or leading to the property served by the meter whose reading furnishes the basis of such water bill, and that such repairs have been completed so that leaks in any such fixtures or piping no longer exist.

**Sec. 5-2-52. Same—Authority of manager, public utilities sales, to reduce water bill.**

Upon receipt by the manager, public utilities sales, of a plumber's certificate issued in accordance with the preceding section, he shall have the authority to reduce the water bill to which such certificate relates in such an amount as may appear to him to be appropriate under the circumstances.

**Sec. 5-2-53. Same—Spot-checks of plumbers' certificates.**

It shall be the duty of the plumbing inspector to spot-check such plumbers' certificates as are received by the utilities department, in accordance with instructions from the manager, public utilities sales, who shall cause such spot-checks to be made with sufficient frequency to make the provisions of sections 5-2-51 to 5-2-54 effective.

**Sec. 5-2-54. Same—Repairs to be made before issuance of plumbers' certificates.**

It shall be unlawful for any person engaged in the plumbing business to issue any certificate certifying that repairs or replacements have been made to any water works, plumbing fixtures or piping in Augusta-Richmond County until the repairs certified to in such certificate have been

made and completed. When the manager, public utilities sales, receives confirmation satisfactory to him that any person has issued a plumber's certificate without having first made and completed the repairs as shown on such certificate, he shall cause such person to be prosecuted for violation of this section. Conviction of such person may result in the revocation of his plumbing license in addition to any other penalty that may be imposed.

**Sec. 5-2-55. How water rents to be collected; defaults.**

Water charges shall be collectible from the property owner or his agent, and upon default for the period prescribed the water shall be shut off from the premises, and shall not be furnished until all sums due for the water shall have been paid.

**Secs. 5-2-56—5-2-69. Reserved.**

**ARTICLE 3. SEWERS**

**Sec. 5-2-70. Sewer assessment charges—Generally.**

(a) An assessment shall be made for the privilege of connecting or continuing connections of premises within Augusta-Richmond County with the sanitary sewer system of Augusta-Richmond County and upon the use of the sanitary sewer system of the Commission by persons residing within Augusta-Richmond County.

(b) The assessment charge for this privilege and use shall be made against the person in whose name the water meter serving the premises for which the charge is made is listed upon the records of the utilities department of Augusta-Richmond County.

(c) Effective September 1, 1996, the rates for sewer are established for as set forth in section 5-2-45.

(d) Where Augusta-Richmond County water is available, no connection to the sanitary sewer system of the Commission shall be made or permitted until the consumer is supplied with water from the water system of the Commission.

(e) Where the sanitary sewer system of the Commission is accessible and Augusta-Richmond County water is not available, the assessment charge for the residential use of the sanitary sewer system of the Commission will be eight dollars and thirty cents (\$8.30) per month. Any industrial user shall pay based upon the measured sewer in accordance with the rates set forth above.

(f) The assessment charge shall be shown upon the monthly water bill if there is one, otherwise for sewer charge only, and shall be paid and collected as water bills are paid and collected. All bills for such assessment charges shall be subject to a penalty of ten (10) percent if not paid by the expiration date shown on the bill.

(g) If any assessment charge is not paid within twenty (20) days from the date of the bill, water shall be shut off and sanitary sewer disconnected until arrears are paid, together with the additional fee for cutting on and off the water or reconnecting the sewer.

**Sec. 5-2-71. Same—Special commercial or industrial users.**

(a) Where a person contributes industrial wastes to the sanitary system of Augusta-Richmond County, such person shall pay an industrial waste surcharge in addition to any sewer service charges to defray the cost of treating the above "normal" strengths waste in the amount of fourteen cents (\$0.14) per pound.

(b) The Commission as it may be constituted at the time shall have authority to negotiate and fix an assessment charge for any commercial or industrial user of water of the Commission for the manufacture of a product where the volume of water consumption would result in unjust sanitary sewer charges, except as may be prohibited by law.

**ARTICLE 4. BACKFLOW PREVENTION AND CROSS-CONNECTIONS**

**Sec. 5-2-72. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall

have the meanings given herein unless more specifically defined within other sections of this Article. When not inconsistent with the content, words used in the present tense include the future tense, and words in the single number include the plural number. The word "shall" is always mandatory and not discretionary.

- (a) *Augusta* is a political subdivision of the State of Georgia that includes all of Richmond County.
- (b) *Public Water Supply* means the waterworks system furnishing water to Augusta for general use, excluding the area furnished water by the City of Hephzibah, and which supply is recognized as the public water supply by the Georgia Department of Natural Resources/Environmental Protection Division.
- (c) *Cross-Connection* means any physical connection whereby the public water supply is connected with any other water supply, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.
- (d) *Auxiliary Intake* means any piping connection or other device whereby water may be secured from a source other than that normally used.
- (e) *By-pass* means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant or public water distribution system.
- (f) *Inter-connection* means any system of piping or arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir or other device which does or may contain sewage or other waste or liquid which is capable of importing contamination to the public water supply.

- (g) *Person* means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-73. Purpose.**

The Augusta Utilities Department's Public Water Supply shall comply with Chapter 391-3-5-13 of the Georgia Rules for Safe Drinking Water and PL 933-523 of the Federal Safe Drinking Water Act, Legally adopted by this Code, and which pertains to cross-connections, establishes an effective Policy and Procedures for Backflow Prevention By Containment Program to control these undesirable water uses.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-74. General provisions.**

(a) No person shall cause a cross-connection, auxiliary intake, by-pass or inter-connection to be made or allow one (1) to exist for any purpose whatsoever.

(b) Any person whose premises are supplied with water from the Augusta Public Water Supply, and who has also on the same premises a separate water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of the Augusta Utilities Department a statement attesting to the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or interconnections. Such Statement shall also contain an agreement that no cross-connections, auxiliary intakes, bypass or interconnection will be permitted on the premises.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-75. Inspection.**

(a) It shall be the duty of the Augusta Utilities Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential

health hazards involved, and shall be established by the Director of the Augusta Utilities Department.

(b) The Director of the Augusta Utilities Department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection in the Augusta Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-76. Other instances where protective devices required.**

(a) Where the nature of use of the water supplied a premises by the Augusta Utilities Department's Public Water Supply is such that it is deemed:

- (1) Impractical to provide an acceptable air gap separation; or
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; or
- (3) That the nature and mode of operation within the premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected;

The Director of the Augusta Utilities Department, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be suitable for the service

being protected and shall be of a type back-flow preventer approved by the Director of the Augusta Utilities Department as to the manufacture, model and size. The method of installation of the backflow protective devices shall be approved by the Director of the Augusta Utilities Department prior to installation and shall comply with the criteria set forth by the Augusta Utilities Department.

(b) The installation shall be at the expense of the owner or occupant of the premises.

(c) The Augusta Utilities Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of the Augusta Utilities Department, or his designated representative.

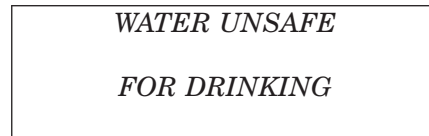
(d) Water Service shall not be interrupted to test the device without the knowledge of the occupant of the premises.

(e) When the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one (1) unit is installed and the continuance is critical, the Director of the Augusta Utilities Department shall notify in writing, the occupant of the premises of the plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Director of the Augusta Utilities Department. (Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-77. Sign requirements.**

(a) The potable water supply made available on the properties served by the Augusta Utilities Department's Public Water Supply shall be protected from possible contamination as specified herein.

(b) Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:



(c) Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-78. Timeframe for compliance.**

Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation or the existing conditions and a appraisal of the time required to complete the work the amount of time shall be designated by the Director of the Augusta Utilities Department. (Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-79. Penalty.**

Whenever any person neglects or refuses to comply with any of the provisions of this Article the Director of the Augusta Utilities Department shall discontinue the public water supply service at the premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-80. Right of director to sever cross-connection.**

Whenever the Augusta water supply is involved, and in the opinion of the Director of the Augusta Utility Department any cross-connection endangers or potentially endangers the Augusta water supply, then the Director shall have the right to sever the cross-connection by shutting off the Augusta water supply. (Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-81. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions herein.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-82. Penalty for violation of article.**

Any person or persons failing to comply with the lawful provisions of this Article or any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in section 1-6-1.

(Ord. No. 6223, § 1, 12-7-99)

**Sec. 5-2-83. Reserved.**

**Editor's note**—Ord. No. 6223, § 1, adopted Dec. 7, 1999, repealed § 5-2-83 in its entirety. Formerly, said section pertained to penalty for violation of article.

**Secs. 5-2-84—5-2-109. Reserved.**

## ARTICLE 5. WATER CONSERVATION RESTRICTIONS

**Sec. 5-2-110. Definitions.**

(a) *Commercial*. Any type of building other than residential.

(b) *Construction*. The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

(c) *Residential*. Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

**Sec. 5-2-111. Residential standards.**

On or after July 1, 1991, no construction may be initiated within Augusta-Richmond County for any residential building of any type which:

- (a) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush; however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992.
- (b) Employs a shower head that allows a flow of more than an average of two and half (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure.
- (c) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush.
- (d) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute.
- (e) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and half (2.5) gallons of water per minute.

**Sec. 5-2-112. Commercial standards.**

On or after July 1, 1992, there shall be no construction of any commercial building initiated within Augusta-Richmond County for any commercial building of any type which does not meet the requirements of subparagraphs (a) through (e) of section 5-2-111.

**Sec. 5-2-113. Applicability.**

The requirements of section 5-2-111 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

**Sec. 5-2-114. Exemptions.**

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 5-2-111, 5-2-112 and 5-2-113 when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or
- (2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed; or
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) Units to be installed are:
  - a. Specifically designed for use by the handicapped;
  - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
  - c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector. A fee of fifty dollars (\$50.00) shall be charged for the inspection and issuance of such exemption.

(b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed sixty (60) days.

**Sec. 5-2-115. Enforcement; penalty.**

(a) This article shall be enforced by the office of the building inspector and/or the License & Inspection Department. Citations for violations may be issued by the chief building inspector or any inspector authorized to do so by the director of such departments.



## Chapter 3

**WASTEWATER\*****Sec. 5-3-1. General provisions.**

This chapter shall be known as Augusta, Georgia Sewer Use Ordinance.

- (a) *Purpose and Procedure.* Augusta is a political subdivision of the State of Georgia and operates under enabling legislation enacted by the General Assembly of Georgia (GA Laws 1995, p. 3648) and the authority invested by the Constitution of the State of Georgia. Legal authority is vested in Augusta, Georgia to carry out the provisions of the Ordinance, particularly the Pretreatment Program. The Augusta-Richmond County Commission, on behalf of Augusta, Georgia has full legal authority and power to apply any of the applicable sections of the federal Water Pollution Control Act for purposes of enforcement.

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Augusta, Georgia and enables Augusta to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge

is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

This ordinance shall apply to all users of Augusta's POTW, which includes both the James B. Messerly (JBM) and Spirit Creek (SC) Water Pollution Control Plant (WPCP) and all conveyances to same. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- (b) *Administration.* Except as otherwise provided herein, Augusta's Assistant Director of Utilities shall administer, implement, and enforce the provisions of this ordinance. The Assistant Director of Utilities may delegate any powers granted to or duties imposed upon the Assistant Director of Utilities to other duly authorized representatives or agents.
- (c) *Definition.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.
  - (1) *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.
  - (2) *Administrative Action.* An enforcement action authorized by Augusta's legal authority that is taken without the involvement of a court.

\***Editor's note**—Ord. No. 6557, adopted October 3, 2002, amended this chapter in its entirety to read as herein set out. Formerly said chapter pertained to similar subject matter.

- (3) *Administrative Fine.* A punitive monetary charge unrelated to actual treatment costs which is assessed by Augusta rather than a court.
- (4) *Administrative Order.* A document, which orders the violator to perform a specific, act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging or undertake activities pursuant to a compliance schedule.
- (5) *Applicable Pretreatment Standards.* For any specified pollutant, Augusta's prohibitive standards, Augusta's specific pretreatment standards (local limits), or EPA's Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.
- (6) *Approval Authority.* The State of Georgia, Department of Natural Resources Environmental Protection Division. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs including an evaluation of the effectiveness of local enforcement.
- (7) *Assistant Director of Utilities.* The person designated by Augusta to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance.
- (8) *Augusta, Georgia or Augusta.* A political subdivision of the State of Georgia governed by Augusta-Richmond County Commission.
- (9) *Authorized Representative of the User.*
  - a. If the user is a corporation:
    - 1. 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
    - 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
    - c. 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 his/her designee.
    - d. The individuals described in paragraphs (a) through (c) 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 Augusta.
- (10) *Biochemical Oxygen Demand (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 in milligrams per liter (mg/l).
- (11) *Board of Health.* The Richmond County Board of Health or an authorized agent or representative.
  - (12) *Building Inspector.* The chief building inspector of Augusta or his authorized agent or representative.
  - (13) *Building Sewer.* The extension from the building drain to the public sewer or other place of disposal also called house connection.
  - (14) *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. 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.
  - (15) *Categorical User.* A user covered by one of EPA's Categorical Pretreatment Standards.
  - (16) *Chain-of Custody.* A written record of sample possession for all persons who handle (collect, transport, analyze, dispose) a sample, including names, dates and times.
  - (17) *Chemical Oxygen Demand (COD).* A measure of the oxygen required to oxidize organic and oxidizable inorganic compounds in water.
  - (18) *Cooling Water.* Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
  - (19) *Color.* The optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
  - (20) *Combined Sewer.* A sewer intended to receive both wastewater and storm or surface water.
  - (21) *Commission.* Augusta-Richmond County Commission.
  - (22) *Community Sewer.* Any public sewer containing wastewater from more than one premise.
  - (23) *Compatible Pollutant.* BOD, TSS, pH, fecal coliform bacteria, ammonia, and such additional pollutants as are now, or may in the future, be specified and controlled in Augusta's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove pollutants.
  - (24) *Composite Sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
  - (25) *Control Authority.* Augusta's Director of Utilities or his duly authorized representative or agent.
  - (26) *Conventional Pollutants.* Pollutants described as BOD, suspended solids pH, fecal coliform bacteria, oil and grease, phosphorus, total Kjeldahl nitrogen and such additional pollutants as are now or may in the future be specified and controlled in Augusta's NPDES for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutant.
  - (27) *Discharge.* The discharge of a pollutant or the discharge of pollutants.
  - (28) *Direct Discharge.* The discharge of treated or untreated wastewater directly to the Waters of the State of Georgia.
  - (29) *Domestic User (Residential User).* Any person who contributes, causes, or allows the contribution of wastewater into Augusta's POTW that is of a similar volume and/or chemical

- make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically do not exceed 200 mg/L of BOD and 200 mg/L of TSS.
- (30) *Environmental Protection Division (EPD)*. The State of Georgia Department of Natural Resources, Environmental Protection Division or its duly authorized representative.
- (31) *Environmental Protection Agency (EPA)*. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (32) *Existing Source*. For a categorical industrial user, an "existing source" is 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.
- (33) *Existing User*. For non-categorical users an "existing user" is defined as any user which is discharging wastewater prior to the effective date of this ordinance or include a specific date such as the date the code will become effective.
- (34) *Flammable*. To be defined by existing fire regulations covering Augusta.
- (35) *Floatable Grease*. Grease in a state such that it is insoluble in the liquid waste and will separate from the liquid by gravity in properly operating grease separation facilities.
- (36) *Flow Proportioned*. A composite sample that is collected continuously or discreetly. Discreet sampling may be flow-proportioned by varying the time interval between each aliquot. All composites must be flow-proportioned to each stream flow at time of collection of aliquot or to the total flow since the previous aliquot.
- (37) *Grab Sample*. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- (38) *Grease*. Such materials include fats, oils, waxes and related compounds of animal, vegetable or mineral origin.
- (39) *Hazardous Substance*. Any substance designated under 40 CFR Part 261 pursuant to Section 311 of the Clean Water Act.
- (40) *Holding Tank Waste*. Any waste from a holding tank such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks utilized to store, treat or transport waste.
- (41) *Indirect Discharge*. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.
- (42) *Industrial Wastes*. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- (43) *Influent*. The wastewaters entering at Augusta's wastewater treatment plant for treatment.
- (44) *Interference*. A discharge which, alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal;

or (3) is a cause of a violation of Augusta'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 more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- (45) *Legal Authority.* The source of Augusta's jurisdiction and regulatory powers.
- (46) *Maximum Allowable Discharge Limit.* The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected.
- (47) *Medical Wastes.* 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.
- (48) *National Pollutant Discharge Elimination System (NPDES).* The program for issuing, conditioning and denying permits for the discharge pollutant from point sources into navigable waters pursuant to Section 403 of the Federal Water Pollution Control Act (33 U.S.C. 1342).
- (49) *New Source.*
  - a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction

of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section a. 1. or 2, above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - 1. 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
    - 2. 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.
- (50) *New User*. A "new user" is not a "new-source" and is defined as a user that applies to Augusta for a new building permit or any person who occupies an existing building and plans to discharge wastewater to Augusta's collection system after the effective date of this ordinance or include a specific date such as the date the code will become effective. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.
- (51) *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.
- (52) *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 Augusta's NPDES permit (including an increase in the magnitude or duration of a violation)
- (53) *Permittee*: A person or user issued a wastewater discharge permit.
- (54) *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, or local governmental entities.
- (55) *pH*. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- (56) *pH Violation*. Where a permittee continuously monitors pH, a violation shall be defined as any 60-minute excursion outside of the permitted range. The total time during which the pH values are outside the required range of pH value shall not exceed 8 hours in any calendar month. Where a permittee analyzes grab samples for pH analyses, a violation shall be defined as any excursion outside of the permitted range.

- (57) *Pollutant*. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].
- (58) *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).
- (59) *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (60) *Pretreatment Standards or Standards*. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits established by Augusta, Georgia.
- (61) *Priority Pollutant*. Any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such by EPA. This list includes 129 compounds and such other compounds as may be added from time to time.
- (62) *Process Wastewater*. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.
- (63) *Prohibited Discharge Standards or Prohibited Discharges*. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 5-3-5 and 5-3-6 of this ordinance.
- (64) *Proprietary Information*. Information about a commercial chemical, product or process which is considered to be confidential business information or a trade secret by an industrial user because if divulged, the information could put the industrial user at an unfair competitive disadvantage with competitors in the same industry.
- (65) *Publicly Owned Treatment Works (POTW)*. A "treatment works," as defined by the Act (33 U.S.C. 1292), which is owned by Augusta. 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. The term also means Augusta.
- (66) *Self-Monitoring*. Sampling analysis of wastewater performed by the industrial user or its designee.
- (67) *Septic Tank Waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (68) *Sewage*. Human excrement and gray water (household showers, dishwashing operations, etc.)
- (69) *Sewer*. Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

- (70) *Sewerage.* The entire system of sewage collection, treatment and disposal. such user should not be considered a significant industrial user.
- (71) *Shall, May.* "Shall" is mandatory, "may" is permissive.
- (72) *Significant industrial User (SIU).*
  - a. A user subject to categorical pretreatment standards; or
  - b. A user that:
    - 1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
    - 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - 3. Is designated as such by Augusta on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
    - 4. Upon a finding that a user meeting the criteria in Subsection two (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, Augusta 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
- (73) *Slug Load.* Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 5-3-9 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- (74) *Standard Industrial Classification (SIC) Code.* A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- (75) *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (76) *Surcharge.* A charge for treating pollutant loading above design domestic levels.
- (77) *Total 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.
- (78) *Toxic Pollutant.* One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.
- (79) *Treatment Plant Effluent.* The discharge from the POTW into waters of the United States.
- (80) *Upset.* An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, im-



properly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (81) *User or Industrial User*. A source of indirect discharge. The source shall not include "domestic user" as defined herein.
- (82) *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.
- (83) *Wastewater Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit)*. An authorization or equivalent control document issued by Augusta to individual users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.
- (84) *Wastewater Treatment Plant or Treatment Plant*. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(d) Abbreviations.

The following abbreviations shall have the designated meanings:

- ASPP - Accidental Spill Prevention Plan
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- l - liter
- LEL - Lower Explosive Limit

- mg - milligrams
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classifications
- SIU - Significant Industrial User
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TSS - Total Suspended Solids
- USC - United States Code
- WPCP - Water Pollution Control Plant (Ord. No. 6557, § 1, 10-3-02; Ord. No. 6939, § 15, 1-2-07)

**Sec. 5-3-2. Use of public sewer.**

(a) *Unsanitary Offensive Deposits on Property Generally*. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within Augusta or any area under the jurisdiction of said Augusta, any human excrement, garbage or other objectionable waste.

(b) *Discharging Waste to Natural Outlets*. It shall be unlawful to discharge to any natural outlet within Augusta or in any area under the jurisdiction of said Augusta, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(c) *Private Sewage Disposal*. 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 sewage.

(d) *Sewer Connection Required if Available*. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within Augusta

and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of Augusta, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-3. Private sewage disposal.**

(a) *Connection to Private System.* Where a public sanitary or combined sewer is not available under the provisions of Section 5-3-2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance.

(b) *Refer Applications to Board of Health.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Board of Health, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director of Utilities.

(c) *Inspection of Private Systems.* A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health. The Board of Health shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection and before any underground portions are covered, excluding the building sewer to private sewer disposal system.

(d) *Acceptable Private Sewage Disposal.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the requirements of Augusta's Groundwater Recharge Ordinance,

which provisions are set forth in Augusta-Richmond County Code Title 8, Chapter 6 (Sections 8-6-1 through 8-6-16). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) *Connection to Public Sewer Required if Available.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 5-3-2, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-ran gravel or dirt by the Owner.

(f) *Private Operation and Funding.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Augusta.

(g) *Board of Health.* No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-4. General requirements.**

(a) *Prohibited Discharge Standards*

(1) *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. 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.

(2) *Specific Prohibitions:* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- a. 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. Prohibited substances include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which have been determined to be a fire hazard to the system.
- b. Reserved.
  - c. Wastewater having a pH less than 6.0 or more than 11.0 standard units at any time, or otherwise causing corrosive structural damage or hazard to structures, equipment and/or personnel of the POTW.
  - d. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch.
  - e. 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.
  - f. Wastewater having a temperature 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) unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits.
  - g. 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.
  - h. Trucked or hauled pollutants, except at discharge points designated by Augusta.
  - i. 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.
  - j. 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 Augusta's NPDES permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established north for aquatic life.
  - k. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Assistant Director of Utilities in compliance with applicable State or Federal regulations.
  - l. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Assistant Director of Utilities.
  - m. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes.
  - n. Medical wastes, except as specifically authorized by the Assistant Director of Utilities.
  - o. Wastewater causing alone or in conjunction with other sources the treat-

ment plant's effluent to fail toxicity test. In the event toxicity is found in the POTW, the Assistant Director of Utilities may require industrial users to participate in a Toxicity Reduction Evaluation in accordance with the provisions of the POTW treatment plant's NPDES permit.

- p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- q. Any liquid, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) per cent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter.
- r. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.
- s. Any substance which, will cause the POTW to violate its NPDES and/or other disposal system permits.
- t. Any wastewater, which in the opinion of the Assistant Director of Utilities can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public

property, or constitute a nuisance, unless allowed under special agreement by the Assistant Director of Utilities (except that no special waiver shall be given from categorical pretreatment standards).

- u. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by Augusta and paid all fees assessed for the privilege of said discharge.
  - v. Any hazardous wastes as defined in rules published by the State of Georgia or in EPA regulations 40 CFR Part 261.
  - w. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticides Act (FIFRA)
  - x. Any wastewater, which causes hazard to human life, creates a public nuisance or endangers the environment.
- (3) *Limitations on the Use of Garbage Grinders.* Waste from garbage grinders shall not be discharged into a Community Sewer except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Community Sewers. Garbage grinders shall not be used for the grinding of plastics, paper products, inert materials or garden refuse.

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.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-5. Discharge limits and standards.**

(a) *Federal Categorical Pretreatment Standards.* The National Categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter

N, Parts 405-471 are hereby incorporated. If federal categorical standards establish limits for a pollutant more stringent than those established in subsection (b) hereof, the categorical pretreatment standard will take precedence.

In accordance with 40 CFR 403.13, Augusta may adjust a categorical Pretreatment Standard if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue.

Where process effluent is mixed prior to treatment with wastewater other than those generated by the regulated process, Augusta will derive fixed alternative (mass or concentration) discharge limitations. These limits will be applied to the mixed effluent in accordance with 40 CFR 403.6 (e).

Federal Categorical Pretreatment Standards may be expressed as either concentration or mass limits. Equivalent limits (mass or concentration) will be provided so that local, state or federal authorities responsible for enforcement may use either concentration or mass in accordance with 40 CFR 403 (6).

Augusta may adjust Categorical Pretreatment Standards to reflect the presence of pollutant in the Industrial User's intake water in accordance with 40 CFR 403.15.

(b) *Local Limitations.* No person or User shall discharge wastewater in excess of the concentrations set forth below unless the wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level and a requirement that the User construct a pretreatment facility or institute changes in operations and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the discharge permit within a fixed period of time. The following pollutant limits are established to protect both the James B. Messerly and Spirit Creek WPCP against pass through and interference. No person shall discharge wastewater containing concentrations in excess of the following:

	MAXIMUM CONCENTRATION, mg/l
<i>Parameter</i>	
Arsenic, total . . . . .	0.86
Cadmium, total . . . . .	0.14
Chromium, total . . . . .	1.74
Chromium, (VI) . . . . .	1.74
Copper, total . . . . .	0.38
Lead, total . . . . .	0.60
Mercury, total . . . . .	0.002
Molybdenum, total . . . . .	0.78
Nickel, total . . . . .	0.40
Selenium, total . . . . .	0.68
Silver, total . . . . .	1.82
Zinc, total . . . . .	2.46
Cyanide, total . . . . .	0.08
Phenols . . . . .	2.13
Oil and Grease, Total . . . . .	500
Petroleum and Mineral . . . . .	100
Benzene . . . . .	5.53
Carbon tetrachloride . . . . .	0.14
Chlorobenzene . . . . .	0.05
Chlorodibromomethane . . . . .	2.93
Methyl chloride . . . . .	0.16
1, 1, 2, 2 Tetrachloroethane . . . . .	0.93
Tetrachloroethylene . . . . .	0.89
1, 1, 2-Trichloroethane . . . . .	3.62
Trichloroethylene . . . . .	0.04
2, 4-Dimethylphenol . . . . .	2.69
Anthracene . . . . .	0.01
Bis (2-ethylhexyl) phthalate . . . . .	0.34
1, 2-Dichlorobenzene . . . . .	0.01
1, 3-Dichlorobenzene . . . . .	0.98
1, 4-Dichlorobenzene . . . . .	0.09
Di-n-butyl phthalate . . . . .	0.62
Fluoranthene . . . . .	3.48
Hexachlorobenzene . . . . .	0.000043
Hexachlorobutadiene . . . . .	0.08
Pyrene . . . . .	0.01
Napthalene . . . . .	3.21
1, 1-Dichloroethylene . . . . .	0.22
1, 3-Dichloropropylene . . . . .	1.01
Phenanthrene . . . . .	0.20
Acenaphthene . . . . .	1.50
1, 1-Dichloroethane . . . . .	0.34
1, 2-Dichloropropane . . . . .	3.36
2-Methy 4, 6-dinitrophenol . . . . .	0.29
Hexachloroethane . . . . .	0.39
2-Nitrophenol . . . . .	0.29

*Parameter*

1, 2, 4-Trichlorobenzene . . . . . 0.22

The above limits apply at the point where the wastewater is discharged to the POTW (end-of-the-pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. Augusta may limit the discharge of specific substances, listed or not listed above, on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or violates any receiving stream water quality standards. The Assistant Director of Utilities may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

(c) *Notification Required.* Augusta is required to notify the Georgia Environmental Protection Division immediately when any industry in the Centralized Waste Treatment Point Category under 40 CFR 437 currently discharging to the Publicly Owned Treatment Works changes in the following ways:

- (1) The sewer service is terminated.
- (2) The industry stops discharging.

(d) *Augusta's Right of Revision.* Augusta reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(e) *Special Agreement.* Augusta reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 403.13.

(f) *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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Assistant Director of Utilities may impose mass limitations on users, which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(g) *Pretreatment Facilities.* Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the State, or the Assistant Director of Utilities, whichever is more stringent. Any facilities required to treat wastewater to a level acceptable to Augusta prior to discharging to the POTW, shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Augusta for review, and shall be acceptable to Augusta before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to Augusta under the provisions of this ordinance.

(h) *Deadline for Compliance with Applicable Pretreatment Requirements for Existing Users.* Compliance by existing sources (categorical users) covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. Augusta shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than EPA's Categorical Pretreatment Standards.

(i) *Deadline for Compliance with Applicable Pretreatment Requirements for New Source or New Users.* New Source dischargers and "New Users" are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New Sources and "New Users" shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

(j) *Compliance Schedule for Categorical and Noncategorical Users.* Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible.

(k) *Additional Pretreatment Measures*

- (1) Whenever deemed necessary, the Assistant Director of Utilities 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.
- (2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Assistant Director of Utilities, 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 Assistant Director of Utilities and shall be so located to be easily accessible for cleaning and inspection. Such intercep-

tors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.

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

(1) *Accidental Discharge/Slug Control.* The Assistant Director of Utilities may require any user to develop and implement an accidental discharge/slug control plan. Where deemed necessary by Augusta, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan/slug control plan showing facilities and operating procedures to provide this protection shall be submitted to Augusta for review and approval before implementation. Augusta shall determine which user is required to develop a plan and require said plan to be submitted within 30 days after notification by Augusta. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by Augusta. Review and approval of such plans and operating procedures by Augusta shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of Section 5-3-5.

- (1) Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 5-3-4 and 5-3-5 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.

- (2) Users shall notify Augusta immediately upon becoming aware of the occurrence of a "slug" or "accidental discharge" of substances regulated by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Augusta on account thereof under state or federal law.
- (3) Within five (5) days following an accidental discharge, the user shall submit to the Assistant Director of Utilities a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
- (4) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(Ord. No. 6557, § 1, 10-3-02; Ord. No. 6764, § 1, 1-18-05)

**Sec. 5-3-6. Hauled waste.**

- (a) *Limitations on Point of Discharge.*
  - (1) No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he shall have been issued a permit by the Assistant Director of Utilities.
  - (2) Hauled waste may be discharged at the James B. Messerly Water Pollution Control Plant at times and locations established by the Assistant Director of Utilities. The designated receiving structure is located at:  

James B. Messerly Water Pollution Control Plant  
 1820 Doug Barnard Parkway  
 Augusta, Georgia 30906
  - (3) No person shall discharge or cause to be discharged to any public sewer or to any public sewer facility or to any private sewer tributary to any public sewer any water and/or waste which has been removed and transported from any pit, sump, portable toilet, holding tank, septic tank, or wastewater treatment facility except as authorized by this ordinance. Such water and/or waste is hereinafter referred to in this ordinance as hauled waste.
- (b) *Waste Hauler Permit.* Only permitted waste haulers may discharge hauled waste to the designated receiving structure.
  - (1) Any person wishing to obtain a permit to discharge hauled waste to the designated receiving structure shall satisfy all state and local certification and permitting requirements for hauling and disposing of liquid waste. Local certification is handled through Richmond County Board of Health. The James B. Messerly Water Pollution Control Plant's pretreatment staff carries out the waste hauler discharge permitting process. A permit application form along with the information listed below must be submitted to Augusta's pretreatment staff.
    - a. Proof of comprehensive general liability and auto liability insurance.



The applicant must submit proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. Additionally, the applicant must inform Augusta or its designee at least 10 days prior to the time of policy cancellations or renewals. Applicant shall maintain general liability insurance and automobile liability insurance in such amounts as he may, from time to time, deem appropriate.

- b. A list of vehicles applicant has in service for transportation of liquid waste. The list shall include the make and model, the state of registration, the state vehicle license number and the tank volume in gallons for each vehicle operated.
  - c. Proof that waste hauled vehicles, which are to discharge at the James B. Messerly facility, are in compliance with all applicable federal, state and local regulations applicable to waste hauler-servicing Augusta.
  - d. Volumes and types of waste transported each year for the last three years. A new business shall submit an estimate of volumes for the first year.
- (2) Any person who has been permitted to discharge hauled waste at the designated receiving structure shall annually provide proof to the Assistant Director of Utilities of continued liability insurance and proof of continued compliance with applicable federal, state, and local regulations.
  - (3) The Assistant Director of Utilities may revoke a permit if the hauler is found to be in violation of the provisions of this ordinance.
- (c) *Discharge of Hauled Waste.*
- (1) Under no circumstances may hauled waste which is hazardous waste, as defined in 40 CFR 261, be discharged to Augusta's POTW.
  - (2) Hauled waste generated at an industrial site may be discharged only if the original source of the waste has received written approval from the Assistant Director of Utilities. The generator of such waste shall submit to the Assistant Director of Utilities waste profile information on a form provided by Augusta. Additionally, prior to granting approval, the Assistant Director of Utilities may require analytical testing. Approval will be either granted or denied on a case-by-case basis.
- (d) *Hauled Waste Receipts and Samples.*
- (1) Each hauler will bear the responsibility of proving the origin of the waste being hauled. No person shall discharge or cause to be discharged hauled waste without presenting a completed manifest record on a form provided by the Assistant Director of Utilities. This manifest record must be maintained for not less than one year and must be available for inspection by Richmond County Board of Health. Additionally, a tracking log record must be signed for each load of waste disposed of at the wastewater treatment plant.
  - (2) Hauled waste subject to prior approval provisions of Section 5-3-6 of this ordinance may be discharged only upon receiving approval from Augusta.
  - (3) Trucks used for hauling wastes must be equipped with an approved device or method for determining volume of waste in the tank. Trucks not so equipped shall be charged based on tank capacity.
  - (4) In the event hauled waste is found to be in violation of Section 5-3-5 of this ordinance, it shall not be accepted.
- (e) *Conditions of Discharge.* Any person permitted under Section 5-3-6 to discharge hauled waste at the point designated herein and in possession of proper manifest record assents to the conditions hereinafter stated and agrees to be bound by his conditional obligations and duties, to wit:
- (1) The hauler will comply with all Augusta's regulations and follow the direction of the

James B. Messerly Water Pollution Control Plant employees while on the Augusta's premises.

- (2) The hauler agrees to reimburse Augusta from any and all damage and expenses which may be suffered by it by reason of any or all of his acts done on it premises, including but not as a limitation, the discharge of the aforesaid hauled waste which violates any standard or standards of the ordinance.

(f) *Refusal of Waste.* The Assistant Director of Utilities has the right to refuse to accept the discharge of any hauled waste brought to the designated receiving structure. If, in the opinion of the attendant on duty, based on a review of the manifest record, waste profile and analytical testing Augusta may make the following determinations:

- (1) The waste does not meet the conditions under which a prior approval was granted, or
- (2) The waste could adversely impact Augusta's treatment works and/or processes.

(g) *Discharge at Other Locations Unlawful.* The discharge of hauled waste into any facility, manhole or other location not approved for such discharge shall be considered unlawful and the person responsible for such discharge shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollar (\$1,000.00) or imprisoned in Augusta-Richmond County Detention Center for not more than one year, or by both such fine and imprisonment for each such violation.

(h) *Fees for Discharge of Hauled Waste*

- (1) Liquid waste hauled to the treatment plant for disposal shall be charged a fee established by Augusta's Commissioners based upon the volume of waste discharged into the wastewater treatment plant and recovery of cost associated with treatment. Haulers shall be billed on a monthly cycle.

- (2) For the purpose of billing, waste hauled to the treatment plant for disposal shall be divided into two classes:

- a. Class A Septage from single family residence, portable toilets, and any other waste proven to have a total BOD and TSS of 20,000 mg/L or less.

Example: BOD = 10,000 mg/L  
 TSS = 5,000 mg/L  
 Total = 15,000 mg/L,  
 and is therefore classified as Class A.

- b. Class B shall consist of all other waste types and has been further classified as follows:

- 1. Subpart B-1 includes commercial wastes grease traps and septage from other than single family residence, holding tank waste, etc.
- 2. Subpart B-2 includes any waste generated as a result of an industrial process.

- (3) In order for waste other than septage from single family residences and portable toilets to be classified as Class A, analyses must be performed which indicate the sum of BOD and TSS concentrations is 20,000 mg/L or less. This must be established before the waste is delivered to the treatment plant. (NOTE: BOD analysis requires 5 days.) The waste hauler and company shall be responsible for all expenditures associated with performing laboratory testing.

(i) *Charge for Late Payment.* If any charges billed are not paid by the due date indicated on any bill rendered, then an additional late payment charge, based on the percentage established by the ordinance for late payments of wastewater user charge, is imposed for each month or portion thereof the bill remains unpaid beyond the due date.

(j) *Termination of Service for Nonpayment*

- (1) When any Waste hauler monthly charge has not been paid and has been delinquent for more than fifteen days after the due date, then Augusta may refuse to accept any further waste discharges from that hauler.
- (2) When any bill rendered to a hauler who has hauled waste from a source (i.e. Industrial user) subject to the high strength waste charges (i.e. surcharges) in Section 5-3-17 of this ordinance has not been paid and has been delinquent for more than fifteen days after the due date, Augusta may refuse to accept any further waste discharges from that source.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-7. Wastewater discharge permit requirements.**

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Assistant Director of Utilities. Additionally, no user shall discharge conventional pollutant concentrations in excess of the specific limitations described below without first obtaining a wastewater discharge permit. The Assistant Director of Utilities reserves the right to impose mass limitations for each of the conventional parameters defined below.

Maximum Discharge, mg/L

*Parameter*

Biochemical Oxygen Demand.....	300
Total Suspended Solids .....	200
Ammonia as Nitrogen .....	52
Sulfate .....	22

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

Augusta shall notify industrial users concerning permit expiration at least 90 prior the expiration date. Industrial Users have a duty to reapply for a wastewater discharge permit within 45 days of receiving the notification.

The Assistant Director of Utilities may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

- (a) *Wastewater Discharge Permitting: Existing SIU.* Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within 60 days after notification by the Assistant Director of Utilities submit a permit application to Augusta in accordance with Section 5-3-7 of this ordinance and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Assistant Director of Utilities.
- (b) *Wastewater Discharge Permitting: New Source and "New user."* At least 90 days prior to the anticipated start-up, New Sources, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard, and "New Users" considered by Augusta to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to Augusta at least the information listed in paragraphs (1) - (5) of Section 5-3-7. A New Source or "new user" cannot discharge without first receiving a wastewater discharge permit from Augusta. New Sources and "New Users" shall also be required to include in their application information on the method of pretreatment the user intends to use to meet applicable pretreatment standards. New Sources and "New Users" shall give estimates of the information requested in paragraphs (4) and (5) of Section 5-3-7.
- (c) *Wastewater Discharge Permit Application Contents.* All users required to obtain a

wastewater discharge permit must submit, at a minimum, the following information. The Assistant Director of Utilities shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12 (b).

- (1) *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners;
- (2) *Permits.* The user shall submit a list of any environmental control permits held by or for the facility;
- (3) *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, 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; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- (4) *Flow Measurement.*
  - a. *Categorical User:* The user shall submit information showing the measured average daily and

maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Regulated or manufacturing process streams; and
2. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

- b. *Non-Categorical User:* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Assistant Director of Utilities.

Augusta may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (5) *Measurements of pollutants.*

- a. *Categorical User:*

1. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) where required by the Categorical Pretreatment Standard or as required by Augusta of regulated pollutants (including standards contained in Sections 5-3-4 through 5-3-5, as appropriate) in the discharge from each regulated or manufacturing process. Both

daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section (5).

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
4. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6 (e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.

b. *Non-Categorical User*

1. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
2. The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by Augusta) of regulated pollutants contained in Sections 5-3-5 as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall con-

form to sampling and analytical procedures outlined in Section 5-3-9.

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
4. Where the Assistant Director of Utilities developed alternate concentration or mass limits because of dilution this adjusted limit along with supporting data shall be submitted as part of the application.

(6) *Certification.* A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in Section 5-3-7 (d), indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet the applicable Pretreatment Standards and Requirements;

(7) *Compliance Schedule.* If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The user's schedule shall conform with the requirements of Section 5-3-6 (d). The completion date in this schedule shall not be later than the compliance date established pursuant to Section 5-3-5 (h) of this Ordinance.

- a. Where the user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fun-

damentally Different Factors variance (40 CFR 403.13) at the time the user submits the report required by this paragraph, the information required by paragraphs (f) and (g) of this section shall pertain to the modified limits.

- b. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (f) and (g) of this section shall be submitted by the user within 60 days after the modified limit is approved.
8. Any other information as may be deemed necessary by the Assistant Director of Utilities to evaluate the wastewater discharge permit application.

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

- (d) *Signatory and Certification Requirement.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

alties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (e) *Wastewater Discharge Permit Decisions.* The Assistant Director of Utilities will evaluate the date furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Assistant Director of Utilities will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. The Assistant Director of Utilities may deny any application for a wastewater discharge permit.

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

- (1) Wastewater discharge permits must contain the following conditions.
  - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
  - b. A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from Augusta, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - c. Applicable pretreatment standards and requirements, including any special State requirements;

- d. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, 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;
  - e. Requirement for immediate notification to Augusta where self-monitoring results indicate non-compliance;
  - f. Requirement to report a bypass or upset of a pretreatment facility;
  - g. Requirement for the SIU who reports non compliance to repeat the sampling and analysis and submit results to Augusta within 30 days after becoming aware of the violation;
  - h. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - e. The unit charges or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - g. A statement that compliance with the wastewater discharge permit does not relieve 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;
  - h. Any special agreements the Assistant Director of Utilities chooses to continue or develop between Augusta and user;
  - i. Other conditions as deemed appropriate by the Assistant Director of Utilities to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- (g) *Wastewater Discharge Permit Appeals.* Any person, including the user, may petition Augusta to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

- (2) 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.
  - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (4) If Augusta fails to act within 30 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.
  - (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Richmond County Superior Court for Augusta, Georgia.
- (h) *Wastewater Discharge Permit Duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Assistant Director of Utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (i) *Wastewater Discharge Permit Modification.* The Assistant Director of Utilities may modify the wastewater discharge permit for good cause including, but not limited to, the following:
- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
  - (2) 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;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to Augusta's POTW, Augusta personnel, or the receiving waters;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- (j) *Wastewater Discharge Permit Transfer.* Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the Assistant Director of Utilities and the Assistant Director of Utilities approves the wastewater discharge permit transfer. The notice to the Assistant Director of Utilities must include a written certification by the new owner and/or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (2) Identifies the specific date on which the transfer is to occur; and



- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit.

- (k) *Wastewater Discharge Permit Revocation.* Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

- (1) Failure to notify Augusta of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to Augusta of changed conditions;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permits application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow Augusta timely access to the facility premises and records;
- (7) Failure to meet discharge limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of a permitted facility;

- (13) If Augusta has to invoke its emergency provision as cited in Section 5-3-13 (g) of the Ordinance;

- (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

- (l) *Wastewater Discharge Permit Re-issuance.* A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application, in accordance with Section 5-3-7 (e) of this ordinance, a minimum of 45 days prior to the expiration of the user's existing wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective wastewater discharge permit until Augusta issues or denies the new wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.

- (m) *Continuation of Expired Permit.* If on the date of expiration of a user's permit, a new permit has not been issued, the requirements and limitations of the existing permit shall continue to be effective and enforceable unless the permittee has received notice of suspension, revocation and/or termination of the permit.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-8. Reporting requirements section.**

- (a) *Baseline Monitoring Reports.*
  - (1) Within either one hundred and 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 water) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to Augusta a report which contains the information listed in paragraph (2), below. At least ninety 90 days prior to commencement of their discharge, New Sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to Augusta a report which contains the information listed in paragraph 2 a-e, below. A New Source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described above shall submit the information set forth below.

- a. *Identifying Information.* The name and address of the facility, including the name of the operator and owner.
- b. *Environmental Permits.* A list of any environmental control permits held by or for the facility.
- c. *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- d. *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

e. *Measurement of Pollutants.*

1. The categorical pretreatment standards applicable to each regulated process.
2. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Augusta) 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 5-3-9 of this ordinance.
3. Sampling must be performed in accordance with procedures set out in Section 5-3-9 of this ordinance.

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

g. *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/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 5-3-8 (d) of this ordinance.

h. *Signature and Certification.* All baseline-monitoring reports must be signed and certified in accordance with Section 5-3-7 (d) of this ordinance.

(b) *Final Compliance Report (Initial Compliance Report).*

- (1) Within 90 days following the date for final compliance by the Significant Industrial User with applicable pretreatment standards and requirements set forth in this ordinance, in a wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the POTW by a New Source of "New Users" considered by Augusta to fit the definition of SIU, the affected user shall submit to Augusta a report containing the information outlined in Section 5-3-7 (c).
- (2) For users subject to equivalent mass or concentration limits established by Augusta in accordance with procedures established 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.

(c) *Periodic Compliance Report*

- (1) Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to Augusta during the months of June and December, unless required on other dates or more frequently by Augusta, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

The report shall include a record of the concentrations (and mass if specified in

the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this ordinance or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user monitors any pollutant at the location designated in the wastewater discharge permit more frequently than required using approved analytical methods as specified in 40 CFR Part 136, the results of such monitoring shall be included in calculations and reporting of values required during the reporting period. Such increased monitoring frequency shall also be indicated. Augusta may require more frequent monitoring or the monitoring of other pollutants not required in the permit by written notification.

- (2) If a user sampled and analyzed more frequently than what was required by Augusta or by this ordinance, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.
- (3) Any user subject to equivalent mass or concentration limits established by Augusta or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in Section 5-3-8 (b).
- (4) If Augusta calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.
- (5) Flows shall be reported on the basis of actual measurement; provided, however, that Augusta may accept reports of average and maximum flows estimated by

verifiable techniques if Augusta determines that an actual measurement is not feasible.

- (6) Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in Section 5-3-9.
- (7) Augusta may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
- (8) Augusta may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If Augusta agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by Augusta for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. Augusta is under no obligation to perform periodic compliance monitoring for a user.

(d) *Compliance schedules for meeting applicable pretreatment standards.*

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (2) No increment referred to in paragraph (1) of this section shall exceed 9 months.
- (3) Net later than 14 days following each date in the schedule and the final date for

compliance, the user shall submit a progress report to Augusta including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

(e) *Notification of Significant Production Changes.* Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify Augusta within 2 business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

(f) *Hazardous Waste Notification.*

- (1) Industrial user shall notify Augusta, 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 industrial user discharge more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial 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 the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged

during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed characteristic hazardous waste. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted under 40 CFR 403.12 (j), the notification requirement in this section does not apply to pollutants already reported under the self monitoring requirements of 40 CFR 403.12 (d), and (e).

- (2) Users are exempt from the requirements of paragraph (f) (1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are 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 one such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify Augusta, the EPA Regional Waste Management Waste Division Director, and Georgia's hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Such notification shall include:

- a. The name of the hazardous waste as set forth in 40 CFR Part 261,
- b. The EPA Hazardous waste number,
- c. The type of discharge (continuous, batch, or other),
- d. If an industrial user discharges more than 100 kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
  1. An identification of the hazardous constituents contained in the wastes,
  2. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
  3. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.

(g) *Notice of potential problems, including accidental spills, slug loadings.* Any user shall notify Augusta immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 5-3-1. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Augusta under state or federal law.

(h) *Non-Compliance Reporting.* If sampling performed by a user indicates a violation, the user shall notify Augusta within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within 5 days and submit the results of the repeat analysis to Augusta within 30 days after becoming aware of the violation, except the user is not required to resample if:

- (1) Augusta performs sampling at the user at a frequency of at least once per month, or

- (2) Augusta performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(i) *Notification of changed discharge.* All users shall notify August prior to any substantial change in volume or characteristics of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p). Formal written notification shall follow within thirty days of such introduction.

(j) *TTO Reporting.* Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic organics (TTOs) discharged into the sewer system must follow the Categorical Pretreatment Standards for that industry. Those users must also meet the following requirements:

- (1) Must sample, as part of the application requirements, for all the organics listed under the TTO limit (no exceptions);
- (2) No TTOs Used at the Facility, or the user elects to develop a solvent management plan in lieu of continuously monitoring for TTO:
  - a. The user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by Augusta.
- (3) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to Augusta as the Assistant Director of Utilities may require.

(k) *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 under-

taken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the Assistant Director of Utilities has specifically notified the user of a longer retention period.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-9. Sampling and analytical requirements.**

(a) *Sampling Requirements for Users.*

- (1) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The Assistant Director of Utilities will determine on a case-by-case whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Augusta may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by Augusta and contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations nec-

essary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which Augusta has adjusted its local limits to factor out dilution flows, the user should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

- (3) All sample results shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

(b) *Analytical Requirements.* All pollutant analyses, including sampling techniques, 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 the EPA.

(c) *Augusta Monitoring of User's Wastewater.* Augusta will follow the same procedures as outlined in Sections 5-3-9 (a) and (b). Additionally, industrial users must ensure that appropriate monitoring devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Flow monitoring devices shall be capable of measuring

flows with a less than 10% error from true discharge rate throughout the expected discharge volumes.

(Ord. No. 6557, § 1, 10-3-02)

### **Sec. 5-3-10. Compliance monitoring.**

(a) *Inspection and Sampling.* Augusta shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Assistant Director of Utilities 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.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Assistant Director of Utilities will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Assistant Director of Utilities 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.
- (3) 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 Assistant Director of Utilities and shall not be replaced. The costs of clearing such access shall be born by the user.
- (4) Unreasonable delays in allowing the Assistant Director of Utilities access to the user's premises shall be a violation of this ordinance.

(b) *Monitoring Facilities.* Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to Augusta. In cases where no metering device is installed to measure process flow discharged to the POTW, surcharges and compliance shall be based upon water consumption metering devices. If water is obtained from sources other than Augusta Utilities Department, sewer flow must be measured with a continuous metering device approved by the Assistant Director of Utilities. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user, Augusta may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Assistant Director of Utilities, whenever applicable, may required the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. The Assistant Director of Utilities may require the user to install monitoring equipment as necessary. The user at its own expense shall maintain the facility's sampling and monitoring equipment at all times in a safe and proper operating condition. The permittee must ensure that appropriate monitoring devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Flow monitoring devices shall be capable of measuring flows with a less than 10% error from true dis-

charge rate throughout the expected discharge volumes. The Assistant Director of Utilities may require the permittee to ensure service and calibration is performed on all monitoring equipment by the manufacturer at least annually.

(c) *Search Warrants.* If the Assistant Director of Utilities 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 as part of a routine inspection program of Augusta designed to verify compliance with this ordinance or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Assistant Director of Utilities shall seek issuance of a search and/or seizure warrant from the Richmond County Superior Court or other court of competent jurisdiction. Such warrant shall be served at reasonable hours by the Assistant Director of Utilities in the company of a uniformed law enforcement officer of Augusta.

(d) *Vandalism.* No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this ordinance.

(Ord. No. 6557, § 1, 10-3-02)

#### **Sec. 5-3-11. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Augusta 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 Augusta, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. 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 se-



cret 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.  
(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-12. Publication of users in significant non-compliance.**

Augusta shall publish annually, in the largest daily newspaper published in Augusta, a list of the users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 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 33% or more of wastewater measurements taken for each pollutant parameter during a 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 Augusta believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Augusta 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

Augusta's exercise of its emergency authority to halt or prevent such a discharge;

- (e) Failure to meet, within 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 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 non-compliance; or
- (h) Any other violation(s) which, Augusta determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-13. Administrative enforcement remedies.**

(a) *Notification of Violation.* When the Assistant Director of Utilities 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 Assistant Director of Utilities may serve upon that user a written Notice of Violation. Within 30 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 Assistant Director of Utilities. 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 Augusta to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) *Consent Orders.* The Assistant Director of Utilities may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance 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 5-3-13 (d) and (e) of this ordinance and shall be judicially enforceable. Use of Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

(c) *Show Cause Hearing.* The Assistant Director of Utilities 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 Assistant Director of Utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 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.

(d) *Compliance Orders.* When the Assistant Director of Utilities 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 Assistant Director of Utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Com-

pliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) *Cease and Desist.* When the Assistant Director of Utilities 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 Assistant Director of Utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) 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.

(f) *Administrative Fines*

- (1) When the Assistant Director of Utilities 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 Assistant Director of Utilities may fine such user in an amount not to exceed \$1,000.00. 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.
- (2) Unpaid charges, fines, and penalties shall, after 15 calendar days, be assessed an additional penalty of 10% of the unpaid balance. If the user has been disconnected for 30 days and settlement of the account has not been made the user will be re-

ported to the health department as a possible health hazard and the account will be finalized and turned over to collections. Services will not be restored until the outstanding balance has been satisfied.

- (3) Users desiring to dispute such fines must file a written request for the Assistant Director of Utilities to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Assistant Director of Utilities shall convene a hearing on the matter within 30 days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. Augusta may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(g) *Emergency Suspensions.* The Assistant Director of Utilities 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 Assistant Director of Utilities 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.

- (1) 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 Assistant Director of Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endan-

germent to any individuals. The Assistant Director of Utilities shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Augusta that the period of endangerment has passed, unless the termination proceedings in Section 5-3-13 (h) of this ordinance are initiated against the user.

- (2) 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 Assistant Director of Utilities prior to the date of any show cause or termination hearing under Sections 5-3-13 (c) and (g) of this ordinance.

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

(h) *Termination of Discharge (Non-Emergency).* In addition to the provisions in Section 5-3-7 of this ordinance, any user that violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (5) Violation of the pretreatment standards in Sections 5-3-4 and 5-3-5 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 5-3-13 (c) of this ordinance why the proposed action

should not be taken. Exercise of this option by Augusta shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-14. Judicial enforcement remedies.**

(a) *Injunctive Relief.* When the Assistant Director of Utilities 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 Assistant Director of Utilities may petition the Richmond County Superior Court through Augusta'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. Augusta 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.

(b) *Civil Penalties*

- (1) 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 shall be liable to Augusta for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The Assistant Director of Utilities 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 Augusta.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by

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

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

(c) *Criminal Prosecution*

- (1) A user which has willfully or negligently violated any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than six months or both.
- (2) A user which has willfully or negligently introduced 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 \$1,000.00 per day and/or be subject to imprisonment for not more than six months. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A user which knowingly made 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 falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day, or imprisonment for not more than six months, or both.
- (4) In the event of a second conviction, a user shall be punished by a fine of not more

than \$1,000.00 per violation per day, or imprisonment for not more than six month or both. Remedies Non-exclusive. The provisions in Sections 5-3-9 through 5-3-15 of this ordinance are not exclusive remedies. Augusta reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with Augusta's enforcement response plan. However, Augusta reserves the right to take other action against any user when the circumstances warrant. Further, Augusta is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-15. Supplemental enforcement action.**

(a) *Performance Bonds.* The Assistant Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user which 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 Augusta, in a sum not to exceed a value determined by the Assistant Director of Utilities to be necessary to achieve consistent compliance.

(b) *Liability Insurance.* The Assistant Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user which 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 the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) *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 its ability to comply. (Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-16. Affirmative defenses to discharge violations.**

(a) *Upset.*

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph (3) are met.

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

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within 5 days]:
  1. A description of the indirect discharge and cause of non-compliance;

- 2. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
- 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *Prohibited Discharge Standards.* A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Sections 5-3-4 and 5-3-5 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Augusta was regularly in compliance with its NPDES permit, and in the

case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

- (1) For the purposes of this section,
  - a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
- (3)
  - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass, if possible.
  - b. A user shall submit oral notice to Augusta of an unanticipated bypass that exceed applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 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

stake or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (4) a. Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which, occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The user submitted notices as required under paragraph (3) of this section.
- b. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-17. Wastewater treatment surcharge rates.**

(a) All persons discharging industrial waste into the Augusta, Georgia POTW shall be charged and assessed a surcharge, in addition to any sewer service charges. A surcharge shall be assessed for wastewaters, discharged to the POTW, in BOD concentrations greater than 200 mg/L and TSS concentrations greater than 200 mg/L. At the discretion of the Augusta-Richmond County

Commission, pollutants discharged in excess of the permitted ceiling level would be subject to enforcement actions.

(b) Approved Analytical Procedure. The BOD and TSS content of industrial waste shall be evaluated based upon the procedures outlined in 40 CFR 136 which, cites "Standard Methods" and regulations stated elsewhere in this Chapter.

(c) Surcharge Evaluation Period. An Industrial User's BOD, TSS and flow data will be evaluated semi-annually in conjunction with the establishment of new surcharge rates. When the average BOD and TSS analyses for the six-month period indicate that the BOD and/or TSS exceeds the typical domestic level, a new surcharge rate will be established and imposed at the discretion of Augusta-Richmond County Commission. Notification will be sent to the user.

(d) Extraneous Flows. In the event that a metered water usage is not indicative of the amount of discharge introduced to the POTW, a means of determining the amount of discharge will be installed at the direction of the Assistant Director of Utilities. All proposed discharge metering devices must be submitted for approval and will be installed and maintained at no cost to Augusta. The Assistant Director of Utilities may require annual proof of service and calibration of such devices.

(e) Additional Meters.

1. Discharge is less than water usage. In the event that a person discharging industrial waste into Augusta's POTW has a discharge less than his water usage, such person can, at his option, provide a discharge metering device subject to the Assistant Director of Utilities' approval. This device will be installed and maintained at no cost to Augusta. A waste characterization study or certified engineering drawings shall be submitted as proof that all process wastewaters have been segregated and is being metered by the newly installed flow monitoring devices. An additional charge to be determined by the Assistant Director of utilities will be made to cover the actual and administrative costs of reading the meter.

2. Discharge is greater than water usage. In the event that a person discharging industrial waste into Augusta's POTW has a discharge greater than Augusta's water usage meter, the person shall be required to install meters that account for all source waters i.e. wells and others.

**Sec. 5-3-19. Effective date.**

This ordinance shall be in full force and effect immediately upon adoption.  
(Ord. No. 6557, § 1, 10-3-02)

(f) Multiple Discharge Locations. In the event that a person discharging industrial waste into Augusta's POTW through more than one outlet, his discharge Surcharge Rate shall be established based on his highest strength discharge unless all discharges are property metered. If all discharges are properly metered, the wastewater strength used to establish the Surcharge Rate will be computed as follows:

For BOD:

$$\text{Composite BOD} = \frac{(B_1 \times Q_1) + (B_2 \times Q_2) + (B_3 \times Q_3)}{(Q_1 + Q_2 + Q_3)}$$

Where:

$B_n$  = BOD of Discharge Number  $n$   
 $Q_n$  = Flow of Discharge Number  $n$

For Suspended Solids:

$$\text{Composite TSS} = \frac{(S_1 \times Q_1) + (S_2 \times Q_2) + (S_3 \times Q_3)}{(Q_1 + Q_2 + Q_3)}$$

Where:

$S_n$  = Suspended Solids of Discharge Number  $n$   
 $Q_n$  = Flow of Discharge Number  $n$

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-18. Miscellaneous provisions.**

(a) *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.

(b) *Conflicts.* All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.  
(Ord. No. 6557, § 1, 10-3-02)