

CHAPTER 30
SEWER AND WATER ORDINANCE OF BRYAN COUNTY

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CHAPTER 30
SEWER AND WATER ORDINANCE OF BRYAN COUNTY

ARTICLE I
DEFINITIONS

30-101 **DEFINITIONS:** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meaning hereinafter designated.

- a. Act of “the Act”** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- b. Approval Authority** - The Director of the Georgia Environmental Protection Division.
- c. Authorized Representative of the User:**
 - (1) If the user is a corporation:
 - (i) 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
 - (ii) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs (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 responsibility for environmental matters for the company, and the written authorization is submitted to BCW&SU/A.

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- e. **Biochemical Oxygen Demand or BOD** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees C, usually expressed as a concentration (e.g., mg/l).
- f. **Board** - The members of the Bryan County Water & Sewer Utility/Authority created and established by the Bryan County Board of Commissioners and having jurisdiction over maintenance and operation of the water and sanitary sewer systems within Bryan County.
- g. **Board of Commissioners** - The duly elected officials of the Bryan County Board of Commissioners.
- h. **Building Drain** - That part of the lowest horizontal piping of the drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- i. **Building Sewer** - The extension from the building drain to the public sewer or other place of disposal, also called "house connection".
- j. **Categorical Pretreatment Standard or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- k. **Chair-of-Custody** - A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.
- l. **"Consumer"** shall mean any person, corporation, partnership, joint venture or public body that uses, has use of, has use for, or seeks to use water furnished by the Utility.
- m. **"County"** shall mean the members of the Board of Commissioners of Bryan County and its agents and employees.
- n. **County Waste System** - The total water treatment and distribution system owned, operated and maintained by the Bryan County Water & Sewer Utility. Also the administrative framework that operates the facilities.
- o. **Composite Sample** - The accumulation of a number of individual samples over a period of time, so taken as to represent the nature of the wastewater.
- p. **County** - The county of Bryan or the Bryan County Board of Commissioners.
- q. **"Developer"** shall mean any person, corporation, partnership, joint venture, public body or legal entity that is selling, offering for sale, dividing, subdividing or developing property for residential, commercial or industrial use.

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- r. **Direct Discharge** - The discharge of treated or untreated wastewater to the waters of the State of Georgia.
- s. **Domestic Wastewater** - That wastewater discharged into the wastewater system from domestic sources such as toilets, sinks, showers and bathtubs.
- t. **Easement** - An acquired legal right for the specific use of land owned by others including such meaning as given under all applicable federal and state rules, regulations and statutes (O.C.G.A. 44-9-1 et seq., as the same may be, from time to time, amended or replaced).
- u. **Effluent** - The treated flow discharge from a water pollution control facility.
- v. **Environmental Protection Agency or EPA** - The U. S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- w. **Equivalent Residential Unit (ERU)** - An ERU represents water demand averaging 300 gallons per day. Example: 1 bedroom apartment, 100 gallons per day - three one bedroom apartments represent 1 ERU. A two bedroom apartment represents water demand averaging 200 gallons per day - three two bedroom apartments represents 2 ERU's.
- x. **Existing Source** - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standards is thereafter promulgated in accordance with Section 307 of the Act.
- y. **Flammable** - Any material with a closed-cup flashpoint of less than 140 degrees F using the test methods described in 40 CFR 261.21.
- z. **Floatable Oil and Grease** - Oil, fat or grease in a physical state such that it will separate by floatation from wastewater by treatment in an approved pretreatment facility or interceptor.
- aa. **Food Service Facility** - Any facility, which cuts, cooks, bakes, prepares, or serves food, or disposes of food related wastes.
- bb. **Garbage** - The animal and vegetable waste resulting from the domestic and commercial handling, preparation, cooking and serving of foods.
- cc. **Grinder** - A device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge to the sanitary sewer.
- dd. **Grab Sample** - A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

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- ee. **Grease** - A material composed primarily of fats, oils, and grease from animal or vegetable sources. The terms fats, oils, and grease shall be deemed as Grease by definition. Grease may also include petroleum-based products.
- ff. **Grit** - Matter consisting of sand, gravel, cinders, or other heavy solid materials that have settling velocities or specific gravities greater than those of organic putrescible solids normally encountered in domestic wastewater.
- gg. **Hauler or Transporter** - One who transfers waste from the site of the user to an approved site for disposal or treatment. The hauler is responsible for assuring that all Federal, State, and Local regulations are followed regarding transport.
- hh. **Health Officer** - The director of the Bryan County Board of Health or other person designated by the Board of Commissioners and their duly appointed assistants.
- ii. **High-Strength Wastewater** - Wastewater that contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater.
- jj. **Indirect Discharge or Discharge** - The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) or the Act.
- kk. **Industrial Wastes** - The wastewater or liquid waste, or whatever nature, arising out of any manufacturing, industrial processing, fabrication, treating, renovating, or other commercial trade or business operation as distinct from domestic or sanitary wastes. BCW&SU shall determine from time to time specific waste designated as "industrial waste" and such definitions shall be included herein.
- ll. **Industrial Waste Surcharge** - The additional service charge assessed against industrial users in the county whose wastewater characteristics exceed established limits.
- mm. **Infiltration/Inflow** - Groundwater and surface water which leaks into the wastewater system through cracked pipes, joints, manholes and other openings.
- nn. **Inflow** - Water that flows into wastewater system from the surface, streams, roof drains, downspouts or other such source.
- oo. **Influent** - The wastewaters arriving at the water pollution control facility.
- pp. **Instantaneous Maximum Allowable Discharge Limit** - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete sample collected, independent of the industrial flow rate and the duration of the sampling event.

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- qq. Interceptor or Separator or Trap** - A device so constructed as to separate, trap, and hold fats, oils, greases, sand, and grit substances from the wastewater discharge by a facility to prevent these substances from entering the sanitary sewer.
- rr. Interference** - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations of its sludge processes, use or disposal; and therefore, is a cause of a violation of BCW&SU's NPDES or LAS permits or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act: the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- ss. Manager** - The General Manager of the Water and Sewer systems of Bryan County Georgia, appointed by the Bryan County Board of Commissioners or their designee and authorized by the Board to fulfill the requirements of these Rules and to be responsible for the operations of the water and sewer systems, or duly authorized representative.
- tt. Medical Waste** - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- uu. Metered Water** - The amount of water used by the system user as measured by a county water meter, or other approved metering device.
- vv. Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake and any other body of surface or groundwater.
- ww. New Source** -
- (1) Any building, structure, facility, or installation for 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:
 - (i) The building, structure, facility, or installation is constructed as a site at which no other source is located; or

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- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of any existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (i) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) 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
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that is 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.
- ww. Noncontract Cooling Water or Cooling Water** - Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- xx. Pass Through** - A discharge which exists the POTW into waters of the United States in quantities or concentrations which, alone or in

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conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of BCW&SU's NPDES permit, including an increase in the magnitude or duration of a violation.

- yy. Person** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or the legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- zz. pH** - A measure of the acidity or alkalinity of a solution, expressed in standard units.
- aaa. Pollutant** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- bbb. 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.
- ccc. Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- ddd. Pretreatment Standard or Standards** - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- eee. Prohibited Discharge Standards or Prohibited Discharges** - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article XXXIX of this ordinance.
- fff. Publicly Owned Treatment Works or POTW** - A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by BCW&SU. 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 that convey wastewater to a treatment plant.
- ggg. Sanitary Sewer** - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

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- hhh. Septic Tank** - A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- (1) A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
 - (2) A subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
- iii. Septic Tank Waste or Septage.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- jjj. Sewage** - Human excrement and gray water (household showers, dishwashing operations, etc.)
- kkk. Sewer** - A pipe or conduit that carries wastewater or drainage water.
- III. Significant Industrial User:**
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Upon a finding that a user meeting the criteria is Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, BCW&SU may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
 - (iv) Upon a finding that a user meeting the criteria is Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, BCW&SU may at any time, on its own initiative or in response to a petition received from a user.
 - (v) Upon a finding that a user meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, BSCWU may at any time, on its own initiative or in response to a petition

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received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

- mmm. Slug Load or Slug** - Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Article XXXIX of this ordinance.
- nnn. Standard Industrial Classification (SIC) Code** - A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- ooo. State** - State of Georgia.
- ppp. Storm Drain** - Sometimes termed storm sewer, drain or sewer conveying surface water, groundwater, subsurface water, or any unpolluted water from any source.
- qqq. Storm Water** - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- rrr. Surcharge** - A separate charge by Bryan County Sewer & Water Utility for the handling and treatment of high-strength wastewater.
- sss. Suspended Solids or TSS** - 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.
- ttt. Total Kjehldahl Nitrogen or TKN** - The sum of ammonia-nitrogen and organic nitrogen concentrations.
- uuu. Toxic Pollutant** - Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the EPS administrator under the provision of CWA 307 (1) or other acts.
- vvv. Under-sink or In-line Grease Interceptor** - A device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap, and hold oil and grease substances to prevent their discharge to the sanitary sewer.
- www. User or Industrial User** - A source of indirect discharge to BCS&WU sanitary sewer.
- xxx. "Utility"** shall mean the members of the Bryan County Sewer and Water Utility Department and its agents and employees.
- yyy. Waste or 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.

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- zzz. Wastewater Treatment Plant or Treatment Plant** - That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.
- aaaa. Watercourse** - A natural or artificial channel for the passage of waters either continuously or intermittently.
- bbbb. Waters of the State** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion.

Those definitions as set forth in the Engineering and Design Manual of Bryan County, Chapter 19, and those definitions as set forth in the most recent edition of Standard Plumbing Code, published by Southern Building Code Congress International are hereby incorporated as part of this Ordinance.

**ARTICLE II
ACCESS TO CONSUMER’S PREMISES BY AGENT AND
EMPLOYEES OF UTILITY/AUTHORITY**

Duly authorized agents and employees of the Utility shall have access at all hours to the premises of the Consumer and Developer for the purpose of installing and removing the property of the Utility, inspecting the Utility’s facilities, reading and testing meters, repairing and maintaining the facilities of the Utility.

**ARTICLE III
WATER SERVICE**

- 30-301** Any Developer, Builder or Consumer desiring to be provided water services by the Utility shall make an application for water services in person at the office of the Utility located at the Planning and Zoning Office in Richmond Hill and Pembroke.
- 30-302** If the water distribution system is adjacent to or directly across the road from the developer, builder/resident’s property and no water line extension is required, service will be provided upon the consumer executing the water subscription contract and payment of the connection fees. If a service delivery line is required the developer/builder/resident will pay the cost for installing the service delivery

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line. If excess capacity is available for others to be serviced by the same service delivery line, the developer/builder/resident will pay their pro-rata share of the cost for the service delivery line based on a percentage of capacity used.

30-303 Upon complying with the above stated items, the consumer will purchase a meter from the utility, pay any other associated fees and have the meter installed by an authorized licensed plumber; the Utility will verify installation before any work is covered. Notification of service is required 30 days in advance of need; if service is needed sooner than the thirty days, then the developer/builder/resident would have to pay an additional rescheduling fee of \$150.00.

30-304 The County recognizes that a number of private water systems are already in place. Where such systems are clustered, those areas will be outside the areas targeted for expansion of public delivery as the private entities have large investments which will be respected and protected. And where county water systems are not available, water services may be provided by private providers. However, all existing private water delivery systems that do not include fire fighting capabilities (fire hydrants) will be required to update their systems to provide this capability within 24 months of the approval of this ordinance.

ARTICLE IV WATER LINE EXTENSIONS

30-401 Water lines may be extended along presently existing county roads which have a dedicated sixty (60) foot right of way or along existing county roads where easements acceptable to the Utility for the installation and maintenance of the water lines have been obtained at no expense to the Utility.

30-402 **Line Extension by Petition - Developer, Builder, or Residents:** A line extension by petition may occur with a minimum of 20 taps per mile (or any proportionate amount). This equates to 264 linear feet for each connect. Any resident (applicant) seeking to obtain a water line extension must comply with the following procedures:

- a. Obtain from the Utility a Water Line Extension Application.
- b. Contact each property owner having road frontage along the county road where the water line is to be extended and determine whether or not they desire to participate in the water line extension.

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- c. Obtain such right of way deeds and/or easements that are required by Bryan County and by the Utility. Provide a letter from the Bryan County Public Works to verify existence of a County Road Right-of-Way and ensure there will be no conflicts with future road improvements.
- d. Properly fill out the Application.
- e. Once the application is signed by all residents who desire to participate in the line extension, return the application to the Utility's General manager or his designee. The General Manager will present the application to the Board of Commissioners for approval should the requirements of 20 taps per mile be met. Once the Board approves the application each developer, builder or resident shall purchase the meter to serve their property prior to the scheduling of the project for construction.

30-403 Requirements of the Utility/Authority Employees:

- a. Compute the length of the water line extension. The water line extension will be measured from the Utility's existing water line that has sufficient capacity and pressure to provide the service requested by each Applicant to the furthestmost property line of each Applicant.
- b. Compute the fee for the water line extension.
- c. Notify the Applicant of the amount of the fee that is due.
- d. Present the Application to the Utility for its review and consideration.
- e. Provide Applicant with an estimated date of completion; subject to work schedule, weather conditions, breakdowns, material delivery or other unpredictable changes.

30-404 Service to Residential Subdivision Developments: If the water line extension is to serve a residential development, the Applicant shall submit to the Utility the following:

- a. An application for line extension.
- b. Three (3) copies of a plat or accurate drawing of the property to be served. Said plats or drawings shall contain the following information:

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- (1) Location of the closest existing water line of the Utility which is of sufficient size to serve the property;
- (2) Location of the existing roads and proposed roads to serve the property;
- (3) Exact footage of water line that will have to be installed in order to serve the property;
- (4) Location of all water lines and appurtenances to be constructed in the area to be developed; and
- (5) Provide a letter from the Bryan County Public Works to verify the existence of a county road right-of-way and ensure there will be no conflicts with future road improvements.

- c. Once the above requirements have been met the developer shall pay the Utility materials and labor cost based on the annual labor contract to extend the water line.
- d. At the Utility's discretion, based on the number of projects on the construction schedule, the developer may install the line at his own expense using a contractor approved by the Utility. Construction shall be per the Utility's specifications and shall be inspected by the Utility. The Developer shall be responsible for all engineering, plans, bonding, etc. Prior to acceptance of the water line by the Utility, all required documents within the utility's policies and procedures package must be completed.

30-405 Water Line Extension to Serve Industrial and Commercial Development: If the water line extension is to serve an industrial or commercial development, the Applicant shall provide the above information under item "4" including the following:

- a. A letter from the Bryan County Planning and Zoning Board stating that the property has been properly zoned for the proposed use.
- b. Estimated daily consumption for the development to be served.

If units served will require fire lines and/or sprinkler systems to the structure, expenses for same shall be paid by the developer.

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30-406 Line Extensions Within Municipalities:

- a. The Utility will contract with the municipalities located within Bryan County for the construction or extension of water lines. The contract price will be the amount that the Utility is paying under its existing labor contract for water line extensions plus the cost of all materials if the same are purchased from the Utility. The work will be performed by the Utility's contractor at a time that is acceptable to the Utility, the contractor and the City.
- b. The municipality may elect to purchase its own materials or may purchase the materials from the Utility at its actual cost.
- c. The municipality shall be responsible for obtaining all construction permits, rights of way, road repairs, relocation of other utilities and required insurance coverage.

30-407 Water Line Services Inside Residential Subdivisions, Industrial Sites and Commercial Sites:

It shall be the Developer's responsibility to construct the complete water system inside the subdivision. The developer shall:

- a. Pay for all labor and materials in the construction of the water line inside the area to be developed, which cost shall include supply lines, fire hydrant, gate valves, reducers and regulators, together with service line conduits, and any other pertinent structure that may be needed for proper construction of said lines and appurtenances thereto.
- b. Construct all water lines according to plans and specifications of the Utility and have the same inspected by the Utility prior to covering. The area in which the water line is installed shall be compacted to the specification of the Bryan County Engineer.
- c. Pay any required fees set by the Utility.
- d. Upon completion of the construction but prior to the commencement of water services by the Utility, the developer shall:
 - (1) Execute an affidavit stating the actual cost of all labor and materials expended in the construction of all water lines and appurtenances thereto;

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- (2) Execute a deed conveying the water line, appurtenances thereto, and a permanent easement to the County;
- (3) Post a surety bond or letter of credit from a banking institution located within the State of Georgia with the Utility in the amount of fifteen (15%) percent of the total cost of construction of said line which said bond or letter of credit shall guarantee payment to the Utility for any repairs or maintenance needed in said line over a period of two years from date of conveyance of said line;
- (4) Submit three copies of as-build drawings of the subdivisions showing the exact location of said water lines and appurtenances thereto as built;
- (5) Execute an affidavit prescribed by the Utility stating that the cost of all labor and materials has been paid in full.

ARTICLE V WATER SUBSCRIPTION CONTRACTS

Prior to commencement of water service by the Utility, each consumer must execute a water subscription contract with the Utility.

ARTICLE VI CHARGES FOR INITIAL WATER SERVICE

- 30-601** Each consumer subscribing for use of water services of the Utility shall pay all associated fees as set forth by the Utility.
- 30-602** Any relocation of water lines, meter boxes, fire hydrants and appurtenances to the water system of Bryan County that are requested by the consumer or required by the Utility will be billed to the owner at the actual cost of the removal or relocation of each said items.
- 30-603** A duplex, quadra-plex, or any apartment building shall have a meter installed for each unit and the prevailing tap-on fee shall be paid for each unit.
- 30-604** A professional building shall have a meter installed and shall pay on an ERU basis plus any associated fees as determined by the Utility

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- 30-605** A \$100.00 security deposit shall be collected for water from renters and mobile homes. A \$100.00 deposit shall also be collected for sewer from renters and for mobile homes.

**ARTICLE VII
UTILITY'S RESPONSIBILITIES AND LIABILITIES**

- 30-701** Upon meeting the requirements of Article III, the Utility will run a water distribution line to the property of the consumer.
- 30-702** The Utility may install its meter at or near the property line or at the Utility's option on the consumer's property within three (3) feet of the right of way.
- 30-703** The Utility reserves the right to refuse service unless the consumer's lines or pipings are installed in such a manner as to prevent cross connections or backflow.
- 30-704** Under normal conditions, the consumer will be notified of any anticipated interruptions of service by the Utility.

**ARTICLE VIII
CONSUMER'S RESPONSIBILITIES AND LIABILITIES**

- 30-801** Water furnished by the Utility shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any other person or permit any other person to use said water. The consumer shall not allow anyone else to connect on to the water system serving the consumer. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard of this rule shall be sufficient cause for refusal and/or discontinuance of service.
- 30-802** The consumer has the following additional responsibilities and duties:
- a.** Where meter or meter box is placed on the premises of a consumer, a suitable place shall be provided by the consumer therefore, which is unobstructed and accessible at all times to the meter reader.

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- b. The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter.
- c. The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense so as to prevent back flow.
- d. In order to be received as a consumer and entitled to receive water from the Utility's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the Utility's water system; and all applicants, by becoming consumers of the Utility, covenant and agree that, so long as they continue to be consumers of the Utility, they will not permit the connection of any private wells to the Utility's water system.

**ARTICLE IX
TURNING ON OR CONNECTIONS ON TO UTILITY'S WATER BY PERSONS
OTHER THAN AUTHORITY PERSONNEL**

Only authorized Utility personnel can connect or tap on to the water distribution system. No person or consumer will be authorized to connect or tap-on to any water distribution system owned by the Utility. Violation of this provision of this Ordinance shall authorize the Utility to immediately terminate water services without notice to the consumer.

**ARTICLE X
RATE SCHEDULE**

30-1001 All water and sewer rates for the consumers of the Utility shall be set from time to time by the Utility with the approval of the County. However, water rates will not increase without thirty (30) days notice to the consumer. Notice will be sufficiently given to the consumer by a publication of the rate change once a week for four weeks in the official newspaper of Bryan County prior to the rate increase.

30-1002 Effective rates:

- a. All residential, industrial and commercial consumer will be assessed a \$7.50 administrative fee per meter.

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- b. The water rates for residential, industrial and commercial consumers with a meter 1 inch or less shall be as follows:

<u>GALLONS OF WATER USED</u>	<u>MONTHLY CHARGE</u>
0 - 8,000	\$13.67 (min monthly)
8,001 and above	\$ 3.84 (per thousand gal)

- c. The minimum monthly charge for water meters in excess of 1 inch in diameter for residential, industrial and commercial consumers is listed below; however, water used in excess of 8,000 gallons shall be billed at \$3.84 per thousand gallons:

<u>WATER METER SIZE</u>	<u>FEE</u>
1-1/2"	\$ 31.04 (min monthly) First 8,000 gals
2"	\$ 110.82 (min monthly) First 8,000 gals
3"	\$ 236.36 (min monthly) First 8,000 gals
4"	\$ 295.39 (min monthly) First 8,000 gals
6"	\$ 517.11 (min monthly) First 8,000 gals
8"	\$ 627.92 (min monthly) First 8,000 gals
10"	\$ 960.34 (min monthly) First 8,000 gals
12"	\$1,152.41 (min monthly) First 8,000 gals

- d. The sewer rates for sanitary sewerage for residential, industrial, and commercial consumers shall be 100% of the monthly water charge.

- 30-1003** The fire line will be metered and monthly minimum rates for industrial and commercial customers shall be as follows:

<u>WATER FIRE LINE SIZE</u>	<u>RATES</u>
1-1/2" - 4"	\$11.82
6"	\$14.78
8"	\$22.18
10"	\$29.56
Above 10 inches	Set by Utility/Authority

- 30-1004** Water rates for municipal consumers of the Utility located in Bryan County shall be 150% of unincorporated consumers.

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30-1005 Water meters shall be classified as either “active meters”, “inactive meters”, “canceled meters”, “line extension meters”, or “subdivision meters”. Said meters are further defined as follows:

- a. “Active meters” are defined as meters that are in use. All “active meters” will be charged on a monthly basis the rates set forth above. If an “active meter” is not used for a period of six (6) months after installation, or if the consumer requests in writing that service be temporarily discontinued, then the meter shall be classified as an “inactive meter” and shall be treated as hereinafter provided. A consumer can maintain an “active meter” status by paying a monthly minimum water bill provided for herein.
- b. “Inactive meters” are defined as meters that are installed but have not been used by the consumer for a period of six (6) months, or the consumer has notified the Utility in writing to temporarily terminate service. If a meter remains unused for a period of six (6) months, or the consumer requests in writing that service be temporarily terminated, the Utility will seal the meter and declare the meter as an “inactive meter”. If a consumer desires to obtain water service after the meter has been declared inactive, the consumer shall pay the Utility a reconnection fee of \$150.00, together with any previous bill assessed against said meter, prior to obtaining any additional service from the Utility. Once the connection fee and any past due bills have been paid, the meter will be reclassified as an “active meter” as defined above.
- c. “Canceled meters” are defined as meters that are installed but are not used for a period of twelve (12) months, or the consumer has notified the Utility that the consumer does not desire to obtain any further water service from the Utility. If a meter is declared a “canceled meter”, the meter will be removed and the connection sealed. A consumer desiring reconnection of a “canceled meter” shall pay all applicable costs to reconnect, including the cost of the meter.
- d. “Line extension meters” are defined as meters purchased to aid in line extensions but the consumer has not requested that the meter be installed. At the time of the purchase of the meter, the Utility anticipated that the consumer would connect on to the water system within a reasonable time. A number of “line extension meters” have been purchased, but the consumer has not requested that the meter be installed. Due to the

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consumer's failure to connect on to the line extension, pay the minimum monthly water bill, the Utility cannot recoup the cost of the line as originally anticipated. Any consumer holding a line extension meter who fails to connect on within six (6) months shall be assessed an additional connection fee of \$150.00 at the time of connection. The consumer may avoid the payment of the additional connection fee by paying the minimum monthly water bill until such time as the meter is connected, at which time the meter will be classified as an "active meter" as defined above.

Effective on the adoption date of this ordinance are Water Conservation Incentive Rates:

Residential Meters:

First 8,000 gallons	\$13.67
8,001 through 10,000 gallons	\$ 3.84 per thousand
10,001 gallons and over	\$ 5.84 per thousand

Irrigation Meters:

First 8,000 gallons	\$13.67
8,001 gallons and over	\$ 5.84 per thousand

Industrial Rates:

Can be negotiated

ARTICLE XI METER READINGS

The water meter serving the consumer's property shall be read on a monthly basis and official records of each reading thereof shall be kept for a period of one year.

ARTICLE XII BILLING AND COLLECTIONS

30-1201 The consumer shall pay promptly on a monthly basis all water registered by the meter serving said property at the rate or rates set by the Utility from time to time, which shall include water used, water wasted or leakage, except for water that may be traced by the Utility to the Utility's system.

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- 30-1202** Said bill shall be paid within fifteen (15) days from the date of said bill. In the event that the bill assessed thereon is not paid within twenty (20) days from the date of said bill, the Utility shall have the right to commence procedures to terminate the water service.
- 30-1203** If water service is discontinued for non-payment of bill, or if an employee of the Utility is required to go to the residence of a consumer for the purpose of discontinuing service for non-payment of bill, a non-refundable service fee of \$25.00 shall be assessed against said consumer. The Utility will not resume water service until the bill and service fee have been paid to the Utility by the consumer. This service fee shall be charged regardless of whether water is actually cut off.

**ARTICLE XIII
COMPLAINTS/ADJUSTMENTS**

- 30-1301** If a consumer believes his bill to be in error, he shall present his claim, in writing, to the Utility as the office of the Utility before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not be prejudicing his claim.
- 30-1302** Settlement of claims and adjustments of bills are subject to the following additional provisions:
- a.** Any consumer who fails to notify the Utility in writing within thirty (30) days after the date of said bill of any irregularities or errors that may be in said bill shall waive any right or claim for correction or refund under said bill.
 - b.** Water meters will be tested at the request of the consumer. If the meter is found to be malfunctioning, no charge will be made. However, if the meter is found not to be malfunctioning, consumer will be required to pay a fee of \$25.00. Said fee will be added to the next month's bills.
 - c.** If the seal of a meter is broken by any person other than the Utility's representative, or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount which is the average of the three previous months.

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ARTICLE XIV
PROCEDURES FOR TERMINATION OF WATER SERVICE

- 30-1401** The General Manager of the Utility, and his designees, are hereby authorized to terminate water services to customers of the Utility who fail to pay their water bills as required by this Ordinance.
- 30-1402** The following procedures shall be followed prior to termination of water services:
- a.** The Utility, through its employees, shall forward to each consumer, at the billing address provided by the customer, bills for water services provided. All water bills shall be due on the date set forth on the bills.
 - b.** If there is a past due amount shown on the bill, then notice of the cut off date will be shown on the bill.
 - c.** If a consumer with a past due balance has not paid the current bill by the due date, the Utility will attempt to notify the customer of the pending cut off date.
 - d.** If payment is not received by 4:30 p.m. on the tenth (10th) day after the due date of the bill, the Utility's personnel may terminate service to the customer at any time after said date.
 - e.** The General Manager, or his designee, is hereby authorized to direct personnel of the Utility to terminate water services without notice to any customer that the General Manager has reason to believe is obtaining water through fraudulent means, has issued a check that has been returned to the Utility marked "Insufficient Funds", or is attempting to abscond without the payment of water bills due.
 - f.** If the customer does not provide access to the meter so that service may be restored, and the Utility is required to make an additional service call to restore service, an additional fee of \$25.00 per service call will be assessed and added to the customer's water bill.
 - g.** If service has been discontinued for non-payment, a customer can re-establish service by paying the total amount due that Utility, together with any other applicable service call fees, charges and penalties. Payment must be received in the office of the Utility located in the Planning and

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Zoning Offices in Pembroke and Richmond Hill, by 12:00 noon on normal business days for same day restoration of service. Service will be restored the following business day for payments received after 12:00 noon.

- h.** If a customer disputes the amount of the bill, the customer may request a hearing. A request for hearing may be made as follows:
- (1) In writing addressed to the General Manager and mailed to the Utility
 - (2) In writing addressed to the General Manager and delivered to the Utility
 - (3) By contacting the General Manager or the Manager of the Billing Department of the Utility, by telephone, during normal business hours.

A hearing date and time will be set. The General Manager, or his designee, shall conduct the hearing and determine the amount due on the bill. The amount determined to be due on the water bill at the hearing shall be paid by 4:30 p.m. on the following business day. If the water bill is not paid by said date and time, water service shall be terminated.

ARTICLE XV SUSPENSION OF SERVICE

- 30-1501** When water service is discontinued either by written notice from the consumer to the Utility, or by acts of the Utility, the Utility shall apply the refundable deposits to the balance of the bill owned by the consumer and refund the difference, if any exists, to the consumer.
- 30-1502** The Utility reserves the right to discontinue its service without notice for the following reasons:
- a.** To prevent fraud or abuse
 - b.** Consumer's willful disregard of Utility's rules
 - c.** Emergency repairs
 - d.** Insufficiency of water supply due to circumstances beyond the Utility's control

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- e. Legal processes
- f. Direction of public authorities
- g. Strike, riot, fire, flood, unavoidable accident, actions of others or acts of God
- h. When a property owner fails to maintain the water system on the property or the improvements located thereon, in compliance with the current Georgia State Minimum Standards Plumbing Code.

30-1503 The Utility reserves the right to terminate the services granted by the Utility for any reason other than those stated above by giving the subscriber ten (10) days written notice of the date of termination and further providing the subscriber with a right to hearing prior to termination of the service.

ARTICLE XVI PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF WATER LINES

The Utility shall have the right to specify the requirements, plans and specifications for the construction of water lines in Bryan County. All water lines constructed by any consumer, owner or developer shall be constructed according to the plans and specifications established by the Utility for the construction of water lines in Bryan County. No water line shall be covered without first being inspected and approved by the Utility/Authority.

ARTICLE XVII BACK-FLOW PREVENTION VALVE

30-1701 Installation of Backflow Prevention Device Required: All consumers shall have in place a backflow prevention device of the type, design, and specifications set forth in Bryan County's Engineering and Design Standards. Purchase, installation and inspection of the backflow prevention device shall be at the expense of the property developer/owner.

30-1702 Designation as High, Medium or Low Risk Consumer:

Monthly Surcharge:

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- a. The Utility is authorized to categorize and designate consumers as high, medium or low risk consumers. Said designation shall be made by the Backflow Prevention Program Manager, based upon his/her evaluation of the consumers property's use and potential for contamination of the public water supply.
- b. The Utility is authorized to charge each high-risk consumer of the system an amount not to exceed two dollars monthly as a surcharge to maintain and administrate the Cross-Connection and Backflow Prevention Program.

30-1703 Type of Backflow Prevention Device Required:

Approval of Devices:

- a. The backflow prevention device shall be of the following types and installed in the following manner:
 - (1) Low and Medium Risk Consumers: The low or medium risk consumer or property owner shall provide a double check valve (DCV) backflow prevention device in a size to match that of the required service meter.
 - (2) Specifications:
 - (i) The DCV checks shall have replaceable seats, capture springs and the device assembly shall include a full-port ball valve on the inlet and outlet sides, with a union or swivel coupling nut between the device and each valve. Unions or swivel nuts must be integral with the device or valves. Devices shall have three ball-valves test cocks in the vertical position fitted with brass or plastic threaded plugs. A fourth vertical test cock shall be provided on the upstream side of the inlet shut-off valve. All components of the assembly, including ball valve handles and assembly bolts, shall be equal in corrosion resistance to bronze or stainless steel in order to resist electrolysis. Access to both checking devices shall be by top and/or side entry for maintenance and repair of all interior parts. Valve handles, except T-type, shall turn up to close and in board (90 degrees) to open.
 - (3) Installation: The DCV backflow prevention device shall not be buried in earth, but models with ready access to both checks may be installed in meter boxes, pits or vaults, provided ball valve test cocks seated with threaded plugs are used. All components of a

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DCV installed below ground should be resistant to electrolysis. A resilient seat shut-off valves should be near the inlet and outlet side of the device, and three approved test rocks provided on the device. Test rocks below ground shall be chlorinated before use.

- (4) Sample Approved Devices:
- (i) Hersey Model # FDC/Unions
 - (ii) Watts Model # U-007-QT

- b. High Risk Consumers:** The high risk consumer or property owner shall install a reduced pressure zone (RPZ) backflow prevention device.
- (1) Specifications: The RPZ shall be of a size to match that of the required service line or meter. The RPZ assembly shall consist of a pressure differential relief valve located between two positive seating check valves. The relief valve shall function automatically by sensing the pressure differential across the first check valve and discharge the backflow to atmosphere should the check valve become damaged or fouled. The relief and check valves shall have replaceable seats, and the check valves provided with capture springs. A full-port ball valve in sizes through two inch, and resilient-seat OS & Y gate valve in sizes over two inch shall be on the inlet and outlet sides of the device, with a union, swivel coupling nut, or flanges between the device and each valve. Unions and swivel nuts must be integral with the device or valves. The device shall be provided with three ball valve test cocks and a fourth test cock shall be provided on the upstream side of the inlet shut-off valve. Sizes through two inch shall have all test cocks in the vertical position. Test cocks on all assemblies shall be provided with brass or plastic threaded plugs, and relief valve vent-ports shall have suitable connections for an air gap. When a meter or other device with bronze strainer, integral or attached, is not immediately upstream of the backflow preventer, a bronze strainer shall be provided between the inlet shutoff valve and the RPZ on sizes through two inch. All components of the assembly, including ball valve handles and assembly bolts shall be equal in corrosion resistance to stainless steel. Assess to both checking devices shall be by top and/or side entry for maintenance and repair.
- (2) Installation: The RPZ backflow prevention device shall not be buried in earth but shall be installed above ground in a structure that permits positive drainage, has freeze protection, and is located as close as practical to the outlet side of the meter. In lieu of above ground installation, the RPZ may be installed immediately inside

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the facility provided no intervening connections exist between the meter and the device. Where relief valve discharge could cause water damage, it shall be piped via an air gap at the relief valve vent-port to a floor drain.

- (3) Sample Approve Devices:
- (i) Hersey Model Nos. FRP II-U; 6 CM; 6CM-RPDA
 - (ii) Watts Model Nos. U-009-QT; 9090SY; 909DDC

30-1704 Time for Compliance, Authorization for Installation Services by the Utility:

- a. Upon application for new water service from the Utility, a consumer shall be categorized as a low, medium, or high risk consumer and shall install the designated backflow prevention device required for that category prior to receipt of water services.
- b. Existing high risk consumers shall install the designated backflow prevention device within thirty (30) days of the adoption of this Ordinance
- c. Existing low and medium risk consumers shall install the designated backflow prevention device within sixty (60) days of the adoption of this Article.
- d. The Utility is authorized to provide service for the installation of backflow prevention devices in compliance with the standards set out in Paragraph C of this Article. Installation shall be at the expense of the property owner

30-1705 Inspection of Backflow Prevention Devices Required, Maintenance and Submission of Records by Property Owner.

- a. All backflow prevention devices shall be maintained in proper working order. Reduced pressure zone (RPZ) devices shall be tested immediately after installation and not less than annually thereafter. Double check device (DCV) in use by low or medium risk consumers shall be inspected and tested immediately after installation and at not less than five (5) years intervals following installation.
- b. The backflow prevention device shall be tested by a nationally recognized testing laboratory in accordance with the following standards:

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- (1) Double check valve device: ASSE standard 1015, and shall bear the ASSE seal.
 - (2) RPZ: ASSE standard 1015, and shall bear the ASSE seal.
 - (3) Synthetic (i.e. rubber or nylon) components within a backflow prevention device shall be replaced not less than every five years.
- c.** Each consumer and owner of property which receives water services from the Utility shall maintain a written records of the location, testing, and maintenance of each backflow prevention device on his/her property. Said records shall be provided to the Utility upon written request by the Backflow Prevention Program Manager.
- d.** High risk consumers shall submit backflow prevention device inspection and test reports annually to the Backflow Prevention Program Manager, or more frequently upon written request. Said report shall be submitted within fourteen days of completion of the inspection or written request.
- e.** The Utility is authorized to suspend water service to the consumer's premises in the event backflow prevention devices inspection and test reports are not provided as required.

30-1706 Entry Upon Premises for Purposes of Inspection: The Utility shall be authorized to conduct inspections to determine compliance with this Article at the discretion of the Program Manager. Agents and employees of the Authority shall be authorized to enter the premises of the consumer without notice during daylight hours for the purpose of inspection and testing of the backflow prevention device.

30-1707 Installation of Thermal Expansion Device: An auxiliary release valve, or expansion chamber, shall be installed where water is heated and stored in a consumer's water system, or a branch of the system, which has been closed by the installation of a backflow prevention device. Said auxiliary release valve or expansion chamber shall be installed to limit thermal expansion of the heated water to not more than eighty psi static (no-flow) pressure at any fixture on the system.

30-1708 Lawn Sprinkler or Irrigation Systems:

- a.** Lawn sprinkler or other irrigation systems, when connected to the Utility water system, shall include adequate provision for drainage and backflow prevention.

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- b. Where chemicals, pesticides, fertilizer, or other additives are utilized with a sprinkler system, said system shall have an approved reduced pressure zone (RPZ) backflow prevention device.

30-1709 Penalties for Failure to Comply with Article:

- a. In the event a backflow prevention device is found not to be in compliance with those standards set forth in Paragraph 3 of this Article, the property owner or consumer shall cause said device to be repaired or replaced so as to meet the standards set forth in Paragraph 3 within five (5) days of written notice by the Utility. In the event the backflow prevention device is not repaired or replaced within five (5) days after written notice by the Utility, the Utility is authorized to suspend water service to the consumer's premises without further notice until such time as the device is repaired or replaced such as to be in compliance with Paragraph 3 of this Article.
- b. Violation of this Article by the consumer or the property owner may be punished by a maximum fine of \$500.00 per occurrence.

**ARTICLE XVIII
ALLOCATION OF WATER SERVICES**

The Utility shall have the right from time to time, if necessary, to allocate water to the consumer under specific rules and regulations in effect now or that may later be adopted by the Utility and the County.

30-1801 When it becomes necessary to impose bands, restrictions or curtailments of water usage, the General Manager of the Utility shall have the authority to do so and to name those restrictions and the time and duration of said restrictions as defined by priority in the Water Conservation Plan and the Drought Contingency Plan of Bryan County Water and Sewerage Utility. The General Manager shall be responsible for widely publicizing said restrictions.

30-1802 Any consumer, person, firm or corporation who uses water in violation of the restrictions imposed by the General Manager will be cited. When a citation is issued and if found guilty, the violator will be subject to a fine and/or imprisonment as may be set from time to time by the Magistrate Court of Bryan County.

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- 30-1803** The Magistrate Court of Bryan County, Georgia shall have jurisdiction to hear, try and dispose of citations that are issued for said violations. The citations shall be issued by Bryan County Code Enforcement or a representative of the Utility. Said citation(s) shall require the appearance of the violator in the Magistrate Court of Bryan County, Georgia, to answer said charge or charges.

**ARTICLE XIX
AMENDMENT TO ORDINANCE**

Since special circumstances frequently occur which require changes, amendments or modifications to this Ordinance, this Ordinance may be amended without notice upon the approval of said changes, amendments or modification by the Utility and the County.

**ARTICLE XX
RULES AND/OR POLICIES**

The Utility is authorized to develop, implement, and administer such rules, regulations, and policies as are necessary for the construction, maintenance and operation of the water facilities of Bryan County, including but not limited to achieving and maintaining compliance with the rules, regulations and policies of all federal or state agencies having jurisdiction over same.

**ARTICLE XXI
ENFORCEMENT OF ORDINANCE**

The Utility shall enforce the terms of this Ordinance through the administrative procedures hereinbefore set out or through legal actions in a court of law.

**ARTICLE XXII
PROHIBITION AGAINST TAMPERING WITH AUTHORITY AND COUNTY
PROPERTY AND PROVIDING PUNISHMENT THEREFOR**

- 30-2201** Any consumer, person, firm or corporation who without the authorization of the Utility:
- a.** Connects onto a water line of the Utility;
 - b.** Disconnects a water line from a water line of the Utility;

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- c. Connects onto a water meter of the Utility;
- d. Disconnects a water meter of the Utility;
- e. Moves, removes, changes, or alters the location of a water meter;
- f. Changes, alters, or damages any water meter or water line so as to prevent proper registration of water passing through said water meter or line;
- g. Obtains water;
- h. Prevents any other person from obtaining water;
- i. Obstructs or otherwise interferes with the reading or maintenance of any water meter;
- j. Obstructs or otherwise interferes with any water line, fire hydrant, pumping station or any appurtenances to water facilities of Bryan County;
- k. Creates a hazardous or unsafe condition to the water facilities of Bryan County;

Shall be issued a citation and if found guilty, shall be subject to a minimum fine of \$250.00 to a maximum fine of \$500.00 and/or imprisonment in the county jail of Bryan County for a minimum of 30 days to a maximum of 60 days.

30-2202 Any customer, person, firm, corporation or legal entity who, without authorization from the Utility, takes water from any fire hydrant, designated fire line, or other unmetered line, shall issued a citation and, if found guilty, shall be subject to a minimum fine of \$500.00, to a maximum fine of \$1,000.00, and/or imprisonment in the county jail of Bryan County for a minimum of 30 days and a maximum of 90 days.

30-2203 Any customer, person, firm, corporation, or legal entity who, without authorization from the Utility, draws water from a fire hydrant, designated fire line, or other unmetered line, shall pay to the Utility the value of any water used, a hydrant fee of \$2,500.00, as well as any consequential damages suffered by the Utility.

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- 30-2204** Any customer, person, firm, corporation, or legal entity which the Utility has to take legal action against for violation of any part of this Ordinance shall reimburse the Utility all costs, legal expenses, attorney's fees, and expenses associated with the collection thereof that are incurred by the Utility as a result of the collection or the enforcement of this Ordinance.
- 30-2205** All consumers, persons, firms, or corporations who are charged with having violated this ordinance shall be issued a citation by the Bryan County Code Enforcement Officer, or a representative of the Utility, said citation shall require the appearance of the violator in the Magistrate Court of Bryan County, Georgia to answer said charges.
- 30-2206** The Magistrate Court of Bryan County shall have jurisdiction to hear, try, and dispose of citations that are issued for said violations.
- 30-2207** Any customer, person, firm, or corporation who violates the terms of the ordinance and does not pay the fees or fines assessed above within 30 days of the unauthorized use of the water or facilities of the Utility, shall have said fee or fine added to their water bill if a billing account exists. Also, a fi.fa. shall be issued by the Clerk of the Utility and filed upon the public records of Bryan County and the county of the residence of the customer, person, firm, or corporation who violated this ordinance, with the same being collected as other fi.fa.'s are authorized to be collected under the terms of this ordinance.

ARTICLE XXIII

SERVICES PROVIDED TO PROPERTY LOCATED OUTSIDE BRYAN COUNTY

Any fees, rates, or charges assessed by the Utility for properties outside the boundaries of Bryan County shall be one hundred fifty percent (150%) of the fees, rates, or charges assessed by the Utility for properties located inside the boundaries of Bryan County

ARTICLE XXIV

ABBREVIATIONS AND DEFINITIONS FOR SEWERAGE SYSTEMS

- 30-2301** **ABBREVIATIONS:** The following abbreviations, when used in this ordinance, shall have the designated meanings:

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BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BCSWU	Bryan County Water & Sewer Utility/Authority
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
F	Fahrenheit
FSF	Food Service Facility
gpd	gallons per day
LAS	Land Application System
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
P2	Pollution Prevention
PAH	Polynuclear Aromatic Hydrocarbons
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
TKN	Total Kjehldahl Nitrogen
TSS	Total Suspended Solids
U.S.C.	United States Code

ARTICLE XXV PURPOSE AND POLICY

30-2501 Purpose and Policy:

- a. This Ordinance regulates the use of public and private sewers and drains; private sewage disposal; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and the removal, transportation and disposal of scavenger wastes; and provides penalties for the violation thereof and establishment of fees and other matters, in Bryan County, State of Georgia.
- b. Objectives of this Ordinance are:
 - (1) To prevent introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
 - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system,

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inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system (protect the environment).

- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

30-2502 All subdivisions developed in Bryan County with 25 lots or more will be served by a sewerage treatment system approved by the County. The County Engineer has the authority to increase or decrease the 25 lot minimum by 20% depending on his professional assessment. It shall be the developers responsibility for design, engineering, and installation of the system, unless service is provided by the BCS&WU; developer will provide a reuse plan for wastewater. Septic systems will only be approved for subdivision of 24 lots or less, where the soils are determined appropriate by the County Health Department.

ARTICLE XXVI SEWER CONSTRUCTION AND SERVICE

30-2601 **Responsibility:** The construction, operation and maintenance of all sanitary sewer lines under the County's jurisdiction are the responsibility of the Bryan County Sewer & Water Utility. All existing and future sanitary sewer lines installed in the County and all areas served by the sanitary sewer lines are within the jurisdiction of BCS&WU except those areas within the corporate limits of municipalities unless arranged by prior agreement or ordinance. The Manager supervises all resources of the BCS&WU to effectively carry out the responsibilities of constructing, operating and maintaining the sanitary sewer system.

ARTICLE XXVII CONTRACTING

30-2701 **Contracting:** BCS&WU shall be expressly authorized and empowered to contract for a period not exceeding fifty (50) years with any public agency, public corporation, city, town, county or authority, and they with BCS&WU for water, sewer or other activities and transactions as such subdivisions are by law authorized and any and all contracts concerning water and sewage heretofore so entered into by BCS&WU are expressly ratified and approved. That contract may

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be extended for an additional period if changes in the law occur during the contract running period. This authorization shall be cumulative of all other powers authorized and delegated to BCS&WU and other governmental subdivision, cities, towns and counties by other laws of whatever king and nature; and this enactment shall not limit or restrict such power or authority in any way.

**ARTICLE XXVIII
PRIVATE WASTEWATER DISPOSAL**

30-2801 Private Wastewater Disposal:

- a.** Septic Tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with the plans and specifications approved by the Health Office. Septic tanks shall be maintained in sanitary working order.
- b.** No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the Health Officer. The Health Officer may withhold the issuance of such a permit pending an inspection and approval of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, and enlarged, it shall be inspected and approved by the Health Officer.
- c.** The type, capacities, location, and layout of a private wastewater disposal system shall comply with the recommendations of the Georgia Department of Human Resources. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 30,000 square feet with an approved public or private water system. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- d.** No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the Health Officer deems that use of same to be a menace to human health or well being.
- e.** At such time as public sewer becomes available within 1,000 feet of the property served by a private wastewater disposal system, a direct

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connection shall be made to the public sewer within thirty (30) days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.

- f. It shall be unlawful to empty, dump, throw or other discharge, into any manhole, catch basin or other opening, into the BCS&WU wastewater system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage or other similar matter or material, except as provided in Article XXXIX (d) (1) of this ordinance.
- g. Premises with private wastewater disposal systems that do not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the Health Officer.
- h. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

ARTICLE XXIX SEWER SERVICE CHARGES

30-2901 Sewer Service Charges: A charge is hereby levied on users of the Bryan County Sewer & Water Utility's POTW for the total cost of operation and maintenance of such works, including replacement. The system of charges shall be established, maintained and annually reviewed and revised to assure that each recipient of wastewater treatment services pays its proportionate share of the total cost of operation and maintenance, including replacement. In setting said rates, factors such as strength, volume and delivery flow rate characteristics shall be considered by BCS&WU and included as the basis for the user's contribution to insure proportional distribution of total operation, maintenance and replacement cost to each user or class of user. BCS&WU shall review user charges annually, and revise them periodically to reflect actual treatment works total operations, maintenance and replacement cost. Sewer user service charges and rates shall be set for the purpose of generating sufficient revenue to offset the cost of all treatment works operations, maintenance and replacement costs.

- a. Service Charge Determination: Sewer user service charges shall be determined as follows:

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- (1) The said sewer user service charge shall be based upon the quantity of water used by the said premises or facility therein or thereon as the same is measured by a water meter or meters therein used, or as otherwise currently established.
- (2) Said sewer user service charge shall be established by a formula consisting of the fraction of the “total operation, maintenance and replacement cost per unit time” over the “total volume contribution for all users per unit time” multiplied by the “volume contribution from the user per unit of time”.
- (3) Said sewer user service charge shall consist of a charge per 1,000 gallons of water consumed, including adjustments thereto.
- (4) Water user from private sources shall be metered as required in Article XXX (b) and that portion of the sewer user service charge for the portion of sewerage shall be computed according to Article XXX (a).

**ARTICLE XXX
OTHER WATER SOURCES**

30-3001 Other Water Sources: In the event a lot, parcel of land, premise or facility discharging wastewater, industrial waste, water of other liquids, either directly or indirectly into BCS&WU/A’s wastewater system, or which ultimately enters the sewer system, is supplied whole or in part, with water from wells, or any source other than BCS&WU, then such wells other source of supply shall be registered with BCS&WU, and if the water from said well or other supply is not measured by a water meter, the owner or occupant shall, at his own cost, install and maintain a meter on said supplies in such a location and in such a manner as is satisfactory to BCS&WU. These meters shall serve as a control for the establishment of the sewer service charge and shall be read monthly or bimonthly by agents of BCS&WU.

**ARTICLE XXXI
WASTEWATER NOT DISCHARGED TO POTW**

30-3101 Wastewater Not Discharged to POTW: Where it can be shown to the satisfaction of the Manger that a significant portion of the water as measured by the water meter or meters does not enter the wastewater system, then the Manager may require or permit the installation of additional meters or other devices as may be deemed necessary to establish that portion that does not enter the wastewater

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system, and the correct meter flow will be used for billing of the sewer user service charge. All such additional facilities will be provided by the owner of the premises concerned or other interested parties at no expense to BCS&WU.

ARTICLE XXXII TERMINATION OF SERVICE

30-3201 Termination of Service: If the payment of the sewer user service charge and/or the industrial waste surcharge is allowed to go into default by the customer, BCS&WU may take appropriate action to terminate the customer's water and sewer service, until such time as all sums due for sewer service, including penalties, are paid in full.

ARTICLE XXXIII INDUSTRIAL WASTE SURCHARGE

30-3301 Industrial Waste Surcharge:

- a. All persons discharging industrial waste into the public sewers shall be charged and assessed a surcharge, in addition to any sewer service charges, if these wastes have a concentration greater than the following "normal" concentrations:
 - (1) A five (5) day, 20 degree C biochemical oxygen demand (BOD) of 225 mg/l; or
 - (2) A Total Suspended Solids (TSS) of 225 mg/l; or
 - (3) A Total Kjehldahl Nitrogen (TKN) of 40 mg/l; or
 - (4) A Total Phosphorus of 6 mg/l; or
 - (5) Any other pollutants in excess of the "normal" level of such pollutants.

- b. The amount of such surcharge shall reflect the cost incurred by BCS&WU in handling the excess pollutants. This surcharge shall include a proportionate share of the following; fixed charges for maintenance, operations and replacement of the sewerage system to include sewers, plants, pumping stations and other necessary systems including depreciation and other incidental expenses.
 - (1) **Surcharge Determination:** When the BOD, TSS, TKN, or Phosphorus of the water or waste accepted for admission to BCS&WU's wastewater system exceeds the values of these

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constituents for “normal” wastewater the excess concentration shall be evaluated in terms of “normal” wastewater and be subject to a surcharge on the amount derived in accordance with the following formula:

(2) **Amount of surcharge** = B1 (B) + S1 (S) + N1 (N) + P1 (P) + X1 (x) V

- (i) B1 = total operation, maintenance and replacement cost for treatment of a unit of BOD.
- (ii) B = concentration of BOD from the user above the base level.
- (iii) S-1 total operation, maintenance and replacement cost for treatment of a unit of TSS.
- (iv) S = concentration of suspended solids from the user above the base level.
- (v) N1 = total operation, maintenance and replacement cost for treatment of a unit of TKN.
- (vi) N = concentration of TKN from the user above the base level.
- (vii) P1 = total operation, maintenance and replacement cost for treatment of a unit of Phosphorus.
- (viii) P = concentration of Phosphorus from the user above the base level.
- (ix) X1 = total operation, maintenance and replacement cost for treatment of a unit of any pollutant.
- (x) X = total contribution of any pollutant from the user above the base level.
- (xi) V = volume contributed from the user per unit time.

ARTICLE XXXIV ANNUAL REVIEW AND BILLING

30-3401 Annual Review and Billing: The rates of surcharges shall be reviewed annually by BCS&WU in order that the above factors may correctly represent current treatment cost, and may be modified at any time. Industrial waste surcharges provided for herein shall be prepared and rendered with the regular water and sewerage bill.

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**ARTICLE XXXV
FLOW MEASUREMENT**

30-3501 **Flow Measurement:** The volume of flow used to compute industrial waste surcharges shall be based upon metered, estimated or prorated water consumption as shown in the records of meter reading maintained by BCS&WU. In the event that a person discharging waste into the public wastewater system produces evidence to the Manager that a significant portion of the total annual volume of water used for all purposes does not reach the public sewer system, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the Manager and the persons discharging industrial waste into the sewer.

**ARTICLE XXXVI
DISPUTES**

30-3601 **Disputes:** In the event that an analysis of waste, determined by the sampling and gauging of waste from a person or industry by BCS&WU is disputed; a program of re-sampling and gauging, with subsequent chemical determinations may be instituted as following:

- a.** The person or industrial user interested must submit a request for re-sampling and gauging of their waste to BCS&WU by letter and bind themselves to bear the expenses incurred by BCS&WU in the re-sampling and gauging and subsequent chemical determination of the waste.
- b.** The chemist or engineer employed by the company or person responsible for the request submitted to BCS&WU must confer with BCS&WU's representative in charge of gauging and sampling. They will establish the length of the rerun and the methods to be employed to determine the flow and to sample the flow.
- c.** The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the laboratory during the chemical determination of the analysis.
- d.** The results of the analysis, determined from the quantity and quality of the flow shall be considered an analysis of record and shall be used to establish current billing procedures.

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**ARTICLE XXXVII
BUILDING SEWERS AND CONNECTIONS**

30-3701 Building Sewers and Connections: The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the BCS&WU jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of BCS&WU is hereby required at the owner(s) expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line. All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided that where no sewer is available, septic tanks and other private subsurface disposal facilities approved by the Health Officer may be used.

- a. Connections:** No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer without first obtaining a written permit from the Manager. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to the public sanitary sewer unless such a connection is approved by BCS&WU.
- (1) A separate and independent building sewer and connection shall be provided for every building unless otherwise approved. A separate and independent building sewer shall be provided for each residential unit of multi-unit residences unless otherwise approved.
 - (2) All costs and expenses incidental to the installation and connection of building sewers shall be borne by the owner. The owners shall indemnify BCS&WU for any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
 - (3) All building sewers and connections shall be the responsibility and property of the landowner; and BCS&WU shall have no ownership in the same and no responsibility for maintenance of the same.
 - (4) All such connection shall be made gas-tight and watertight.
- b. Building Sewer Permits:** There shall be two (2) classes of building sewer permits: one for residential and commercial service, and the other for service to establishments producing industrial wastes. In either case, the

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owners or his agent shall make application on a special form furnished by the BCS&WU. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit fee and an amount currently set by BCS&WU at the time the application is filed for residential and commercial service, or as currently set for an industrial building sewer connection, shall be paid to BCS&WU at the time the application is filed. The applicant for the building sewer permit shall notify the Building Inspector of Bryan County when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Building Inspector or his representative. Water and sewer service shall not be instituted until all fees levied by BCS&WU are paid and the County Building Inspector approves the connection.

- c. Applicable Codes:** The size, materials of construction, methods of construction, slope, and alignment of all water and wastewater facilities construction shall conform to the technical codes and specifications described below. To the extent that any conflicting provisions exist in the below-described technical codes and specifications, the provisions of the earliest mentioned document shall prevail.
- (1) Georgia State Plumbing Code if in effect in Bryan County or the plumbing code in effect in Bryan County as it presently exists or may be amended.
 - (2) Standard Building Code if in effect in Bryan County or the building code in effect in Bryan County as it presently exists or as it may be amended.
 - (3) One and Two Family Dwelling Code if in effect in Bryan County or the dwelling code in effect in Bryan County as it presently exists or as it may be amended.
 - (4) The current Standards for Residential and Commercial Development in Bryan County as it presently exists or as it may be amended.
 - (5) Bryan County Cross-Connection or Backflow Prevention Program if in effect in Bryan County as it presently exists or as it may be amended.
 - (6) Water Pollution Control Federation Manual of Practice No. 9, latest edition (for wastewater system construction).
 - (7) American Water Works Association Standard Specifications C-100 through C-900, latest editions (for water system construction).

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**ARTICLE XXXVIII
GENERAL SEWER USE REQUIREMENTS**

30-3801 General Sewer Use Requirements: It shall be unlawful to discharge to any natural outlet within Bryan County, or the area under the jurisdiction of BCS&WU, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water bearing formation, except where suitable treatment has been provided in accordance with this ordinance.

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) **Special Prohibitions:** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (i) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees C, using the test methods specified in 40 CFR 261.21;
 - (ii) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but no case solids greater than one-half (.5") in any dimension;
 - (iv) 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;
 - (v) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees

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- F (40 degrees C);
- (vi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (vii) 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;
- (viii) Trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Article XXXX (d) of this ordinance.

(3) Other Prohibitions: The following described substances, materials, waters, or waste shall be limited in discharges to the public sanitary sewers to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. BCS&WU may set limitations lower than the limitations established in the regulations below if, such more severe limitations are necessary to meet the above objectives. In determining acceptability, BCS&WU will consider the quantity of subject waste in relation to the flows and velocities in the sewers, materials or construction of the sewer, the wastewater treatment process employed, capacity of the wastewater treatment plant, the toxicity of the pollutant, its persistence, degradability, and other pertinent factors. The limitations and restrictions on the materials or characteristic of the wastes of wastewaters discharged to the sanitary sewer which shall not be violated without written approval of the Manager or his designated representative are as follows:

- (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;
- (ii) Wastewater that 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 BCS&WU's NPDES or LAS permits;
- (iii) Wastewater containing any radioactive wastes or isotopes except in compliance with the applicable State or Federal regulations;

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- (iv) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, noncontract cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
 - (v) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (vi) Medical wastes, except as specifically authorized by the Manager in a wastewater discharge permit;
 - (vii) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 - (viii) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or in concentrations greater than one hundred (100) mg/l;
 - (ix) Fats, oils, or greases of animal or vegetable origin in concentrations greater than two hundred (200) mg/l;
 - (x) Wastewater causing two readings on an explosive hazard meter at the point of discharge into the sewer, or at any point in the POTW, of more than ten percent (10%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;
 - (xi) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater plant effluent can not meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters;
 - (xii) Water or wastes containing taste and odor producing contaminants in such quantities that after treatment of sewage these contaminants impart their taste and odor to receiving water;
 - (xiii) Any contaminant that is harmful to the operation or efficiency of wastewater treatment plants, or the health and welfare of the resident of Bryan County;
 - (xiv) Ground paper products shall be prohibited from discharge to the sanitary sewer;
 - (xv) Discharges of materials or substances that would cause the effluent quality from wastewater treatment plant to violate state and federal standards.
- (4) If any water or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances

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identified in Article XXXIX (a) 1, 2 or 3, and which may have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- (i) Reject the wastes;
- (ii) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (iii) Require control over the quantities and rates of discharge, and/or
- (iv) Require surcharge payment to cover additional cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the pretreatment or equalization of waste flows is allowed, the design and installation of the plants and equipment shall be subject to the review and approval of BCS&WU. An owner or operator of any source to which the pretreatment standards are applicable shall comply with 40 CFR Part 403, as the same may be, for time to time amended or replaced.

- (5) 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.

b. National Categorical Pretreatment Standards: The categorical pretreatment standards found at 40 CFR Chapter 1, subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, BCS&WU may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, BCS&WU shall impose an alternative limit using the combined waste-stream formula in 40 CFR 403.6 (e).
- (3) A user may obtain a variance from categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

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- (5) When BCS&WU's wastewater treatment system achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, BCS&WU may apply to the approval authority for modification of these specific limits.

"Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to procedures set forth in 40 CFR Part 403, Sec. 403.7 (c)(2). BCS&WU may then modify pollutant discharge limits in the National Categorical Pretreatment Standards if the requirements contained in 40 CFR Part 403, Sec. 403.7 are fulfilled and prior approval from the Georgia Environmental Protection Division is obtained.

- c. **State Pretreatment Standards:** State pretreatment standards located at Chapter 391-3-6.08 of Georgia Rules and Regulations for Water Quality Control are hereby incorporated.
- d. **Local Limits:** The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits (mg/l):

BCS&WU/A NPDES Water Reclamation Facilities:

1. Arsenic	0.077	14. Total Phenols	41
2. Cadimium	0.004	15. Selenium	0.228
3. Chromium	15	16. Silver	11.1
4. Copper	0.63	17. Surfactants	100
5. Cyanide	0.30	18. Total Toxic Organics	2.14
6. Lead	0.05	19. Zinc	2.59
7. Mercury	0.0003	20. Ammonia	55
8. Molybdenum	0.043	21. Phosphorus	12
9. Nickel	1.03	22. BOD	1500
10. Total PAH	0.100	23. TSS	5000
11. Benzene	0.410	24. Elthylbenzene	0.700
12. Toluene	1.00	25. Total Xylene	10
13. Residual Chlorine	4.00		

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BCS&WU/A LAS Facilities:

1. Arsenic	0.156	12. Total PAH	0.100
2. Cadmium	0.082	13. Total Phenols	18
3. Chromium	8.14	14. Selenium	0.408
4. Copper	2.98	15. Silver	6.94
5. Cyanide	2.40	16. Surfactants	100
6. Lead	0.270	17. Total Toxic Organics	2.14
7. Mercury	0.056	18. Zinc	8.39
8. Molybdenum	0.020	19. BOD	6000
9. Nickel	2.94	20. TSS	6000
10. Benzene	0.410	21. Ethylbenzene	0.700
11. Toluene	1.00	22. Total Xylene	10

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Manager may impose limitations in addition to, or in place of, the concentration based limitations above.

- c. **Right of Revision:** BCS&WU reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- d. **Dilution:** No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**ARTICLE XXXIX
PRETREATMENT OF WASTEWATER**

30-3901 Pretreatment of Wastewater:

- a. **Pretreatment Facilities:** Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article XXXIX (a) of this ordinance with the time limitations

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specified by EPA, the State, or BCS&WU, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to BCS&WU for review and approval before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from that responsibility of modifying such facilities as necessary to produce a discharge acceptable to BCS&WU under the provisions of this ordinance.

b. Additional Pretreatment Measures:

- (1) Whenever deemed necessary, BCS&WU may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (2) BCS&WU may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (4) When required by BCS&WU, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meter and other appurtenances in the building sewer to facilitate observation, sampling and measurement of waste by BCS&WU and its employees. Such structure when required shall be accessible and safely located and shall be constructed in accordance with plans approved by BCS&WU. The structure shall be installed by the owner at his own expense and shall be maintained by him so as to be safe and accessible at all times.
- (5) Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Additionally, any user that handles hazardous wastes, any priority pollutant as shown on the EPA list, or any prohibited materials shall, upon request of the Manager, provide proof of protection from accidental discharge of hazardous

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wastes, priority pollutants or prohibited materials. Facilities to prevent the accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.

- c. **Accidental Discharge/Slug Control Plan:** At least once every two (2) years, BCS&WU shall evaluate whether each significant industrial user needs an accidental discharge slug control plan. BCS&WU may require any user to develop, submit for approval, and implement such a plan. Alternatively, BCS&WU may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Manager of any accidental or slug discharge, as required by Article XXXXII (f) of this ordinance; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant sit 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.
- d. **Hauled Wastewater:**
- (1) Septic tank waste may be introduced into the POTW only at locations designated by BCS&WU, and at such times as are established by BCS&WU. Such waste shall not violate Article XXXIII of this ordinance or any other requirements established by BCS&WU. Septic tank waste haulers are required to obtain wastewater discharge permits.
 - (2) The Manager shall require haulers of waste to obtain wastewater discharge permits. The Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled waste is subject to all other requirements of this ordinance.

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- (3) Industrial waste haulers may discharge loads only at locations designated by BCS&WU. No load may be discharged without prior consent of BCS&WU. BCS&WU may collect samples of each hauled load to ensure compliance with applicable standards. BCS&SW may require the industrial waste hauler to provide a waste analysis of any loan prior to discharge.
- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

e. Groundwater Remediation Sites:

- (1) Groundwater remediation site wastewater may be introduced into the POTW only at locations designated by BCS&WU, and at such time as are established by BCS&WU. Such waste shall not violate Article XXXIII of this ordinance or any other requirement established by BCS&WU. The Manager shall require groundwater remediation sites to obtain wastewater discharge permits.
- (2) BCS&WU also may prohibit the discharge of groundwater remediation site wastewater. The discharge of groundwater remediation site wastewater is subject to all other requirements of this ordinance.
- (3) No wastewater may be discharged without prior consent of BCS&WU. The Manager may collect samples of the discharge to ensure compliance with applicable standards.

f. Food Service Facility Grease Management Program:

- (1) The purpose of this program is to minimize the introduction of fats, oil, and greases into the BCS&WU wastewater collection system. The main components of the program are the proper sizing, installation, and maintenance of grease interceptors. The administrative and inspection requirements of food service facilities are established herein as well.
- (2) **General Criteria:**
 - (i) **Installation Requirements for New Food Service Facilities:** All proposed or remodeled (means expanded service) food service facilities inside the BCS&WU Wastewater Service area shall be required to install an

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approved, properly operated and maintained grease interceptor. All interceptor units shall be installed outdoors of the Food Service Facility building unless the user can demonstrate to BCS&WU that an outdoor interceptor would not be feasible. All interceptor units shall be of the type and capacity approved by the County and BCS&WU.

(ii) **Prohibited Discharges:** Domestic Wastewater shall not be discharged to the grease interceptor unless specifically approved, in writing, by BCS&WU.

(iii) **Requirements for Existing Food Service Facilities:** All existing food service facilities inside the BCS&WU Wastewater Service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed. Existing Food Service Facilities will be handled under BCS&WU Grease Management Program in the following manner:

- (a) BCS&WU will periodically inspect each Food Service Facility on an as needed basis to assure that each facility is complying with the intent of the Grease Management Program. The as needed inspection shall be determined by the BCS&WU.
- (b) Each Food Service Facility in the vicinity of the problem area will be inspected. The facilities' grease control practices and the adequacy of their grease control interceptor/equipment will be assessed. Maintenance records will also be reviewed.
- (c) Following the inspections, BCS&WU will send written notice to the inspected food service facilities, containing a summary of the policy requirements, and the results of the inspection. The inspections will typically result in one or more of the following actions:
 - (i) Facilities equipped with an appropriate and adequately sized grease interceptor who are meeting the intent of the Grease Management Program through effective grease control practices will be commended for their compliance.
 - (ii) After notice and an opportunity to be heard facilities not in compliance shall be issued a

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- letter of violation and if such facility fails to achieve compliance it shall be required to develop and submit to BCS&WU a proposed plan designed to achieve compliance through improved housekeeping and/or increased maintenance and pumping on the existing grease interceptor/equipment.
- (iii) Facilities that are not successful in achieving compliance with the intent of the Grease Management Program through improved housekeeping and increase maintenance and pumping on the existing grease interceptor/equipment will be required to install the necessary interceptor/equipment to bring the facility into compliance.
 - (iv) **Waste Minimization Plan:** Food Service Facilities shall develop and implement a Waste Minimization Plan pertaining to the disposal of grease, oils, and food particles. Educational materials are available from BCS&WU's Environmental Compliance regarding the minimization of these wastes.
 - (v) **Floor Drains:** Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.
 - (vi) **Location:** Each grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at anytime. Grease interceptors required under this ordinance shall be installed outdoors of the food service facility. The best location is in an area outside of an exterior wall, but upstream from the domestic wastewater drain line(s). A grease interceptor may not be installed inside any part of a building unless approved in writing by BCS&WU. The user bears the burden of demonstrating that an outdoor grease interceptor is not feasible.
- (3) **Design Criteria:**
- (i) **Construction of Interceptors:** Grease interceptors shall be constructed in accordance with the County plumbing standards and outdoor units shall have a minimum of two compartments with fittings designed for grease retention.

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All alternative grease removal devices or technologies shall be subject to the written approval of BCS&WU. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

- (ii) **Access:** Outdoor grease interceptors shall be provided with two (2) manholes terminating 1 inch above finished grade with a cast iron frame and cover. All grease interceptors shall be designed and installed to allow for complete access for inspection and maintenance of inner chamber(s) as well as viewing and sampling of wastewater discharged to the sanitary sewer.
- (iii) **Load-Bearing Capacity:** In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity (example: vehicular traffic in parking or driving areas).
- (iv) **Inlet and Outlet Piping:** Wastewater discharging to the grease interceptor shall enter only through the inlet pipe or the interceptor. The inlet pipe bottom tee branch shall extend one (1) foot below liquid level. The outlet pipe bottom tee branch shall be submerged to 2/3 of the liquid depth. Each grease interceptor shall have only one inlet and one outlet pipe.
- (v) **Interceptor Sizing:**
 - (1) Outdoor grease interceptors shall not have a capacity of less than 1,500 gallons nor exceed a capacity of 3,000 gallons. No matter what the calculated capacity using the following formulas, the minimum interceptor size shall be 1,500 gallons. If the calculated capacity using one of the following formulas exceeds 3,000 gallons, then multiple units in series shall be installed. The size of a grease interceptor shall be approximated by the following methods and grease interceptor size shall be the larger of the two results.
 - A. Interceptor Capacity (gallons) = (S) x (25) x Hr/12
 S = Number of Seats
 Hr = Maximum hours of daily operation
 (Including preparation and clean up time)
 - B. Interceptor Capacity (gallons) = (Sum of fixture flows) x (20)

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Type of Fixture	flow rate (gpm)
Restaurant hand sink	15
Pre-rinse sink	15
Single-compartment sink	20
Double-compartment sink	25
Two double-compartment sinks	35
Dishwasher up to 30 gallons	15
Dishwasher up to 50 gallons	25
Dishwasher up to 100 gallons	40
Other fixtures	Manufacturer's peak

- (b) Under-sink or in-line grease interceptor requirements shall meet Plumbing and Drainage Institute Standard PDI - G101:

Type of Fixture	Flow Rate (gpm)	Grease Retention Capacity (lbs)
Restaurant hand sink	15	30
Pre-rinse sink	15	30
Single-compartment sink	20	40
Double-compartment sink	25	50
Two double-compartment sinks	35	70
Dishwasher up to 30 gallons	15	30
Dishwasher up to 50 gallons	25	50
Dishwasher up to 100 gallons	40	80
Other Fixture	Manufacturer Peak	gpm x 2

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Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the costs to provide additional measures if required by BCS&WU. BCS&WU reserves the right to evaluate interceptor sizing on an individual basis for facilities with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

(4) **Grease Interceptor Maintenance:**

- (i) **Pumping:** All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (ii) **Pumping Frequency:** Outdoor grease interceptors must be pumped out completely a minimum of once every three months. Under-sink or in-line grease interceptors must be pumped/cleaned out completely a minimum of once every month. Grease interceptors may need to be pumped more frequently as needed to prevent carry over of grease into the sanitary sewer collection system. Pumping frequency may be extended past the minimum period if it can be demonstrated by the user and approved by BCS&WU.
- (iii) **Pump Out Order:** When the oil and grease concentrations exceed BCS&WU's maximum discharge limits and/or the combined depth of bottom and top solids exceeds 33% of the total depth of the trap, BCS&WU will issue a Pump Out Order to the user. The user shall have seven (7) days from receipt of the order to comply. Where an emergency exists, a written or verbal warning shall be given to the user, and the user will have twenty-four (24) hours to comply.
- (iv) **Disposal of Interceptor Pumped Material:** All waste removed from grease interceptor shall be recorded on a proper manifest form. Also, all waste removed from grease

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interceptor must be disposed at a facility approved by BCS&WU to receive such waste in accordance with the provisions of this program. In no way shall the pumped material be returned to any private or public portion of the sanitary sewer collection system. Responsibility for waste removed from or found in a grease interceptor or waste improperly disposed of shall be placed upon the private company generator food service facility owner.

- (v) **Additives:** Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to BCS&WU. Such additives shall include, but are not limited to commercially available bacteria or other additives designed to absorb, consume, or treat fats, oils, and grease. The use of additives shall in no way be considered as an alternative technology or a substitution for maintenance procedures required herein.
 - (vi) **Chemical Treatment:** Chemical treatments such as drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease shall not be allowed to enter the grease interceptor.
- (5) **Administrative Requirements:**
- (i) **Initial Data Acquisition:** All food service facilities will be asked to complete a data sheet to establish the grease interceptor data base. The BCS&WU database will be updated with additional or modified information after each yearly inspection.
 - (ii) **Administrative Fees:** No fee will be charged for an annual inspection by BCS&WU. However, if the user's grease interceptor is not in compliance with this section, a \$200.00 re-inspection fee will be charged for each inspection thereafter until compliance is achieved.
 - (iii) **Inspection and Entry:** Authorized personnel of BCS&WU, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.
 - (iv) **Record Retention and Reporting:** All users must keep a record of any cleaning or maintenance of their grease

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interceptor. The following records must be kept on-site at the food service facility for a period of two (2) years:

- (a) Manifests are required for all grease interceptors and shall contain the following information:
 - (i) Food Service Facility (generator) information, including name, address, volume pumped, date and time of pumping, and generator signature verifying the information;
 - (ii) Transporter information, including company name, address, license plate number, permit number, driver name, and driver signature verifying transporter information; and
 - (iii) Receiving information, including facility name, address, date and time of receiving, EPD permit number, and signature verifying receipt of the waste.
 - (iv) Manifests must be mailed, faxed, or electronically submitted to BCS&WU Environmental Compliance within fourteen (14) days of interceptor maintenance.
 - (v) A manifest may not be required for under-sink or in-line grease interceptors, if user can demonstrate to BCS&WU a valid reason not to use one.
- (b) Maintenance Logs are required for all under-sink and in-line interceptors. This log shall include the date, time, amount pumped or cleaned, hauler, disposal site, and signature. Log shall be kept in a conspicuous location for inspection. This log shall be made immediately available to Health officer of BCS&WU representative upon request.
- (6) Enforcement of these regulations shall be in accordance with the provisions of the BCS&WU Enforcement Response Plan. Failure to comply with this program will be grounds for penalty imposition and/or discontinuance of service. Additionally, failure to comply may result in Health Officer revoking food service permit.

- g. Oil, Grease, and Grit Interceptors:** Oil, grease, and grit interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, and sand;

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except that such interceptors shall not be required for residential users. All interceptor units shall be of the type and capacity approved by BCS&WU.

(1) Requirements:

- (i) Any user who discharges a wastewater which contains greater than the quantity of oil and grease regulated in Article XXXIII; and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor, then said user will be required to install an oil/grease interceptor. This includes all facilities that have a potential to discharge petroleum based products to the sanitary sewer such as vehicle maintenance facilities.
- (ii) All users whose wastewater discharge is associated with large quantities of grit, sand, or gravel shall be required to install a sand interceptor or trap. All car/truck wash systems shall be required to install sand traps.

(2) Design Criteria:

- (i) All oil, grease, and grit interceptors used in conjunction with facilities other than food service establishments shall have a capacity that will provide not less than ten (10) minutes nor more than thirty (30) minutes retention time as the peak eight (8) hour flow rate. Flow through velocities shall not exceed one (1) foot per second at the peak eight (8) hour flow rate. No oil/water separator or sand/grit interceptor shall be smaller than 750 gallons or larger than 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, then multiple units in series shall be installed.
- (ii) All oil, grease, and grit interceptors shall have two access ports that will allow for inspection, sampling, and cleaning.

(3) Maintenance:

- (i) All oil, grease, and grit interceptors shall be maintained by the user at his expense, and in continuous efficient operation at all times. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials, and shall maintain records of the dates, and means of disposal that are subject to review and inspection by BCS&WU.
- (ii) All oil, grease, and grit interceptors shall be pumped out and cleaned at a minimum when 50% of the retention capacity is filled with oils and/or solids. The frequency of removal may be increased by BCS&WU or the user to

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ensure that no overflows of oil, grease, or sand into the wastewater system ever occur.

- (4) If the owner contracts for the cleaning, removal, or hauling of collected materials with a currently licensed waste disposal firm, then a manifest must be available from the company hauling the waste away. Under no circumstances shall the collected materials ever be returned to the wastewater system. BCS&WU may require a user to submit periodic reports about the cleaning, removal, or hauling of collected materials from the separator or interceptor. Such records shall be kept on site for a period of three (3) years and be made available upon request.
- (5) An inspection by BCS&WU may be conducted on all oil, grease, and grit interceptors and shall require the owner to correct any deficiencies immediately at his own expense.

h. Garbage Grinders: BCS&WU reserves the right to require any user to cease operation of a garbage grinder and permanently remove such equipment as necessary.

i. Best Management Practices Plan: The Manager may require a user to develop and submit for review a Best Management Practices (BMP) Plan to control discharges to the wastewater system. The user shall implement the provisions of the BMP Plan on a timely basis and shall exercise due diligence in pursuit thereof. The BMP Plan shall contain, at a minimum, the following elements:

- (1) Purpose and objective(s) of the Plan;
- (2) Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge and to minimize waste generation;
- (3) Description of best management practices (options) available to the user to control accidental spillage, leaks and drainage;
- (4) Description of best available or practicable control technologies available for this specific application;
- (5) Description of the overall facility, including site plan;
- (6) Description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics;
- (7) Description of operating and maintenance procedures;
- (8) Inventory of raw materials and a list of waste sources;
- (9) Description of employee training programs, continuing education programs and participation;

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- (10) Description of documentation, including records keeping and forms;
- (11) Description of monitoring activities; and
- (12) Information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.

j. Pollution Prevention Plans: The Manager may require a user to develop and submit a Pollution Prevention (P2) Plan including an implementation timetable for review. The user shall implement the P2 Plan on a timely basis once each plan has been approved. The P2 Plan shall be developed in accordance with EPA and EPD guidelines, and shall contain the following elements at a minimum:

- (1) Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge, and/or housekeeping of oil storage areas;
- (2) Description of routine preventive maintenance and schedule of activities;
- (3) Description of spill prevention techniques and response procedures;
- (4) Description of employee training program and participation in pollution prevention measures, preventive maintenance, response procedures and documentation;
- (5) Description of record keeping and reporting protocols, including forms;
- (6) Description of the overall facility, including a site plan, process schematics and plumbing diagrams;
- (7) Description of waste handling, treatment and discharge facilities, including flow diagrams and process schematics;
- (8) List of sources of wastes and locations for their introduction into the discharge;
- (9) Inventory of raw materials, chemicals, intermediate products and final products on-site;
- (10) Information log of facility personnel, organization chart, emergency phone numbers, contact persons and continuing educational requirements;
- (11) Compilation of applicable permits; and
- (12) Timetable for implementation of any necessary changes of additions to the user's procedures or facilities.

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k. Medical Wastes:

- (1) Hospitals, clinics, medical/dental practitioner offices, convalescent and nursing homes, medical/dental laboratories and funeral homes shall dispose of medical wastes, pathological wastes, laboratory wastes, contaminated medical wastes and wastes from expired humans (corpses) in accordance with the latest edition of guidelines that are published by EPA, the Centers for Disease Control (CDC), the Public Health Department or other appropriate Federal and State agencies.
- (2) Toxic, biological or contaminated wastes which are not addressed by the aforementioned guidelines shall not be discharged to the wastewater collection system without written permission from the Manager.
- (3) Hospitals, clinics, medical/dental practitioner offices, convalescent and nursing homes, medical/dental laboratories and funeral homes shall prepare and maintain a Biomedical Waste Plan. The Biomedical Waste Plan shall be available for review by the Manager.

ARTICLE XXXX**WASTEWATER DISCHARGE PERMIT APPLICATION****30-4001 Wastewater Discharge Permit Application:**

- a. Wastewater Analysis:** When requested by the Manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Manager is authorized to prepare a form from this purpose and may periodically require users to update this information.
- b. Wastewater Discharge Permit Requirement:**
 - (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager, except that a significant industrial user that has filed a timely application pursuant to Article XXXIX(c) of this ordinance may continue to discharge for the time period specified therein.
 - (2) BCS&WU may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
 - (3) Any violation of the terms and conditions of a wastewater

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

- c. Wastewater Discharge Permitting: Existing Connections:** Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Manager for a wastewater discharge permit in accordance with Article XXXXI(e) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Manager.
- d. Wastewater Discharge Permitting: New Connections:** Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Article XXXX(e) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- e. Wastewater Discharge Permit Application Contents:** All users required to obtain a wastewater permit must submit a permit application, which includes but is not limited to the following information:
- (1) All information required by Article XXXXII(a)(2) of this ordinance;
 - (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw materials processed (average and maximum per day);

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- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

- f. Application Signatories and Certification:** All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ARTICLE XXXXI

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

30-4101 Wastewater Discharge Permit Issuance Process:

- a. Wastewater Discharge Permit Duration:** A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- b. Wastewater Discharge Permit Contents:**
 - (1) Wastewater discharge permits must contain:**
 - (i) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (ii) A statement that the wastewater discharge permit is nontransferable without prior notification of BCS&WU in accordance with Article XXXXI (e) of this ordinance, and

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- provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (iii) Effluent limits based on applicable pretreatment standards;
 - (iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by Federal, State, or local law.
- (2) Wastewater discharge permits may contain, without limitations, the following conditions:
- (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (ii) 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;
 - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the PTOW;
 - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (vii) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

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- (viii) Other conditions as deemed appropriate by the Manager to ensure compliance with the ordinance, and State and Federal laws, rules, and regulations.

- c. Wastewater Discharge Permit Appeals:** The Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition BCS&WU to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice 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 no be stayed pending the appeal.
 - (4) If BCS&WU fails to act within thirty (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 Bryan County, Georgia, Superior Court, within thirty (30) days of BCS&WU's final administrative action,
- d. Wastewater Discharge Permit Modification:** BCS&WU may modify a wastewater discharge permit for good cause, including, but not limited to the following reasons:
- (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 BCS&WU's sewer, BCS&WU personnel, or the receiving waters;

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- (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 or variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct topographical or other errors in the wastewater discharge permits; or
- (9) To select a transfer of the facility ownership or operation to a new owner or operator.

e. Wastewater Discharge Permit Transfer: Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to BCS&WU and BCS&WU approves the wastewater discharge permit transfer. The notice to BCS&WU must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator have 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 void as of the date of the facility transfer.

f. Wastewater Discharge Permit Revocation: BCS&WU may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify BCS&WU of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to BCS&WU of changed conditions pursuant to Article XXXXII (e) of this ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow BCS&WU timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;

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- (9) Failure to pay sewer service 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 business ownership of a permitted facility; or
- (13) 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.

- g. Wastewater Discharge Permit Reissuance:** A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Article XXXVIII (e) of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

- h. Regulation of Waste Received from Other Jurisdictions:** No person or governments residing or operating outside the limits of Bryan County shall discharge or cause to be discharged any materials into the sanitary sewer system of Bryan County without an Inter-jurisdictional Agreement or the prior approval of the Bryan County Sewer & Water Utility.
 - (1) If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the POTW, BCS&WU/A may enter into an inter-jurisdictional agreement with the contributing jurisdiction.
 - (2) Prior to entering into an agreement, BCS&WU shall request the following information from the contributing jurisdiction:
 - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - (ii) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
 - (iii) Such other information as BCS&WU may deem necessary.
 - (3) An inter-jurisdictional agreement shall contain the following conditions:
 - (i) A requirement for the contributing jurisdiction to adopt a sewer use ordinance, which is at least as stringent as this ordinance, and local limits which are at least as stringent as those, set out in Article XXXVIII (d) of this ordinance.

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- Requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to BCS&WU's ordinances or local limits;
- (ii) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
 - (iii) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by BCS&WU; and which of these activities will be conducted jointly by the contributing jurisdiction and BCS&WU (this is only valid if the contributing jurisdiction has an approved program);
 - (iv) A requirement for the contributing jurisdiction to provide BCS&WU with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
 - (v) Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;
 - (vi) Requirements for monitoring the contributing jurisdiction's discharge;
 - (vii) A provision ensuring BCS&WU access to the facilities of users located within the contributor's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by BCS&WU; and
 - (viii) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

ARTICLE XXXXII REPORT REQUIREMENTS

30-4201 Report Requirements:

a. Baseline Monitoring Reports:

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or schedules to discharge to the POTW shall submit to the

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Manager 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 submit to the Manager a report which contains the information listed in paragraph 2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) User described above shall submit the information set forth below:
- (i) Identifying information. The name and address of the facility, including the name of the operator and owner.
 - (ii) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (iii) 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 that indicates points of discharge to the POTW from the regulated processes.
 - (iv) Flow Measurement. Information showing the measured average daily and maximum daily flow in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (v) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Manger, 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 the procedures set out in Article XXXXIII (a) of this ordinance.
 - (vi) Certification. A Statement, reviewed by the user's authorized representative and certified by a qualified

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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.

- (vii) **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 Article XXXXIII (b) of this ordinance.
- (viii) **Signature and Certification.** All baseline monitoring reports must be signed and certified in accordance with Article XXX (f) of this ordinance.

b. Compliance Schedule Progress Reports: The following conditions shall apply to the compliance schedule required by Article XXXXII (a)(2)(vii) of this ordinance:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the Manager.

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- c. Reports on Compliance with Categorical Pretreatment Standard**
Deadline: Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Manager a report containing the information described in Article XXXXII (a)(2)(iv-vii) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Article XXXX(f) of this ordinance.
- d. Periodic Compliance Reports:**
- (1) All significant industrial users shall, as a frequency of no more than twelve times but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Article XXXX(f) of this ordinance.
 - (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required, using the procedures prescribed in Article XXXXIII(b) of this ordinance, the results of this monitoring shall be included in the report.
- e. Reports of Changed Conditions:** Each user must notify BCS&WU of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

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- (1) BCS&WU may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Article XXXX(e) of this ordinance.
- (2) BCS&WU may issue a wastewater discharge permit under Article XXXX (g) of this ordinance or modify an existing wastewater discharge permit under Article XXXXI (d) of this ordinance in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20% or greater, and the discharge of any previously unreported pollutants.

f. Reports of Potential Problems:

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 1 above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

g. Reports from Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to BCS&WU as BCS&WU may require.

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- h. Notice of Violation/Repeat Sampling and Reporting:** If sampling performed by a user indicates a violation, the user must notify the Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if BCS&WU monitors at the user's facility at least once a month, or if BCS&WU samples between the user's initial sampling and when the user receives the results of this sampling.
- i. Notification of the Discharge of Hazardous Waste:**
- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user; an identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the waste-stream discharged during the calendar month, and an estimation of the mass of constituents in the waste-stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Article XXXXII (e) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Article XXXXII (a), (c), and (d) of this ordinance.
 - (2) Dischargers are exempt from the requirements of paragraph 1, above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and

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261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Manager, the EPA Regional Waste Management Waste Division Director and State hazardous waste authority of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there-under, or any applicable Federal or State Law.

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

k. Confidential Information: Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the

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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.

- i. Electronic Reporting:** The Manager may allow reports, including monitoring information, to be submitted on electronic media or electronically using the Internet. In such cases, the user shall acquire the necessary software as approved by the Manager, at their own expense. The Manager may require an original report, signed and certified, using conventional methods in addition to the electronic format.

ARTICLE XXXXIII COMPLIANCE MONITORING

30-4301 COMPLIANCE MONITORING:

- a. Analytical Requirements:** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with the procedures approved by EPA.
- b. Sample Collection:**
 - (1) Except as indicated in Section 2, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, BCS&WU may authorize the use of time proportional sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged, in addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (3) All sampling and analysis done for compliance purposes must be accompanied by proper chain-of-custody documentation.

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- c. Right of Entry: Inspection and Sampling:** BCS&WU shall have the right to enter the premises of any user as permitted by law to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Manager ready access to all part of the premises for the purpose 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 Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Manager shall have the right of 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) The Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quantity shall be calibrated at least biannually to ensure their accuracy.
 - (4) 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 Manager and shall not be replaced. The costs of clearing such access shall be born by the user.
 - (5) Unreasonable delays in allowing the manager access to the user's premises shall be a violation of this article.
- d. Search Warrants:** If the Manager 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 article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of BCS&WU designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of a search warrant from the Magistrate Court of Bryan County, Georgia.

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- e. **Record Keeping:** Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user of BCS&WU, or where the user has been specifically notified or a longer retention period.

ARTICLE XXXXIV

PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

30-4401 **Publication of Users in Significant Non-Compliance:** BCS&WU shall publish annually, in the largest daily newspaper published in Bryan County where the POTW is located, a list of the users which, during the previous 12 months, were in significant non-compliance with the 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 percent or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- b. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the APPLICABLE CRITERIA (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in BCS&WU's exercise of its emergency authority to halt or prevent such 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, completion 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) that will adversely affect the operation or implementation of the local pretreatment program.

**ARTICLE XXXXV
ENFORCEMENT REMEDIES**

30-4501 Enforcement Remedies:

- a. **Administrative Enforcement Remedies:**
 - (1) **Notification of violation.** When a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Manager may serve upon that user a written notice of violation. Within five 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 Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

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- (2) **Increased self-monitoring.** BCS&WU may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or any other pretreatment standard or requirement, to increase the self monitoring frequency for any or all parameters. The user will be responsible for all sampling, analyses, and reporting under an increased self-monitoring order.
- (3) **Consent order.** BCS&WU 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 order issued pursuant to Article XXXXV (a) (5) and (6) of this article and shall be judicially enforceable.
- (4) **Show cause hearing.** BCS&WU may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Manager 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 20 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.
- (5) **Compliance orders.** When a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, BCS&WU may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-

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compliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the user.

- (6) **Cease and desist orders.** When a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or when the user's past violations are likely to recur, BCS&WU may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (i) Immediately comply with all requirements; and
 - (ii) Taken 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 be a bar against, or a prerequisite for, taking any other action against the user.

- (7) **Administrative fines:**
- (i) When BCS&WU finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, BCS&WU/A 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 a monthly or other long-term average discharge limits, fines shall be addressed for each day during the period of violation.
 - (ii) Unpaid charges, fines, and penalties shall, after 20 calendar days, be assessed an additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at the rate allowed by law, not to exceed a rate of 18 percent per annum. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
 - (iii) Users desiring to dispute such fines must file a written request for BCS&WU 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,

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BCS&WU/A may convene a hearing on the matter. In the event the user's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the user. BCS&WU may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(8) **Emergency suspensions.** BCS&WU 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 appear to present or cause an imminent or substantial endangerment to the health or welfare of persons. BCS&WU may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens the interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(i) 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, BCS&WU may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. BCS&WU may allow the user to recommence its discharge when the user has demonstrated that the period of endangerment has passed, unless the termination proceedings in Article XXXXV(a)(9) of this article are initiated against the user.

(ii) 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 Manager prior to the date of any show cause or termination hearing under Article XXXXV(a)(4) or (9) of this article.

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

(9) **Termination of discharge.** In addition to the provisions in Article XXXXV of this article, any user who violates the following conditions is subject to discharge termination:

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- (i) Violation of wastewater discharge permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (v) Violation of the pretreatment standards in Article XXXIX of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Article XXXXV(a)(4) of this article why the proposed action should not be taken. Exercise of this option by BCS&WU shall not be a bar to, or a prerequisite for, taking any other action against the user.

- (10) **Water supply severance.** Whenever a user has violated or continues to violate any provision of this article, 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.

b. Judicial enforcement remedies:

- (1) **Injunctive relief:** When a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Manager may petition the Superior Court of Bryan County through BCS&WU'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 article on activities of the user. The Manager 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.
- (2) **Civil penalties:**
- (i) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard

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or requirement shall be liable to BCS&WU for a maximum civil penalty of \$10,000.00 per violation, per day and a minimum of \$1,000.00. 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.

- (ii) The Manager 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 BCS&WU.
- (iii) In addition to the above-described penalties and damages, the law of the State of Georgia O.C.G.A. 41-2-5 can be used to abate any public nuisance resulting from a violation of this article.
- (iv) In addition to the above-described penalties and damages, the law of the State of Georgia, O.C.G.A. 12-5-52, grants the Department of Natural Resources the power to fine violators up to a maximum of \$50,000.00 per day.
- (v) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (vi) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal Prosecution:

- (i) A user who willfully and negligently violates any provision of this article, 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.
- (ii) In addition to the above-described criminal penalties, O.C.G.A. 12-5-53 imposes misdemeanor penalties up to \$25,000.00 per day and imprisonment up to one year, and for far more serious offenses, imposes felony penalties up to \$250,000.00 and imprisonment up to 15 years.

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ARTICLE XXXXVI
AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

30-4601 Affirmative Defenses to Discharge Violation:

a. Upset.

- (1) For the purpose of this section, “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with categorical 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 categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and the user can identify the cause(s) of the upset;
 - (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with the applicable operation and maintenance procedures; and
 - (iii) The user has submitted the following information to the Manager within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) 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
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
 - (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

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

b. Prohibited discharge standards: A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Article XXXVIII (a)(1)(i) of this article or the specific prohibitions in Article XXXVIII (a)(2)(iii) through (vii) of this article 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 to, and during, the pass through or interference; or
- (2) No local limits exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when BCS&WU was regularly in compliance with its NPDES or LAS permits, 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:
 - (i) "Bypass" means the intentional diversion of waste-streams from any portion of a user's treatment facility.
 - (ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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.

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- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
- (3) Other regulations regarding bypass include:
 - (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Manager, at least ten days before the date of the bypass, if possible.
 - (ii) A user shall submit oral notice to the Manager of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it became aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (4) Exceptions may include:
 - (i) Bypass is prohibited, and the manager may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (c)(4)(i) of this section.

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- d. **Recovery of costs incurred.** BCS&WU shall have the right to bill user for recovery of cost incurred when said user is determined to be in violation of the regulations in this sewer use article.

**ARTICLE XXXXVIII
EFFECTIVE DATE**

30-4801 **Effective Date:** This article shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

- (a) All laws, ordinances, and resolutions, or parts thereof which conflict with the provisions of this Ordinance are hereby repealed.
- (b) It is hereby declared to be the intention of the Bryan County Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Chapter are and were, upon their enactment, believed by the Bryan County Board of Commissioners to be fully valid, enforceable and constitutional.
- (c) It is hereby declared to be the intention of the Bryan County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Chapter. It is hereby further declared to be the intention of the Bryan County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Chapter.
- (d) In the event that any phrase, clause, sentence, paragraph or section of this Chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Bryan County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Chapter shall

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remain valid, constitutional, enforceable, and of full force and effect.

- (e) This Ordinance shall become effective upon its approval by the Board of Commissioners as set forth under Article XXXXIII hereinabove.
- (f) Penalties for violation of this Ordinance are set forth hereinabove and are incorporated hereby specific references.
- (g) The preamble of the Ordinance is hereby incorporated into this Ordinance as if set out fully herein.

Adopted: July 10, 2007

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Donna M. Waters, County Clerk

SO ORDAINED, the 10th day of July, 2007.

BRYAN COUNTY BOARD OF COMMISSIONERS

Jimmy Burnsed, Chairman

Ed Bacon, 1st District

Blondean Newman, 2nd District

Glen Willard, 3rd District

Toby Roberts, 4th District

Donald R. Gardner, 5th District

Adopted: July 10, 2007

Signed: _____
Donna M. Waters, County Clerk