

FIRST READING: _____
SECOND READING: _____
PUBLISHED: _____
PASSED: _____

SEWERS AND SEWAGE DISPOSAL

A RESOLUTION TO DELETE IN ITS ENTIRETY CHAPTER 13.10 ENTITLED "SEWAGE COLLECTION AND DISPOSAL" OF TITLE 13 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA SO AS TO SUBSTITUTE IN LIEU THEREOF A NEW CHAPTER 13.10 TO BE ENTITLED "SEWERS AND SEWAGE DISPOSAL" WITH THE OBJECTIVE OF SEPARATING THE CHAPTER INTO SEPARATE DIVISIONS: "ARTICLE I 'PUBLIC SEWERS,'" "ARTICLE II 'ON-SITE SEWAGE MANAGEMENT SYSTEMS'"; AND "ARTICLE III 'GENERAL PROVISIONS.'" ARTICLE I SHALL HAVE THE PURPOSE TO CONTROL THE PURPOSE AND POLICY FOR THE REQUIREMENTS OF USERS OF THE WASTEWATER COLLECTION AND PUBLICLY OWNED TREATMENT WORKS FOR HALL COUNTY THAT WILL ENABLE THE COUNTY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS INCLUDING THE CLEAN WATER ACT AND THE GENERAL PRETREATMENT REGULATIONS, TO PROVIDE FOR THE ADMINISTRATION OF THE PROVISIONS OF THIS CHAPTER, TO SET FORTH THE AREAS TO BE SERVED, TO INCORPORATE DEFINITIONS WITHIN THE CHAPTER, AND TO PROHIBIT CERTAIN CONSTRUCTION NEAR SEWERS, TO PROVIDE FOR THE USE OF THE PUBLIC SEWERS, TO SET FORTH THE INCOMPATIBLE USES OF THE PUBLIC SEWERS, TO SET FORTH THE INDUSTRIAL PRETREATMENT REQUIREMENTS, TO SET FORTH THE PENALTIES FOR VIOLATION OF THE PROVISIONS OF ARTICLE I OF CHAPTER 13.10, AND TO ESTABLISH FEES FOR SEWER SERVICE CHARGES UNDER ARTICLE I OF CHAPTER 13.10 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA. ARTICLE II "ON-SITE SEWAGE MANAGEMENT SYSTEMS" OF CHAPTER 13.10 SHALL HAVE THE PURPOSE TO PROVIDE FOR APPLICABILITY, TO SET FORTH ADDITIONAL DEFINITIONS, TO PROVIDE FOR GENERAL PROVISIONS, TO PROVIDE FOR THE USE OF SEWERS, TO PROVIDE FOR SEPTIC TANKS, TO PROVIDE FOR DISTRIBUTION DEVICES AND DOSING TANKS, TO PROVIDE FOR ABSORPTION FIELDS, TO PROVIDE FOR PRIVIES, TO PROVIDE FOR ALTERNATIVE ON-SITE SEWAGE MANAGEMENT SYSTEMS, TO PROVIDE FOR EXPERIMENTAL ON-SITE SEWAGE MANAGEMENT SYSTEMS, TO PROVIDE FOR SEPTAGE REMOVAL AND DISPOSAL, TO PROVIDE FOR GREASE TRAPS, TO PROVIDE FOR SEWAGE FLOW, TO PROVIDE FOR SUBDIVISION AND MOBILE HOME PARKS, TO PROVIDE FOR SUBDIVISION AND MOBILE HOME PARK WATER AND SEWAGE, TO PROVIDE FOR CERTIFICATION AND DECERTIFICATION OF SEPTIC TANK CONTRACTORS, TO PROVIDE FOR INSPECTION PERSONNEL, TO PROVIDE FOR PUMPERS, TO PROVIDE FOR SOIL CLASSIFIERS AND MAINTENANCE PERSONNEL, TO PROVIDE FOR MAINTENANCE AND OPERATION, AND TO SET FORTH PENALTIES FOR VIOLATIONS OF THE ARTICLE. ARTICLE III "GENERAL

PROVISIONS” OF CHAPTER 13.30 SHALL HAVE THE PURPOSE TO PROVIDE FOR APPLICABILITY, TO SET FORTH DEFINITIONS, TO PROHIBIT DISCHARGES TO THE ENVIRONMENT, TO PROHIBIT UNLAWFUL CONSTRUCTION OR MAINTENANCE FOR WASTEWATER DISPOSAL, TO SET FORTH COMMERCIAL WASTE TRANSPORTATION AND REPORTING REQUIREMENTS AND TO SET FORTH PENALTIES FOR VIOLATIONS OF THE ARTICLE. THIS RESOLUTION SHALL FURTHER PROVIDE FOR AN EFFECTIVE DATE, REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND BE FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Hall County adopted by resolution on June 27, 1996, to become effective July 1, 1996, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Hall County as *The Official Code of Hall County, Georgia* 1996 edition published by Municipal Code Corporation; and further provided for the adoption and incorporation of any Resolution, General Resolution or Ordinance passed subsequent to July 1, 1996, to automatically become a part of *The Official Code of Hall County, Georgia*; and

WHEREAS, the “Sewage Collection and Disposal” Resolution was adopted on February 7, 1977, and was codified July 1, 1996, as Chapter 13.10 of Title 13 of the Official Code of Hall County, Georgia and was entitled “SEWAGE COLLECTION AND DISPOSAL”; and

WHEREAS, the Board of Commissioners of Hall County is desirous of deleting in its entirety, Chapter 13.10 entitled “Sewage Collection and Disposal” of Title 13 of the Official Code of Hall County, Georgia, and substituting in lieu thereof a new Chapter 13.10 entitled “SEWERS AND SEWAGE DISPOSAL” for the following purposes: To separate the Chapter into separate divisions: “Article I ‘Public Sewers,’” “Article II ‘On-Site Sewage Management Systems’”; and “Article III ‘General Provisions.’” Article I shall have the purpose to set forth the purpose and policy for the requirements of users of the wastewater collection and publicly owned treatment works for Hall County that will enable the County to comply with all applicable state and federal laws including the Clean Water Act and the general pretreatment regulations, to provide for the administration of the provisions of this Chapter, to set forth the areas to be served, to incorporate definitions within the Chapter, to prohibit certain construction near sewers, to provide for the use of the public sewers, to set forth the incompatible uses of the public sewers, to set forth the industrial pretreatment requirements, to set forth the penalties for violation of the provisions of Article I of Chapter 13.10, and to establish fees for sewer service charges under Article I of Chapter 13.10 of the Official Code of Hall County, Georgia. Article II “On-Site Sewage Management Systems” of Chapter 13.10 shall have the purpose to provide for applicability, to set forth definitions, to provide for general provisions, to provide for the use of sewers, to provide for septic tanks, to provide for distribution devices and dosing tanks, to provide for absorption fields, to provide for privies, to provide for alternative on-site sewage management systems, to provide for experimental on-site sewage management systems, to provide for septage removal and disposal, to provide for grease traps, to provide for sewage

flow, to provide for subdivision and mobile home parks, to provide for subdivision and mobile home park water and sewage, to provide for certification and decertification of septic tank contractors, to provide for inspection personnel, to provide for pumpers, to provide for soil classifiers and maintenance personnel, to provide for maintenance and operation, and to set forth the penalties for violations of the Article. Article III "General Provisions" of Chapter 13.10 shall have the purpose to provide for applicability, to set forth definitions, to prohibit discharges to the environment, to prohibit unlawful construction or maintenance for wastewater disposal, to set forth commercial waste transportation and reporting requirements and to provide for penalties for violations of the Article. This resolution shall further provide for an effective date, repeal conflicting ordinances and resolutions, and be for other purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Hall County, and it is here by RESOLVED by the authority of the same as follows:

-1-

Chapter 13.10 of Title 13 the Official Code of Hall County, Georgia entitled "Sewage Collection and Disposal" is hereby deleted.

-2-

Chapter 13.10 entitled "**SEWERS AND SEWAGE DISPOSAL**" of Title 13 of the Official Code of Hall County, Georgia is hereby adopted as set forth in Exhibit "A" a copy of which is attached hereto and made a part hereof as if Exhibit "A" were originally set forth in this Resolution.

-3-

All Resolutions or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose, and provisions hereof, which shall be liberally construed to be in favor of Hall County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This Resolution is hereby adopted this _____ day of _____, 2009, to become effective the _____ day of _____, 2009, the public health, safety and general welfare demanding it.

HALL COUNTY BOARD OF COMMISSIONERS

By _____
Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Clerk

**CHAPTER 13.10.
SEWERS AND SEWAGE DISPOSAL**

ARTICLE I. PUBLIC SEWERS.

- 13.10.1000. Purpose and Policy.
- 13.10.1010. Administration.
- 13.10.1020. Areas to be Served.
- 13.10.1030. Definitions.
- 13.10.1040. Construction Near Sewer.
- 13.10.1100. Use of Public Sewers Generally.
- 13.10.1110. Owners Required to Connect.
- 13.10.1120. Discharge of Certain Materials and Wastes.
- 13.10.1130. Authority to Enforce and Resolve Disputes.
- 13.10.1140. Authority to Enter Property to Inspect and Sample.
- 13.10.1150. Authority to Use Negotiated Easement.
- 13.10.1160. Control Authority Indemnification.

- 13.10.1200. Incompatible Uses of Public Sewers.
- 13.10.1210. Unpolluted Waters Not to be Discharged to Sewers.
- 13.10.1220. Discharge of Prohibited Substances.
- 13.10.1230. Discharge of Certain Other Materials, Wastes and Practices.
- 13.10.1240. Protection from Damage; Dumping of Certain Wastes in Storm or Sanitary Sewers Prohibited.
- 13.10.1250. Violation of Article Provisions.
- 13.10.1260. Action Required by Director.

- 13.10.1300. Industrial Users.
- 13.10.1310. Pretreatment Facilities Requirements.
- 13.10.1320. Use by Poultry Processing Plants.
- 13.10.1330. Use by Textile Plants.
- 13.10.1340. Pretreatment Design Parameters.
- 13.10.1350. Fat, Oil, Grease, and Sand Interceptors Required and Maintained.
- 13.10.1360. Wastewater Discharge Permit.
- 13.10.1370. Suitable Location Required for Sampling and Other Purposes.
- 13.10.1380. Industrial Wastewater Monitoring and Reporting.
- 13.10.1390. Method to be Used for Sampling and Testing.
- 13.10.1400. Exceptions by the Board of Commissioners.
- 13.10.1410. Sewer Flow Metering.
- 13.10.1420. National Categorical Pretreatment Standards.
- 13.10.1430. Dilution Prohibition.
- 13.10.1440. Potential Problem Discharges.
- 13.10.1450. Notification of Changed Conditions.
- 13.10.1460. Combined Wastewater Formula.

- 13.10.1470. Certification of Operators.
- 13.10.1480. Falsifying Information.
- 13.10.1490. Annual Publication of Industrial Users in Significant Noncompliance.

- 13.10.1600. Penalties.
- 13.10.1610. Administrative Enforcement Remedies.
- 13.10.1620. Judicial Remedies.
- 13.10.1630. Supplemental Enforcement Remedies.
- 13.10.1640. Affirmative Defenses to Discharge Violations.

- 13.10.1700. Fees.
- 13.10.1710. Charges Generally.
- 13.10.1720. User Fee Classifications.
- 13.10.1730. Fees Charged.
- 13.10.1740. Calculation of Charges.
- 13.10.1750. Excess Contaminated Waste Fees.
- 13.10.1760. Tapping and Other Fees.
- 13.10.1770. Sanitary Sewer System Connection Fee.
- 13.10.1780. Disposition of Tapping Fees and Connection Fees.
- 13.10.1790. Disposition on Discontinuance of Service.
- 13.10.1800. User Charge System for Operation and Maintenance Costs.

ARTICLE II ON-SITE SEWAGE MANAGEMENT SYSTEMS.

- 13.10.2000. Applicability.
- 13.10.2010. Definitions.
- 13.10.2020. General Provisions.
- 13.10.2030. Sewers.
- 13.10.2040. Septic Tanks.
- 13.10.2050. Distribution Devices and Dosing Tanks.
- 13.10.2060. Absorption Fields.
- 13.10.2070. Privies.
- 13.10.2080. Alternative On-Site Sewage Management Systems.
- 13.10.2090. Experimental On-Site Sewage Management Systems.
- 13.10.2100. Septage Removal and Disposal.
- 13.10.2110. Grease Traps.
- 13.10.2120. Sewage Flow.
- 13.10.2130. Subdivision and Mobile Home Parks.
- 13.10.2140. Subdivision, Mobile Home Park Water and Sewage.
- 13.10.2150. Certification and Decertification of Septic Tank Contractors, Inspection Personnel, Pumpers, Soil Classifiers and Maintenance Personnel.
- 13.10.2160. Maintenance and Operation.
- 13.10.2170. Violations; Penalty.

ARTICLE III. GENERAL PROVISIONS.

13.10.3000.	Applicability.
13.10.3010.	Definitions.
13.10.3020.	Discharges to the Environment.
13.10.3030.	Unlawful Construction or Maintenance for Wastewater Disposal.
13.10.3040.	Commercial Waste Transportation and Reporting Requirements.
13.10.3050.	Violations; Penalty.

ARTICLE I. PUBLIC SEWERS.

13.10.1000. PURPOSE AND POLICY.

This Article sets forth uniform requirements for users of the Wastewater Collection and Publicly Owned Treatment Works (POTW) for Hall County and enables the County to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et. seq.) (hereinafter referred to as "the Act"), and the General Pretreatment Regulations (40 CFR, Part 403) for said Wastewater Collection and POTW. The objectives of this Article are:

- (1) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (2) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (3) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (4) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (5) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (6) To enable the Control Authority to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject; and

(7) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW.

This Article shall apply to all users of the POTW. This Article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.10.1010. ADMINISTRATION.

Except as otherwise provided herein, the Public Works and Utilities Director shall administer, implement and enforce the provisions of this Article. Any powers granted to, or duties imposed upon the Public Works and Utilities Director may be delegated by the Public Works and Utilities Director to his designee.

13.10.1020. AREAS TO BE SERVED.

The areas to be served with sewer by the County shall be areas as defined in “The Hall County Service Delivery Strategy”, adopted 2004, as amended, and noted on the service area maps as follows:

1. The area served by the County specifically,
2. The area where the County has agreed to provide sewer pursuant to an Intergovernmental Agreement between the County and a local municipality; or
3. The area where the County has agreed to provide sewer pursuant to a sewer service agreement between the County and the developer whose development is required to have sewer service.
4. That area of the Hall County/Municipality Service District reserved for service by the County alone.

13.10.1030. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Accidental discharge or spillage means a release of wastewater, occurring or arising by chance or unexpectedly, to the sewerage system or to a natural or man-made outlet.

Acidity means the quantitative capacity of aqueous solutions to react with hydroxyl ions, as measured by titration with a standard solution of a base to a specified end point.

Advanced waste treatment means wastewater treatment beyond the secondary or biological stage that includes removal of nutrients such as phosphorus and nitrogen and a high percentage of suspended solids.

Aeration means to circulate oxygen through a substance, as in wastewater treatment, where it aids in purification.

Aeration tank means a tank which serves as a chamber for injecting air into water.

Aerobic means life or processes that depend on the presence of oxygen.

Algae means plants which grow in sunlit waters and which are a food for fish and small aquatic animals and put oxygen in the water.

Alkalinity means the capacity of water to neutralize acids as determined by the water's content of carbonates, bicarbonates, hydroxides and occasionally borates, silicates and phosphates.

Approval authority means the State of Georgia, Department of Natural Resources, Environmental Protection Division. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.

Approved state program means a state or interstate permit program which meets the requirements of Section 402(b) of the Act and which has been submitted to and approved by EPA under its NPDES permit regulations and under Section 402(c) of the Act.

Authorized representative of a user means any one of the following:

1. If the user is a corporation, authorized representative shall mean:
 - A. A responsible corporate officer, which includes a president, secretary, treasurer or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy or decision making functions.

- B. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (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 industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
 - 3. If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
 - 4. A duly authorized representative of the individual designated in Paragraphs 1, 2, or 3 of this definition if:
 - A. The authorization is made in writing by the individual described in Paragraphs 1, 2, or 3 of this definition;
 - B. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - C. The written authorization is submitted to Hall County.
 - 5. If an authorization under Paragraph 4 of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Paragraph 4 of this definition must be submitted to Hall County prior to or together with any reports to be signed by an authorized representative.

Bacteria means single-celled microorganisms that lack chlorophyll. Some cause diseases, others aid in pollution control by breaking down organic matter in air and water.

Bacterial analysis means the examination of water and wastewater to determine the presence, number and identification of bacteria.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter.

Biodegradable means any substance that decomposes quickly through the action of microorganisms.

Biological oxidation means the method whereby bacteria and microorganisms feed on and decompose complex organic materials. This process is used in self-purification of water bodies and activated sludge wastewater treatment.

Biological wastewater treatment means forms of wastewater treatment in which bacterial or biochemical action is intensified to stabilize, oxidize and nitrify the unstable organic matter present.

Board of Health means the Hall County Board of Health or an authorized agent or representative.

Buffer means any of certain combinations of chemicals used to stabilize the pH values or alkalinities of solutions.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes, other than storm water, inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the face of the building wall.

Building Official means the Building Official of Hall County or his authorized agent or representative.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

By-pass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical industry means a category of significant industrial users which by nature of its process meets the requirements identified in categorical standards.

Categorical standards means the National Categorical Pretreatment Standards or Pretreatment Standards as referenced in the Clean Water Act and outlined in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471.

CFR means the Code of Federal Regulations.

Cfs means cubic feet per second, a measure of the amount of water passing a given point.

Chemical oxygen demand (COD) means a measure of the oxygen required to oxidize organic and oxidizable inorganic compounds in water.

Chlorinator means a device for adding chlorine gas to sewage to kill infectious germs.

City means the City of Gainesville, represented by its elected officials or their authorized agents or employees.

Coliform organism means an organism found in the intestinal tract of humans and animals, its presence in water indicates pollution and potentially dangerous bacterial contamination.

Combined sewer means a sewer intended to receive both wastewater and storm or surface water.

Commercial facilities means a facility constructed and intended to produce commercial, domestic, or industrial wastewaters, including facilities intended to collect, transport, and treat storm water runoff.

Commercial User means all users of the POTW other than residential users (including, but not limited to business, industry and organizations) producing a wastewater discharge that may be subject to federal, state, or local wastewater regulations.

Commercial waste discharge permit is a wastewater discharge permit issued to commercial facilities by a Local Governing Authority.

Commercial wastes means

- (1) Non-toxic, non-hazardous liquid wastewater from commercial facilities;
- (2) Grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, grease, and food scraps; or
- (3) Any oil waste residue produced from vehicle maintenance or washing that discharge to an oil-water separator or sand trap.

Compatible pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now, or may be in the future, specified and controlled in the Control Authority's NPDES permit for its wastewater treatment works where such works have been designed and used to reduce or remove such pollutants.

Complete waste treatment system means a complete waste treatment system consisting of all the treatment works necessary to meet the requirements of Title III of the Act, involved in:

1. The transport of wastewaters from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished;
2. The treatment of the wastewater(s) to remove pollutants; and
3. The ultimate disposal, including recycling or reuse, of the treated wastewater(s) and residues which result from the treatment process.

One completed waste treatment system would normally include one treatment plant or facility, but also may include two or more connected or integrated treatment plants or facilities.

Compliance schedule means a schedule of required activities (also called milestones) necessary for a user to achieve compliance with all pretreatment program requirements.

Composite sample means a combination of individual samples of water or wastewater taken at selected intervals to minimize the effect of the variability of the individual samples. Composite samples may be flow or time proportional.

Constituents means the combination of particles, chemicals or conditions which exist in the nondomestic wastewater.

Contaminated nonprocess wastewater means any water which may, during manufacturing or processing, come into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of:

1. Rainfall runoff;
2. Accidental spills;
3. Accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed twenty-four (24) hours after discovery;
4. Discharges from safety showers and related personal safety equipment; or
5. Boiler blowdown or cooling water which contains any pollutant other than heat.

Contribute means the addition, discharge or introduction of any substance into the POTW as hereinafter defined.

Control Authority means the Hall County Board of Commissioners or its duly authorized representative or agent.

Conventional pollutants means pollutants described as biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform bacteria, oil and grease (O&G), total phosphorus (P), total kjeldahl nitrogen (TKN) and such additional pollutants as are now or may in the future be specified and controlled in the Control Authority's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

Cooling water means the water discharged from any use such as air conditioning, cooling, refrigeration or to which the only pollutant added is heat.

County means Hall County, Georgia, represented by its elected officials or their authorized agents or employees.

County Commission means the Hall County Board of Commissioners or its authorized agent or representative.

County Engineer means the staff professional engineer responsible for managing the Engineering Division of Hall County and providing engineering services to the County.

Daily discharge means the amount of a pollutant present in a facility's effluent as measured during a calendar day or any twenty-four-hour period which reasonably represents the calendar day for the purposes of sampling.

Detergent means:

1. Any of a group of synthetic, organic, liquid or water-soluble cleaning agents that are activated by hard water and have wetting and emulsifying properties but, unlike soap, are not prepared from fats and oils; and
2. A substance that reduces the surface tension of water, including foaming agents and surfactants.

Direct discharge means the discharge of a pollutant or the discharge of pollutants to a natural or man-made outlet.

Director means the Director of Public Works and Utilities Department of Hall County, including the wastewater facilities, treatment works and water pollution control operations, his authorized deputy, agent or representative.

Discharge when used without qualification means the "discharge of a pollutant".

Discharge of a pollutant and **discharge of pollutants** means:

1. Any addition of any pollutant or combination of pollutants to state waters from any point source; or

2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft, when being used as a means of transportation.

This definition includes discharges into state waters from:

1. Surface runoff which is collected or channeled by man; discharges through pipes, sewers or other conveyances owned by a state, municipality or other person that do not lead to wastewater facilities; and
2. Discharges through pipes, sewers or other conveyances, leading into privately owned wastewater facilities.

This term does not include an addition of pollutants by any “indirect discharger.”

Dissolved oxygen (DO) means a measure of the amount of oxygen available for biochemical activity in a given amount of water. Adequate levels of DO are needed to support aquatic life. Low dissolved oxygen concentrations can result from inadequate waste treatment.

Domestic waste means any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings, industrial plants, institutions, or commercial establishments.

Domestic wastewater means sewage produced by residential or commercial users that is not considered process wastewater or contaminated nonprocess wastewater providing parameters not in excess of the following: BOD two hundred fifty (250) mg/L; TSS two hundred fifty (250) mg/L; fats, oil and grease one hundred (100) mg/L; total phosphorus seven (7) mg/L; TKN forty (40) mg/L; arsenic four-tenths (0.4) mg/L; cadmium four hundred forty-seven thousandths (0.447) mg/L; chromium two and fifty-four hundredths (2.54) mg/L; copper three hundred seventy-six thousandths (0.376) mg/L; cyanide five hundredths (0.05) mg/L; lead one hundredth (0.01) mg/L; mercury twenty-five one hundred-thousandths (0.00025) mg/L; molybdenum five and five hundred seventy-eight thousandths (5.578) mg/L; nickel two and seven hundred ten thousandths (2.710) mg/L; selenium two hundredths (0.020) mg/L; silver ten and seven hundred ninety-four thousandths (10.794) mg/L; and zinc one and eighty-five hundredths (1.85) mg/L.

Effluent means waste material, such as smoke, liquid industrial refuse or sewage, discharged into the sewer system or environment; generally referring to water pollution.

Effluent limitation means any restriction established by a state or the EPA on quantities, rates and concentrations of chemical, physical, biological and other constituents that are discharged from point sources into navigable waters or waters of the contiguous zone.

Emulsified grease means grease in a colloidal state such that it remains dispersed throughout the liquid and will not separate by gravity until the colloidal agent is inactivated.

Environment means the sum of all external conditions affecting the life, development and survival of organisms.

EPA means the United States Environmental Protection Agency or, where appropriate, the term may also be used as designation for the Regional Administrator or other duly authorized official of said agency.

EPD means the State of Georgia Department of Natural Resources, Environmental Protection Division or its duly authorized representative.

Fats, oils, and greases (F.O.G.) means that material which may be extracted from the acidified sample as prescribed in 40 CFR, Part 136 and others. Such materials include fats, oils, waxes and related compounds of animal, vegetable or mineral origin.

Fecal coliform bacteria means a group of organisms found in the intestinal tracts of people and animals. Their presence in water indicates pollution and possible dangerous bacterial contamination.

Fees means a schedule of charges imposed to recover treatment costs (not punitive in nature).

Floatable grease means grease in such a state that it is insoluble in the liquid waste and will separate from the liquid by gravity in properly designed grease separation facilities.

Floc means a clump of solids formed in sewage by biological or chemical action, in order to enhance the settleability of the pollutant solids.

Flow proportional composite collection techniques means sample collection formed by mixing discrete sample of a constant sample volume with time interval between samples proportional to stream flow.

Food processing industry means a permitted user other than residential units engaged in the production of food or food products, and having a wastestream similar to domestic wastewater in respect to nonconventional pollutants. Where analyses of wastewater or historical data indicate the presence of nonconventional pollutants, the Director may impose nonconventional limits on food processing industry.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Good faith effort or progress means prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

gpm means gallons per minute, a measurement of water flow.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease means fats, oils and grease (F.O.G.).

Harm means a user's discharge which contains constituent(s) that inflict(s) injury or loss, hurt or damage to the POTW, its personnel or the environment.

Hazardous substance means any substance designated under 40 CFR, Part 116 pursuant to Section 311 of the Act.

Hazardous waste means any solid waste that has been defined as a hazardous waste in regulation promulgated by the Board of Natural Resources, Chapter 391-3-11.

Heavy metals means metallic elements like mercury, chromium, cadmium, arsenic and lead with high molecular weights. Even at low concentrations they can damage living things and tend to bioaccumulate in the food chain.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks utilized to store, treat or transport waste.

Incompatible pollutant means any pollutant which is not a "compatible pollutant" as defined in this Section.

Industrial means industrial user.

Indirect discharge means the discharge or introduction of nondomestic wastewater from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Industrial discharge permit means a document issued by the Control Authority to industrial and significant industrial users of the POTW designed to meet the objectives as stated in Section 13.10.1000 of this Chapter.

Industrial User (IU) means any commercial user of a publicly owned treatment works which discharges up to the equivalent of twenty-five thousand (25,000) gallons per day of process wastewater and/or contaminated non-process wastewater and is issued a wastewater discharge permit, such that in the opinion of the Director may have a significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from the treatment works.

Industrial wastewater means nondomestic wastewater.

Interference means the inhibition or disruption of the POTW's treatment processes, operations or sewer system which may contribute to a violation of any requirement of its NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, or any criteria guidelines or regulations developed pursuant to the Solids Waste Disposal Act (SWDA), the Clean Water Act (Act), the Toxic Substances Control Act or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Influent means the wastewaters arriving at the Control Authority's wastewater treatment plants for treatment.

Local Governing Authority or LGA means the governing authority of the County or its designee.

Medical waste means wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Metered water means the amount of all sources of water, including wells, consumed by the sewer customer.

MGD means millions of gallons per day. MGD is a unit of measurement of water flow.

mg/L means milligrams per liter and shall mean ratio by weight--interchanged with ppm.

National categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act which applies to nondomestic users.

National pollutant discharge elimination system (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants

from point sources into navigable waters pursuant to Section 402 of the Federal Water Pollution Control Act.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Neutralization means the reaction of acid or alkali with the opposite reagent until the concentrations of hydrogen and hydroxyl ions in the solution are approximately equal.

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

1. The building, structure, facility, or installation is constructed at a site at which no other structure is located;
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production of wastewater generating processes of the building structure, facility or installations are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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 as described above, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined herein has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site 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.
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.
3. 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 in this definition.

Nitrification means the conversion of nitrogenous matter into nitrates by bacteria.

Nondomestic User means commercial user.

Nondomestic wastewater means wastewater from commercial users as distinct from domestic wastewater, including process wastewater and contaminated nonprocess wastewater.

Nonfood processing industry means a permitted user engaged in the production of goods and materials other than food or food products, having a wastestream subject to no conventional pollutant limits as determined by the Director.

Nongovernmental means any user of the treatment works identified in the Standard Industrial Classification Manual, 1972, as amended, published by the U.S. Office of Management and Budget, except those public agencies classified in Division J. Public Law 92-500, and its amendments, and the regulations promulgated thereunder, shall take precedence in the event of conflicting interpretations.

Nonpermitted user means a commercial user of a POTW which discharges up to the equivalent of twenty-five thousand (25,000) gallons per day of process wastewater or contaminated nonprocess wastewater, and in the opinion of the Director may not have a significant impact on that treatment works, or upon the quality of effluent from the treatment works. The guidelines are contained in Section 13.10.1000 of this Chapter.

Nonpoint source means a source of pollution which is not a point source, such as farm or forest land runoff or urban storm water runoff.

Nonsettleable solids means wastewater matter that will stay in suspension for an extended period of time.

NPDES permit means a permit issued pursuant to Section 402 of the Act (33 USC 1342).

Nutrients means elements or compounds essential to growth and development of living things, including carbon, oxygen, nitrogen, potassium and phosphorus.

Other pollutants means those pollutants found in water or wastewater except as identified as conventional pollutants including, but not limited to, metals, volatile organics and pesticides that wastewater treatment plants have not been designed to treat. Incompatible pollutants are other pollutants.

Outlet means any outlet, natural or man-made, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Pass through means a discharge which exits the POTW into state waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permitted user means a commercial user having a wastewater discharge from industrial process, trade, institution or business as distinct from domestic sewage. These are regulated under federal, state or local discharge limits and are permitted as such on the basis that the user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard. A permitted user is either: 1) an industrial user; or 2) a significant industrial user as defined herein.

Person or owner shall mean any individual; sole proprietor; firm; company; joint stock company; association; society; corporation; group; partnership; co-partnership; trust; estate; governmental or legal entity; or their authorized representatives, agents or assigns as defined earlier under "authorized representative of a user." The masculine gender shall include the feminine, the singular shall include the plural where indicated by context. For enforcement remedies as outlined in Section 13.10.1600 through 13.10.1640, the president of a company, corporation, firm, association, society or group will be responsible for any violations. If there is no president, then the individual in charge of the day-to-day operations of the company, corporation, firm, association, society or group will be responsible for any violations. A sole proprietor or individual shall be responsible for violations of sole proprietorships or individually-owned users, respectively. All partners of a partnership shall be responsible for violations of the partnership. The County may use its discretion for punishment if an authorized representative meeting the earlier definition's requirements has been designated.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not

change beyond the specified limits when the waste is subject to aeration. pH shall be determined by standard methods as outlined in 40 CFR, Part 136.

Phosphorus means an essential food element that can contribute to the eutrophication of water bodies. Total phosphorus is also included in this definition.

Point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. It does not mean:

1. Sewage from vessels; or
2. Water, gas or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Pollution means the presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

POTW means publicly owned treatment works.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

ppm means parts per million; a unit of measurement for minute concentrations.

Pretreatment means the application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the publicly owned wastewater system, except as prohibited by 40 CFR 403.6(d).

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

Pretreatment standard (or national categorical pretreatment standard) means any regulation established by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and 307(c) of the Clean Water Act (Act) (33 USC 1347) which contains pollutant discharge limits which apply to a specific category of industrial users. . This term includes prohibited discharge limits established pursuant to 40 CFR, Part 403.5.

Priority pollutant means any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such by the EPA. The list includes one hundred twenty-nine (129) compounds and such other compounds as may be added from time to time.

Process wastewater means any water which, during manufacturing, processing, or commercial use comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged either directly or indirectly into the sewerage system.

Prohibited substances means those waters, wastes or wastewaters which are not allowed into the Control Authority's sewerage system as described in Section 13.10.1200 through 13.10.1260 of this Chapter.

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

Publicly owned treatment works (or POTW) means a wastewater treatment works as defined by Section 212 of the Act (PL 92-500) which is owned, in this case, by the Control Authority. This definition includes any sewers that convey wastewater to such treatment works as well as any devices and systems used in the storage, treatment, recycling and reclamation of sewage or industrial waste of a liquid nature, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term shall also mean the Control Authority which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Raw sewage means untreated wastewater.

Residential User means a housing customer who discharges wastewater not in excess of the parameters defined for domestic wastewater.

Reportable noncompliance means criteria for identifying when a Control Authority should be reported in the NPDES quarterly noncompliance report for failure to implement its approved pretreatment program.

Sample means a representative portion of a wastewater discharge. The analytical results may be used by the Control Authority for compliance monitoring, surcharges, or other actions as necessary. See composite sample and grab sample.

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

Self monitoring means sampling and analysis of wastewater performed by the permitted user.

Settleable solids means wastewater matter which either settles to the bottom or floats to the top of a quiescent clarifier.

Severe property damage means:

1. Substantial physical damage to property;
2. Damage to a sewerage system which causes it to become inoperable; or
3. Substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

Severe property damage does not mean economic loss caused by delays in production.

Sewage (or wastewater) means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, including human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer means a pipe or conduit designed for carrying wastewater.

Sewerage system means any system for the treatment or disposal of pollutants, including treatment works, pipe lines or conduits, pumping stations and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting pollutants to the point of ultimate disposal.

Show cause order means an administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance and show cause why more severe enforcement actions against the user should not go forward.

Significant Industrial User means:

1. Any commercial user that:
 - A. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling or boiler blowdown wastewater);
 - B. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant;
 - C. Contains in its waste a priority pollutant in amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act;
 - D. Is designated as such by Hall County on the basis that the user has a reasonable potential to significantly interfere with, either singly or in combination with other contributing industries, the treatment works or the quality of its effluent; or has a reasonable potential to violate any pretreatment standard or requirement.; or
 - F. Is subject to categorical pretreatment standards promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Act.

Significant noncompliance means a violation which meets one (1) or more of the following criteria:

1. Is a part of a pattern of noncompliance beginning with a noncompliant sample and extending from the date of collection of that sample forward for a period of six (6) months:
 - A. Chronic violations of wastewater discharge limits sixty-six (66) percent or more of measurements exceed maximum limits.
 - B. Technical Review Criteria (TRC) violations thirty-three (33) percent or more of measurements that exceed maximum limit by factors below:
 - (1) Conventional pollutants by a factor of 1.4; or
 - (2) Nonconventional pollutants by a factor of 1.2.

2. Failure to accurately report noncompliance;
3. Any violation of effluent limit that the Control Authority believes has caused interference, slug, pass-through or endangered health;
4. Any discharge that has caused imminent endangerment to human health or environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
7. Is considered by the Control Authority to adversely affect the operation or implementation of the Control Authority's pretreatment program.

Significant violation means significant noncompliance. Users in significant violation shall be listed in the County's most circulated newspaper or legal organ.

Significant violator means any commercial user, industrial user, significant industrial user or their designee which meets at least one of the qualifications of significant violation.

Single-family dwelling means a dwelling unit occupied by a single family.

Sludge means any solid or semi-solid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility or on-site wastewater treatment exclusive of the treated effluent from a wastewater treatment plant.

Slug means any discharge of water or wastewater which meets any of the following criteria:

1. Has a pH less than three or greater than eleven;
2. Contains two and one-half (2.5) times the maximum daily concentration of pollutants as specified in this Article or additional pollutants that may be specified in an industrial pretreatment permit; or

3. Is discharged at a rate two and one-half (2 1/2) times the flows during normal operations that may be listed in an industrial pretreatment permit, unless a maximum instantaneous discharge is established in the user's permit.

Due to the nature of a slug discharge, grab samples may be used for the purpose of compliance sampling for any pollutant parameters.

Spill means a release of wastewater, occurring or arising by chance or unexpectedly, to the sewerage system or to a natural or man-made outlet.

Standard industrial classification (SIC) means the classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Standard methods means those sampling and analysis procedures established by and in accordance with EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended or the "Standard Methods of the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation. In cases where procedures vary, the EPA methodologies shall supersede.

State waters includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Storm drain (or storm sewer) means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted rain water from any source.

Surcharge means a financial charge imposed on the user when a contaminant exceeds the normal domestic waste as defined in Section 13.10.1750(A) of this Chapter for that parameter. Surcharges are designed to recapture the economic benefit of noncompliance and deter future violation.

Suspended solids (SS) means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering prescribed in "Standard Methods for the Examination of Water and Wastewater," latest edition, as published by the American Public Health Association and others, and referred to as filterable residue.

Termination of service means the discontinuation of either:

1. Water service by a formal notice of termination to the user; or the turning off of water; or removal of the water meter of a noncompliant user; or
2. Sewer service by a formal notice of termination to the user; or physical blockage of the sewer connection; or other actions as may be necessary to prevent the discharge of wastewater to the sewer from a noncompliant user.

The Act means the Federal Water Pollution Control Act of 1972, Public Law 92-500, as amended by the Clean Water Act of 1977, and as may be amended from time to time (33 U.S.C. § 1251 et seq.).

Total Kjeldahl nitrogen (TKN) means the combination of ammonia and organic nitrogen.

Total phosphorus (TP) means an essential food element that can contribute to the eutrophication of water bodies.

Total solids means the sum of dissolved and undissolved constituents in water or wastewater, usually expressed as milligrams per liter.

Total suspended solids (TSS) (or suspended solids (SS)) means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering prescribed and is determined as prescribed in 40 CFR 136.

Total toxic pollutants (TTO) means sixty-five (65) classes of pollutants included in the Clean Water Act (Act) of 1977, and under Section 307 of the Act, such other pollutants as the Administrator of EPA or Director determines to be harmful to organisms when discharged into waters.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided and produces no adverse environmental impact.

Upset means unintentional and temporary noncompliance by a facility or a process within a facility.

USC means United States Code.

User means any person who contributes, causes or permits the introduction of wastewater in the Control Authority's POTWs and has beneficial use of the sewerage system.

User charge means a charge levied on users of a treatment works for the user's proportionate share of the cost of the operation and maintenance (including replacement) and debt service of such works.

Violation means an exceedance by any amount of any maximum daily concentration or categorical limit or rule or regulation in this Article.

Waste means unwanted materials left over from manufacturing processes or refuse from places of human or animal habitation.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions, together with any groundwater, surface water or storm water that may be present.

Wastewater discharge permit means a document issued by the Control Authority to commercial, industrial and significant industrial users of the POTW designed to meet the objectives as stated in Section 13.10.1000 of this Chapter.

Wastewater facilities means the structures, equipment and processes (including recycling and reclamation) required to collect, carry away or treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

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

Water pollution means the introduction in any surface or underground water of any organic or inorganic matter or deleterious substances in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

Water pollution control agencies of jurisdiction means the Federal Environmental Protection Agency (EPA) operating under authority of the Federal Water Pollution Control Act, as amended, and the Georgia Environmental Protection Division operating under the authority of the Georgia Water Quality Control Act, as amended, each of which agencies is empowered to adopt such rules and regulations as it deems necessary to carry out the intent of these respective laws.

13.10.1040. Construction Near Sewers.

Unless approved by the Director, no person shall construct any sewer or reuse pipe or conduit for water, reuse water or sewage in any street within four feet on each side of the center line of any sewer.

13.10.1100. USE OF PUBLIC SEWERS GENERALLY.

13.10.1110. Owners Required to Connect.

Provided a parcel of property abuts on any street, alley or right-of-way in which there is located a public sanitary sewer within two hundred (200) feet of the property line:

1. The owner(s) for which a building permit is issued after the effective date of this Chapter for a new structure which is to have wastewater disposed therein, is hereby required at the owner(s) expense to connect directly with the proper public sewer for the disposition of all wastewater unless otherwise authorized by the County, in accordance with the provisions of this Article, prior to the issuance of a Certificate of Occupancy by Hall County for said structure.
2. For all structures for which a building permit has been issued prior to the effective date of this Chapter, required connection to and use for disposition of all wastewater via the public sewer may be delayed until such time as the on-site sewage management system fails to work properly and it requires replacement.
3. Unless approved by the Director, all replaced on-site sewage management systems shall be either removed or cleaned of sludge and filled with suitable material within ten (10) days of connection to the public sewer.

Approval by the Building Official and by the Hall County Health Department is required for any such connection to the public sewer.

13.10.1120. Discharge of Certain Materials and Wastes.

- A. Generally, wastewater acceptable for treatment is sewage with:
 1. BOD of two hundred fifty (250) milligrams per liter or less;

2. Suspended solids of two hundred fifty (250) milligrams per liter or less;
 3. Fat, oil, grease of one hundred (100) milligrams per liter or less;
 4. Total phosphorus of seven (7) milligrams per liter or less;
 5. Total kjeldahl nitrogen of forty (40) milligrams per liter or less; and
- B. Any wastewater accepted with effluent contaminants in excess of the limits of Paragraphs A of this Section shall be charged a surcharge to be computed as described in Sections 13.10.1700 through 13.10.1800.

13.10.1130. Authority to Enforce and Resolve Disputes.

- A. The Public Works and Utilities Director and other duly authorized personnel shall have the authority to enforce all provisions of this Article, including necessary enforcement actions.
- B. The Public Works and Utilities Director shall serve as the final authority regarding disputes over sewer utility service bills, except where otherwise noted herein.

13.10.1140. Authority to Enter Property to Inspect and Sample.

- A. The Director, the Director of EPD, the Regional Administrator of EPA, and their authorized representatives, agents, or employees bearing proper credentials and identification shall be permitted to enter all properties subject to this Article at any time without prior notice for the purposes of inspection, observation, measurement, sampling, testing and copying any records required to be kept in accordance with the provisions of this Article.
- B. The Director or his representatives shall have no authority to inquire into processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment. These individuals shall have access to all areas which are potentially relevant to the wastewater discharge, including chemical storage areas.

13.10.1150. Authority to Use Negotiated Easement.

The Director or his designee bearing proper credentials and identifications shall be permitted to enter all private properties through which the Control Authority holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13.10.1160. Control Authority Indemnification.

Any person violating any of the provisions of this Article shall become liable to the Control Authority for any expense, loss, damage, fine, penalty or fee occasioned the Control Authority by reason of such violation or violations, including, but not limited to, any fee, penalty or fine assessed against the Control Authority by any state or federal agency as a result of such violation or violations.

13.10.1200. INCOMPATIBLE USES OF PUBLIC SEWERS.

13.10.1210. Unpolluted Waters Not to be Discharged to Sewers.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the County Engineer or Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director and the State EPD, to a storm sewer, combined sewer or natural outlet. Discharge to a natural outlet is subject to the conditions of an NPDES permit to be issued to the discharger by the Georgia Environmental Protection Division.

13.10.1220. Discharge of Prohibited Substances.

- A. *General prohibitions.* A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in Paragraph B of this Section

apply to each user introducing pollutants into a POTW whether or not the user is subject to any other national, state, or local pretreatment requirements.

B. *Specific prohibitions.* No person shall discharge or cause to be discharged any of the following described waters, wastes, or wastewaters to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, which may create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewerage treatment process or system; constitute a hazard to humans or animals; by pass through or to exceed the limitation set forth in a categorical pretreatment standard. This restriction includes, but is not limited to, discharges by any user of the collection and treatment system such that specific pollutants at the influent to the sewage treatment plant do not exceed concentrations specified below. The user discharge concentration limits, listed below, shall be the limits required on industrial discharge permits. Such limits may therefore be used as a guide in pretreatment facility design and operation. In the event that the plant influent level is exceeded or a disruption of the sewage treatment plant process occurs due to an excessive level of one (1) or more controlled substances, the Director may alter the user discharge concentration sufficiently to protect the plant and its receiving stream. Such modification shall apply to all users. In the event of toxicity being found in a POTW, the Director may, at his discretion, require industrial users to participate in a toxicity reduction evaluation in accordance with the provisions of the Control Authority POTW's NPDES permits. The maximum concentration values are as specified in the table, but the table is not limited to only these pollutants. Concentrations apply at the point where the wastewater is discharged to the sewerage system. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

Maximum Daily Concentrations for Permitted Users of Flat Creek Water Reclamation Facility (mg/L)

Pollutant	POTW Influent	Food Processing Industry	Nonfood Processing Industry
Arsenic	0.023	-	0.37
BOD5	400	900	900
Cadmium	0.0045	-	0.084
Chromium (Total)	.26	-	5.2
Copper	0.070	-	0.49
Cyanide	0.025	-	0.025
Lead	0.0036	-	0.01
Mercury	0.000031	-	0.0005
Molybdenum	0.062	-	.64
Nickel	0.050	-	.84
F.O.G.	100	125	125
pH (std units)	6.0-9.5	6.0-9.5	6.0-9.5
Selenium	0.0058	-	0.053
Silver	1.07	-	21.0
Total Phosphorus	7	20	20
TKN	55	135	135
TSS	245	900	900
Zinc	0.25	-	2.6
TTO	-	-	2.13

- (3) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, ground paper products, paper dishes, cups, egg shells, fibers, lint, rubber, latex, milk containers, etc., either whole or ground by garbage grinders.
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW.
- (5) 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.
- (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in any amount.
- (7) Any waters or wastes having a pH lower than six (6) or greater than nine and five-tenths (9.5) or having any corrosive property capable

of causing damage or hazard to structures, equipment, or personnel of the sewage works.

- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

13.10.1230. Discharge of Certain Other Materials, Wastes and Practices.

A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Director that such wastes will harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, reduce sludge quality or will otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Director shall be guided by Public Law 92-500 and the Clean Water Act, their amendments, and the regulations promulgated thereunder and will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius), or in such quantity that the temperature at the treatment works influent exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
- (2) Any water or waste containing fat, oil, or grease of animal, vegetable, or mineral origin, whether emulsified or not, in excess of one hundred and twenty five (125) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Building Official.
- (4) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established as necessary for the POTW to meet the

requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
- (6) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers' earth, lime slurries and lime residue) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable solutions);
 - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant overload on the sewage treatment works or significantly increase the operating cost thereof; and
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (7) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant's effluent, thereby violating the Control Authority's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten (10) percent from the seasonably established norm for aquatic life.
- (8) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) In addition to the materials previously listed, any other materials or rates of discharge which may be defined by state or federal agencies of jurisdiction as being incompatible with existing or

proposed sewage works, treatment facilities or treatment processes.

- (11) Any wastes or sewage that contains more than ten (10) milligrams/liter by weight of hydrogen sulfide, sulfites, sulfur dioxide or oxides of nitrogen.
- (12) No person shall discharge, convey, permit, or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - (a) Not be susceptible to treatment by the treatment system;
 - (b) Interfere with the process efficiency of the treatment system or reduce the sludge quality;
 - (c) Constitute a hazard to human or animal life, or to the stream, or watercourse receiving the treatment plant effluent;
 - (d) Violate any federal, state, or local standard or pretreatment requirement as those terms are defined in 40 CFR 403.3(j), 403.3(k) applicable to the specific industrial users; or
 - (e) Cause the treatment plant to violate its NPDES permit or applicable receiving water standards of the state, local, or federal government.

- B. No statement in this Article or in this Section is intended or may be construed to prohibit the appropriate agency from adding, deleting or changing specific requirements or from making specific requirements more restrictive where wastes are determined to be harmful or destructive to the facilities of the sewerage system, or to create a public nuisance, or to cause the discharge from any treatment facility operated by the Control Authority to violate effluent or stream quality standards imposed, or as may be imposed, by the Georgia Environmental Protection Division or the United States Environmental Protection Agency (EPA).

13.10.1240. *Protection from Damage; Dumping of Certain Wastes in Storm or Sanitary Sewers Prohibited.*

- A. *Protection from damage.* No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system.

- B. *Dumping of certain wastes in storm or sanitary sewer prohibited.* No person, firm or corporation shall place, dump, dispose of, or cause to be placed, dumped or disposed of in a natural outlet or sanitary sewerage system or cause said discharge to be conveyed directly to the sanitary sewerage system or otherwise of the County, any contents or matter of or from any septic tank, wastewater water holding tank, grease trap, or other container serving the purpose of a septic tank, wastewater holding tank or grease trap, which contents or matter is made up wholly or partly by the sanitary sewer, kitchen or toilet waste from any residential source, or commercial or industrial waste from business processes of any commercial or industrial facility.

- C. *Forfeiture of vehicles.* Any motor vehicle, trailer, and all other articles and contrivances utilized in the hauling, transporting, dumping, placing, or disposition of any contents or matter in any public sewer in violation of Paragraph B of this Section are declared to be contraband and shall be subject to seizure, confiscation, and forfeiture according to the terms, provisions, conditions, and procedures set out in O.C.G.A. § 12-8-2(c), as far as such terms and procedures can be made to apply.

13.10.1250. *Violation of Article Provisions.*

Any person permitting or causing the emptying of any waste prohibited by this Article into the sewer system of the Control Authority shall be guilty of violating this Article, and shall be punished in accordance with this Article.

13.10.1260. *Action Required by Director.*

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sections 13.10.1200 through 13.10.1260 of this Chapter, which in the judgment of the Director may have a deleterious effect upon the sewage system, processes, equipment, sludge quality or receiving waters, or which otherwise create a hazard to life or the environment or constitute a public nuisance, the Director may:

- A. Reject the wastes;

- B. Require pretreatment to an acceptable condition for discharge to the public sewers;

- C. Require control over the quantities and rates of discharge;

- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing fees or sewer charges or such charges as

may be set from time to time by the Board of Commissioners under the provisions of Sections 13.10.1700 through 13.10.1800 of this Chapter; and

- E. Take such other appropriate action as may be found necessary to meet POTW pretreatment program requirements established in or pursuant to 40 CFR 403.8(f) and other provisions of this Article.

13.10.1300. INDUSTRIALUSERS.

13.10.1310. Pretreatment Facilities Requirements.

Permitted users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Sections 13.10.1200 through 13.10.1260 of this Chapter within the time limitations specified by the EPA, the state, or the Director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the Control Authority shall be provided, operated and maintained at the user's expense. Detailed plans and drawings showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the County under the provisions of this Article.

13.10.1320. Use by Poultry Processing Plants.

- A. No person engaged in the processing of poultry within the area served by the Control Authority's sewerage system shall discharge any poultry processing wastewater into the Control Authority's sewerage system without such wastewaters having been screened to remove suspended solids such as, but not limited to, feather, grit and offal, as hereinafter provided.
- B. Provision shall be made for the disposal of solids removed by the screening devices. Solids so removed shall not be placed in the Control Authority's sewer system.
- C. Before the installation and operation of any screening device, two (2) complete sets of plans and specifications of the proposed work shall be submitted to the Director for his review and approval.

13.10.1330. Use by Textile Plants.

- A. No person engaged in the processing of textile products or fibers shall empty any sewage or waste from such textile processing plant into the sewer system of the Control Authority without:
 - (1) Screening said waste through a screen sufficiently fine to remove such fibers from the effluent;
 - (2) Equalizing the flow of its waste into the Control Authority sewer system to a point, whereby the rate of flow into the sewer shall not be greater than the rate of flow of potable water into the plant; and
 - (3) Securing the prior approval of the Director before introducing dyes into the sewer system.

- B. The following materials are incompatible to the operation of the Control Authority's treatment plant and shall not be permitted to be introduced into the Control Authority's sewer system:
 - (1) Nonbiochemical degradable fibers;
 - (2) Latex or latex compounds; and
 - (3) Rubber or rubber compounds.

13.10.1340. Pretreatment Design Parameters.

Unless a special agreement as provided for in this Article exists, pretreatment as mentioned in Section 13.10.1220 shall mean the following:

- A. Removal of all prohibited materials and correction of all unacceptable conditions mentioned in Section 13.10.1220 of this Chapter. Pretreatment systems or units shall be designed such that the following pollutants are not exceeded based upon representative samples of the discharge to the Control Authority's sewers, taken on days of normal plant operation, with tests being performed as detailed in 40 CFR 136, including, but not limited to, "Standard Methods for the Examination of Water and Wastewater", latest approved edition, published by the American Public Health Association and others:

TABLE INSET:

Pollutant	Maximum Level
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BOD	300 mg/L
Total suspended solids	300 mg/L
Fat, oil, grease	100 mg/L
Phosphorus	7 mg/L
TKN	40 mg/L

- B. The user discharge concentration limits listed in Section 13.10.1220(B(2)) shall be the limits required on wastewater discharge permits. Such limits may therefore be used as a guide in pretreatment facility design and operation. If the user exceeds these limits or is found in violation of this Article, the user is in a state of violation. In the event that the POTW influent level is exceeded or a disruption of the sewage treatment plant process occurs due to an excessive level of one (1) or more of these user discharge concentration limits, the Board of Commissioners may alter the user discharge concentration limits sufficiently to protect the plant and its receiving stream. Such modifications shall apply to all users. In the event of toxicity being found in a POTW, the Director may at his discretion require industrial users to participate in a toxicity reduction evaluation in accordance with the provisions of the Control Authority POTW's NPDES permits.
- C. Control over quantities and rates of discharge referred to in Section 13.10.1220(B(2)) as applied to major contributors means that the daily plant discharges shall be spread as uniformly as possible over the entire twenty-four-hour period. In no case shall the discharge in one (1) continuous eight-hour period exceed fifty (50) percent of the total twenty-four (24) hour discharge.
- D. The pretreatment or equalization of waste flows, and the design for installation of plants and equipment for the pretreatment or equalization of waste flows, shall be subject to the review and approval of the Director and the Building Official and shall be subject to the requirements of all applicable codes, ordinances and laws. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to, and prior approval of, the Director.
- E. All users shall comply with the pretreatment standards as set forth in 40 CFR, Part 403.

13.10.1350. Fat, Oil, Grease, and Sand Interceptors Required and Maintained.

- A. No food processing industry, commercial facility, maintenance or service facility such as a service station, auto repair shop, car wash, metal working establishment, etc., shall discharge into the sanitary sewer system without a wastewater discharge permit issued by the County. Application for such permit must be made on a form furnished by the County. The permit is valid for up to five (5) years and is non-transferable.
- B. *F.O.G./sand separator required.* All new maintenance and service facilities, restaurants, institutional kitchens, or other food service establishments defined as commercial users of the system, shall provide approved F.O.G. and settleable solids removal equipment or facilities sufficient to meet the limitations set forth in this Article. The number and size(s) of the system(s) shall be determined by the County. Existing commercial users will be assessed on an individual basis, and will require approval by the County.
- (1) The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection.
 - (2) The separator(s) must be located in an area that will allow for the dumpster pad to be connected.
 - (3) In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers.
 - (4) The separator must be a minimum of one thousand five hundred (1,500) gallons and have three (3) baffles, and three (3) inspection openings provided, one over the influent pipe, another over the center baffle, and another over the discharge pipe for inspection purposes.
 - (5) The equipment or facilities shall be installed and maintained by the originator.
 - (6) All food service industries defined as commercial facilities shall be required to have a separate water meter and back-flow device, unless a specific variance is granted by the Director.
 - (7) Alternative treatment methods. The use of any alternative method of treatment is prohibited without written approval by the County. Alternative treatment systems, such as mechanical grease recovery

devices, shall only be used only after evaluation and authorization by the County.

- (8) The use of chemicals, enzymes and bacteria is prohibited, unless specifically authorized in writing by the County, and only after site specific monitoring and data collection has been performed. The use of any additives shall not be considered as an alternative to an adequate treatment system or in lieu of regular maintenance, as prescribed in this Article.
- (9) All F.O.G. or sand separators shall be maintained at the originator's expense. Maintenance shall include the complete removal of all contents of the separator. The County has established the following minimum pumping schedule and may increase or decrease the pumping frequency based on the originator's compliance with this Article:

TABLE INSET:

Class	Description of User	F.O.G. or Sand Separator Pumping Frequency*
I	Food establishments with an under-the-counter grease trap.	Monthly
II	Food establishments with an in ground grease trap of at least one thousand five hundred (1,500) gallons and serving less than one hundred (100) customers in a twenty-four-hour day.	Two (2) times/year
III	Food establishments with an in ground grease trap of at least one thousand five hundred (1,500) gallons and serving one hundred (100) customers to two hundred fifty (250) customers in a twenty-four (24) hour day.	Four (4) times/year
IV	Food establishments with an in ground grease trap of at least one thousand five hundred (1,500) gallons and serving more than two hundred fifty (250) customers in a twenty-four (24) hour day.	Monthly
V	Wash bay grit removal sand trap(s)	Monthly
VI	Self serve carwash with less than four (4) wash bays	Four (4) times/year
VII	Automatic carwash owned/operated by a service station	Four (4) times/year

VIII	Self serve carwash with more than four (4) wash bays	Monthly
IX	Combination self serve and automatic carwash	Monthly
X	Full service automatic carwash	Monthly

* The Director may in writing or verbally increase or decrease a user's grease trap pumping frequency on a case by case basis based on actual observation of material buildup in the grease trap.

- C. Pumping requires the complete removal of the entire contents of the trap with no reintroduction of any portion of the waste into the trap. The County may seek additional enforcement action under O.C.G.A. § 12-8-2.
- D. A grease trap waste hauler must obtain a grease trap waste disposal manifest prior to removal or transporting waste for disposal. It is the grease trap owner's responsibility to ensure the hauler possesses said manifest prior to pumping. Otherwise, the owner is in noncompliance with this Article and shall be subject to all applicable fines and penalties included herein.
- E. Owners to maintain pretreatment and flow-equalizing facilities. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

13.10.1360. Wastewater Discharge Permit.

All industrial users, including significant industrial users, feed mills, vehicle maintenance facilities, service stations, and commercial facilities, including food preparation facilities proposing to connect to, or discharge into any part of the wastewater treatment system must first obtain a wastewater discharge permit. All existing significant industrial users and other industrial users connected to, or discharging to, any part of the County system must also obtain a wastewater discharge permit. Prior to issuing a discharge permit, a draft permit will be sent to the user (certified mail-return receipt requested) which will show the conditions and discharge limitations. The user will be allowed fifteen (15) days to show cause why in the user's opinion the conditions of such permit should not be required.

- A. *Permit application.* All significant industrial users and other industrial users shall discharge wastewater only in accordance with the conditions of their wastewater discharge permit. All applications must contain the following certification statement and be signed by an authorized representative of the user. "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." Users seeking a wastewater discharge permit shall complete and file with the Director an application on the form prescribed by the Director. The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit subject to terms and conditions provided herein.

- B. *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this Article and all other regulations, user charges and fees established by the County. Permits may contain the following:
- (1) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, resampling requirements and reporting schedule;
 - (4) Requirements for submission of technical reports or discharge reports;
 - (5) Requirements for retaining plant records relating to wastewater discharge;
 - (6) Requirement of penalties for falsifying information;
 - (7) Requirements for installation and maintenance of inspection and sampling facilities;
 - (8) Requirement for written standard operating procedures for all pretreatment facilities;
 - (9) Requirements for notification to the County of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

- (10) Requirements for the installation of facilities or procedures to prevent and control accidental discharge or spills at the user's premises;
- (11) Requirement for notification of any bypasses around treatment systems;
- (12) Requirements for notification of slug discharges;
- (13) Requirement of a written spill prevention/contingency plan;
- (14) Requirements for notification of any ordinance violations;
- (15) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
- (16) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (17) Compliance schedules;
- (18) Statement of duration;
- (19) Statement of nontransferability; and
- (20) Other conditions as deemed appropriate by the County to ensure compliance with this Article.

C. *Duration of permits.* Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period of less than three (3) years, or may be stated to expire on a specific date. If the user is not notified by the Director thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for one (1) month. The terms and conditions of the permit may be subject to modification and change by the Director during the life of the permit, as limitations or requirements are modified and changed as outlined in Paragraph E of this Section. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance and shall be subject to the appeal provisions contained in Paragraph E of this Section. A user becoming subject to national categorical pretreatment standards shall apply for a new permit on the effective date of said standards.

- D. *Transfer of a permit.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the industrial user shall notify the succeeding owner or controller of the existence of the wastewater discharge permit by letter, a copy of which shall be forwarded to the Hall County Public Works and Utilities Director. Upon such notification, the Director will require a new permit application to be submitted and issue a permit in accordance with the terms of this Article.
- E. *Authority to modify, suspend, or revoke permits.* The Director may modify, suspend or revoke a permit issued pursuant to this Article in whole or in part during its term for failure or refusal of the permittee to carry out the requirements of this Article, wastewater discharge permit, compliance order, or any other pretreatment standard or requirement.
- (1) Wastewater discharge permits may be modified for good cause including, but not limited to, the following:
- (a) Incorporation of any new or revised federal, state, or local pretreatment standards or requirements;
 - (b) Addressing significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the Control Authority's POTW, Control Authority personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

- (h) Correction of typographical or other errors in the wastewater discharge permit; or
- (i) Transfer of the facility ownership or operation to a new owner or operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (2) Wastewater discharge permits may be revoked for the following reasons:
 - (a) Failure to notify the County of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the County of changed condition pursuant to Section 13.10.1450;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the County timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of a permitted facility; and
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this Article.

If within ten (10) days following receipt of notice of such proposed modifications, suspension or revocation from the Director, there is no objection by the permittee in writing, said action becomes final. If the permittee files with the Director an objection in writing within the specified ten-day period, such permittee shall be granted a conference with the Director to discuss the proposed modifications, suspension, or revocation and to attempt to reach some agreement upon them. In the event that agreement is not reached, the Director shall notify the permittee in writing that he proposes that the modifications, suspension, or revocation become final within three (3) days if the permittee does not object in writing. If the permittee does not object in writing, the proposed modifications, suspension or revocation shall become final. If the permittee does object in writing by filing an objection with the Director and the Hall County Board of Commissioners, the permittee shall be granted a hearing before the Board of Commissioners. The Board of Commissioners shall decide whether the proposed modifications, suspension or revocation of the Director shall become final. The Director may immediately suspend or revoke a permit issued pursuant to this section, in whole or in part, without the notice provisions set forth in the preceding paragraph, provided the Director concludes that the permittee has violated the provisions of this Article and that the continued violation would constitute a hazard to human or animal life, or the environment or to the stream or watercourse receiving the treatment plant effluent, or would not be susceptible to treatment by the POTW, or which otherwise may create a hazard to life or constitute a public nuisance. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. A terminated permit under any of the provisions set forth in this Article shall mean the user shall not discharge process wastewater into the Control Authority's sewerage system.

- F. *Wastewater survey.* Any commercial user may be required to complete a wastewater survey questionnaire as requested by the Director.
- G. *Slug control plan.* On a biennial basis, the County conducts a survey to determine the need for industrial users to develop a program to control slug discharges. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge. If the County decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including nonroutine batch discharges;

- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

13.10.1370. Suitable Location Required for Sampling and Other Purposes.

- A. When required by the Director, the owner of any property serviced by a building sewer carrying nondomestic wastewater shall install a suitable control manhole, vault or other structure in the building sewer in which the County may install such meters, sampling facilities and other appurtenances as necessary to facilitate observation, sampling and measurement of the wastewater.
- B. Such structure as indicated, in subsection (a) shall:
 - (1) Be safely located and accessible;
 - (2) Be protected against vandalism;
 - (3) Provide an accessible water source;
 - (4) Use, when possible, a cover or lid which is easily removed and is of reduced weight;
 - (5) Be supplied with suitable electrical current for the metering and sampling equipment to be installed;
 - (6) Provide suitable lighting;
 - (7) Provide adequate enclosure;
 - (8) Have unrestricted accessibility to the County and its appointed personnel; and

- (9) Be constructed in accordance with standard details approved and provided by the Director.
- C. The structure shall be installed by the owner at their expense, and shall be maintained and kept free from any build-up or debris to be safe and accessible at all times.
- D. In addition, the sample station shall be located to provide for easy access by County personnel and must be located where it can be reached directly from the public right-of-way. When such a location would be impractical or cause undue hardship on the user, the Director may allow an exception to be granted on a case-by-case basis.

13.10.1380. Industrial Wastewater Monitoring and Reporting.

- A. *Certification statement.* All permitted user reports must contain the following certification statement and be signed by an authorized representative of the permitted user:

"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 is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

- B. *Discharge reports*

- (1) Baseline monitoring reports application. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a(4)), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in 40 CFR 403.12(b(1-5)). New industrial users and new sources (as defined in 40 CFR 403.3(k)) shall also submit such reports to the Director as required under 40 CFR 403.12(b(1-5)). New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New

sources shall give estimates of the information requested in 40 CFR 403.12(b(4-5)).

The report shall contain the information listed in subparagraphs (1) through (7) of 40 CFR 403.12(b):

- (a) *Identifying information.* The name and address of the facility, including the name of the operator and owner;
- (b) *Environmental permits.* A list of environmental control permits held by or for the facility;
- (c) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from regulated processes;
- (d) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);
- (e) *Measurement of pollutants;*
 - i. The categorical pretreatment standards applicable to each regulated process;
 - ii. The results of sampling and analysis identifying the nature and concentration, and mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in Section 13.10.1390 of this Chapter;
- (f) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) or additional pretreatment is

required to meet the pretreatment standards and requirements; and

- (g) *Compliance schedule.* If additional pretreatment or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

This requirement includes a baseline monitoring report (BMR) to be submitted to the County at least ninety (90) days prior to discharge of any pollutants to the POTW.

- (2) *Periodic monitoring reports.* All permitted industry shall submit a discharge report as provided in 40 CFR 403.12(g and h). The report shall be submitted on at least a biannual basis during the months of June and December or more frequently as directed by the County. These reports shall be based on sampling and analyses performed in the period covered by the report, and performed in accordance with Paragraph C of this Section. If a permitted user subject to the reporting requirements of this Section monitors any pollutant more frequently than required by the County, using the procedures prescribed in Paragraph D(2) of this Section, the results of the monitoring shall be included in the report.

Any permitted user subject to a categorical pretreatment standard, after the compliance date of such categorical pretreatment standards or, in the case of a new source, after commencement of the discharge into the POTW, shall, at least, submit to the Director during the months of June and December a discharge report indicating the nature, concentration and flow of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in 40 CFR 403, (or amendments thereto which may be promulgated from time to time). Collection and testing of wastewater samples used for compliance monitoring must be in accordance with this Article.

At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. Such reports shall be submitted more frequently if required in the pretreatment standard, pretreatment

requirements, or required as part of the enforcement response program, or deemed necessary by the Director.

- (3) All permitted users shall promptly notify the Director by phone with a subsequent written report in advance if possible, of any substantial change in the volume or character of pollutants in their discharge (change in chemical constituents or liquid materials), including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p) and Paragraph B(5) of this Section, which are or may be discharged and which potentially may interfere with the operation of the public treatment system. This notification is also required in instances of potential problems, i.e., slug loads.
- (4) In all events, the reports required under this Section, shall meet the requirements of 40 CFR 403.12, (b - g).
- (5) The permitted user shall notify the County, the EPA Regional Waste Management Division Director, and the 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 shall also contain the following information to the extent such information is known and readily available to the user:
 - (a) An identification of the hazardous constituents contained in the wastes;
 - (b) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - (c) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All permitted users shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges

must be submitted under 40 CFR 403.12(j) and Paragraph B(6) of this Section. . The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b, d, and e), and Paragraph B(2, 5 and 6) of this Section.

Discharges are exempt from the above requirements of Paragraph B(5) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

Discharge of more than fifteen (15) kilograms of 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 permitted user discharges more than such quantities of any hazardous waste do not require additional notification unless specifically required by the Director.

In case of any new regulation 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 County, the EPA Regional Waste Management Division Director and the state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under Paragraph B(6) of 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.

- (6) *Categorical Pretreatment Standard Compliance.* 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 in the POTW, any user subject to pretreatment standards and requirements shall submit to the County a report containing the following information:
 - (a) The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the County from each of the following:

- i. Regulated process streams; and
- ii. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

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

- (b) The user shall identify the pretreatment standards applicable to each regulated process. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required) by the standard of the County for regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations outlined in this Section.
- (c) A statement, reviewed by an authorized representative of the permitted user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) or additional pretreatment is required for the user to meet the pretreatment standards and requirements.

For users subject to equivalent mass or concentration limits established by Hall County 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.

- (7) The reports required under this section shall carry the signature of an authorized representative certifying data accuracy and pretreatment standard compliance or appropriate operation and maintenance measures to ensure future compliance.
- (8) Permitted users shall retain, and make available for inspection and copying, all records and information required to be retained under this Article. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this

Article, or where the user has been specifically notified of a longer retention period by the Director. For each measurement or sample collected and analyzed for compliance purposes, a record of the following information shall be maintained:

- (a) The exact place, date, time, and person who performed the sampling;
- (b) The exact place, date, time, and person who performed the required analyses;
- (c) The analytical techniques or methods used;
- (d) All bench data derived for the purpose of calculating test results; and
- (e) The results of all required analyses.

C. *Records and monitoring.*

- (1) All permitted users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Article, wastewater discharge permit and any applicable state, local or federal pretreatment standards or requirements.
- (2) Such records shall be made available upon request by the Director after reasonable notice. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency or Georgia Environmental Protection Division upon demand. A summary of such data indicating the permitted user's compliance with this Article shall be prepared as requested and submitted to the Director after reasonable notice.
- (3) The owner or operator of any premises or facility discharging industrial wastewater into the system shall install, at its own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes as required by the Director. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- (4) The monitoring equipment shall be located and maintained on the user's premises outside of the building. When such a location

would be impractical or cause undue hardship on the user, the Board of Commissioners may allow such facility to be constructed in the public street or sidewalk area.

- (5) When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.
- (6) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

D. *Inspection, sampling and analysis.*

- (1) *Compliance determination.* Compliance determinations with respect to code prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater, unless specified in an industrial discharge permit. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined necessary by the Director to meet the needs of specific circumstances, and may require records of flow monitoring and measurement when deemed necessary by the Director. When evaluating the compliance status of an industrial user or a significant industrial user, the POTW uses all samples which were obtained through appropriate sampling techniques and analyzed in accordance with the procedures established in 40 CFR, Part 136. When the County splits a sample with a user, the County uses the results from each of the split samples providing the sample has been properly collected, preserved and analyzed, as referenced in Paragraph D(5) of this Section. When such a split sample produces two different analytical results, an average of the results from the split samples is determined and use of the resulting average number determines the compliance status of the industrial user. If one or both of the analytical split sample results is determined to be invalid, the County recalculates the compliance status of the user, using all valid results.
- (2) *Analysis of industrial wastewaters.* Laboratory analysis of industrial wastewater samples shall be performed in accordance with Section 13.10.1390 of this Chapter. In the case where a concentration limit contained in a wastewater discharge permit is lower than lab

detection limits, the lowest reportable detection limit shall be in accordance with lab detection limits as specified by EPD in accordance with 40 C.F.R. 136.

- (3) *Sampling frequency.* Sampling of industrial wastewater for the purpose of compliance determination with respect to code prohibitions and limitations will be done at such intervals as the Director may designate. Each permitted user will sample at least two times each year as described in 40 CFR 403. Additional sampling may be required by the Director. The County may require a permitted user to conduct a 129-priority pollutant scan at least once every three years or at the time there is a process change that, in the opinion of the Director, would warrant such a scan. The County will conduct at least one unannounced sampling of industrial wastewaters for compliance purposes from each permitted user.
 - (4) *Resampling frequency.* If sampling performed by a permitted user indicates a violation, the user shall notify the County within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis of the pollutant(s) in violation and submit the results of the repeat analysis to the County within thirty (30) days after becoming aware of the violation, except the user is not required to resample if:
 - (a) The County performs sampling of the user at least once per month; or
 - (b) The County performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
 - (5) *Laboratory accreditation.* All analysis submitted to the County for the purpose of compliance determination and other purposes as the Director deems necessary, shall be performed by a laboratory having been accredited by a recognized third party laboratory accreditation organization if no federal or state accreditation program is available. If a laboratory is not accredited, then the laboratory must demonstrate to the County's satisfaction that quality assurance and quality control measures are at least as stringent as those used by the County's laboratory.
- E. *Facility operation.* The user shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, including inspection and sampling of systems installed or used by the user to achieve compliance with all terms and conditions of this

Article. When required by the Director, the user shall provide for adequate documentation of pretreatment controls, such as a standard operating procedures manual and quality control programs.

- F. *Confidentiality.* The Director shall provide appropriate confidentiality in handling and monitoring all collected information so as to avoid the disclosure, accidentally or purposefully, of trade secrets deemed vital to each industrial discharger under surveillance by this program. Public access to such information shall be limited as provided in 40 CFR 403.14.
- G. *Ordinance Supersession.* Upon the promulgation of a national categorical pretreatment standard for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Director shall notify all affected significant industrial users of the applicable reporting requirements under 40 CFR 403.12.

13.10.1390. Method to be Used for Sampling and Testing.

- A. All sampling, measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with 40 CFR 403, 40 CFR 136 and amendments thereto, and the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole to the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. In case of laboratory procedural conflict, 40 CFR, Part 136 takes precedence. When 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the POTW or other parties approved by the Director.
- B. The samples collected shall be representative of daily operations. At least four (4) grab samples must be used for pH, cyanide, total phenols, F.O.G., sulfide, and volatile organics. For all other pollutants, a continuous 24-hour composite sample collected during production hours must be

obtained through flow-proportional composite sampling techniques where feasible. If conditions warrant, additional consecutive 24-hour sampling periods may be required by the County. The Director may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

- C. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with all pretreatment standards and requirements. Where an alternative concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the County.

13.10.1400. Exceptions by the Board of Commissioners.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Board of Commissioners and any industrial concern whereby industrial wastewater of unusual strength or character may be accepted by the County for treatment, subject to payment therefore, by the industrial concern. The Board of Commissioners shall never knowingly enter into any such special agreement or arrangement which violates any provision of the federal general pretreatment regulations for existing or new sources of pollution (40 CFR 403) or any of the federal industrial pretreatment categorical standards.

13.10.1410. Sewage Flow Metering.

It is the industry's responsibility to maintain accurate sewage flow measurements at all times and under all flow conditions, and to provide such information as required by the County to demonstrate that this requirement is being met. If the industry cannot prove to the County's satisfaction that accurate sewage flows are being maintained at all times, then the County shall base all wastewater treatment charges, surcharges or penalties on the water consumption metered on the water meter. If the County has reason to believe that metered consumption does not reflect the total volume of wastewater being discharged, the County reserves the right to use its own sewage flow monitoring data or historical data, as deemed necessary by the Director, to determine wastewater discharge. No allowances for adjusted sewer flows will be allowed unless

otherwise agreed to in writing by the Director. To allow for sewer billing adjustments, all plans, specifications and equipment shall be submitted to and accepted by the County. The industry shall allow thirty (30) days for the County's review and comments. When a user has an alternate water supply or other source of water such that the volume of wastewater generated is greater than the volume of metered water purchased, the County may require that a flowmeter be installed. When deemed necessary by the Director or entered into agreement by the Director and user, the County may maintain sewage flow measurement equipment with all costs borne to the industrial user.

13.10.1420. National Categorical Pretreatment Standards.

The categorical pretreatment standards found in 40 CFR, Chapter I, Sub Chapter N, Parts 405 through 471 are hereby incorporated. Therefore, certain users are now, or shall become, subject to categorical pretreatment standards promulgated by the Environmental Protection Agency found at 40 CFR, Chapter I, Sub Chapter N, Parts 405 through 471 and specifying quantities or concentrations of pollutants, or pollutant properties, which may be discharged into the POTW. All users subject to a categorical pretreatment standard may also be subject to the local limitations established in Section 13.10.1220(B) of this Chapter or by the State of Georgia. Compliance with categorical pretreatment standards for existing sources which hereafter become subject to such standards shall be effected within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with categorical pretreatment standards for new sources shall be required upon promulgation of the standard by the Environmental Protection Agency. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable pretreatment standards.

13.10.1430. Dilution Prohibition.

No user shall increase the use of process water or, in any way, attempt to discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the County or the State of Georgia.

13.10.1440. Potential Problem Discharges.

A. *Protection from potential problem discharges.*

- (1) Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Article. At the discretion of the Director and in accordance with Section 13.10.1360(B) of this Chapter, procedures and facilities to prevent

accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense.

- (2) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Article.

B. *Notification of potential problem discharges.*

- (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 which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 13.10.1220 of this Chapter), it is the responsibility of the user to immediately telephone and notify the County Emergency Services (911) of the incident. This notification shall include the location of discharge, cause and duration of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the 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, civil penalties, or other liability which may be imposed by this Article.
- (3) Failure to notify the County of potential problem discharges shall be deemed a separate violation of this Article.
- (4) A notice shall be permanently posted on the permitted user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Paragraph B(1) of this Section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

- (5) Any enforcement action taken based on information gained from this provision shall be enforceable under Sections 13.10.1610, 13.10.1620(A and B) and 13.10.1630 of this Chapter.

C. *Slug discharges.*

- (1) The County may use instantaneous grab samples for the determination of a slug discharge as defined in Section 13.10.1030 of this Chapter;
- (2) The analytical results may be used by the Control Authority for enforcement actions as deemed necessary by the Director.

13.10.1450. Notification of Changed Conditions.

Each permitted user is required to notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change. For purposes of this requirement flow increases of ten (10) percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant. Responsibilities of the Director include:

- A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.10.1360(A) of this Chapter;
- B. The Director may issue a wastewater discharge permit under Section 13.10.1360(A) of this Chapter or modify an existing wastewater discharge permit under Section 13.10.1360(E) of this Chapter; and
- C. The user shall not implement the planned changed condition without the Director's approval.

13.10.1460. Combined Wastewater Formula.

Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the County, as defined in 40 CFR 403.12(a), or by the user with written concurrence of the County. These alternative limits shall be applied to the mixed effluent. Derivation and monitoring locations are to be conducted as outlined in 40 CFR 403.6(e). All expenses incurred in development and use of the formula shall be the requesting user's responsibility.

13.10.1470. Certification of Operators.

Any permitted user that provides pretreatment shall comply with the rules of the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts concerning individuals engaged in such activities. (Georgia Rules & Regulations Chapter 750). At the discretion of the Director, more stringent certification requirements may be imposed based on the industrial user's previous operation or potential to impact the POTW.

13.10.1480. Falsifying Information.

Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Article shall be in violation of this Article and subject to the fines, penalties and punishment as provided for in this Article.

13.10.1490. Annual Publication of Industrial Users in Significant Noncompliance.

The County shall publish annually, in the legal organ of the County, a list of the industrial users and significant industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pre-treatment standards and requirements.

13.10.1600. PENALTIES.

13.10.1610. Administrative Enforcement Remedies.

- A. *Industry to notify County of violation.* When any person violates any provision of this Article, except Section 13.10.1240 of this Chapter, such person shall immediately notify the Director or the Director's designee or the POTW utilized by the user of such violation and immediately correct the violation or discontinue the use of water service and sewer service of the Control Authority. Any enforcement action taken based on information gained from this provision shall be enforceable under Sections 13.10.1610, 13.10.1620(A and B) and 13.10.1630 of this Chapter.

- B. *Penalty for violation.* Whenever the Director finds that any user has violated or is violating this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his agent may serve upon said user a written notice of violation. Within ten (10) 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 Director. 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 County to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- C. *Excessive contaminant penalties.* At the point where a user's discharge exceeds the violation level for a particular pollutant, excessive contaminant penalties are imposed on the user. Excessive contaminant penalties are designed to recapture the economic benefit of noncompliance and deter future violations. These penalties escalate with the degree of violation and are based on contaminant level and amount of discharge.
- D. *Consent agreement.* The Director is hereby empowered to enter into consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such agreements will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the agreement. Consent agreements shall have the same force and effect as administrative orders issued pursuant to Paragraphs F and G of this Section and shall be judicially enforceable.
- E. *Show cause hearing.* The Director may order any user which causes or contributes to violation(s) of this Article, wastewater discharge permits, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why a 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 this 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 ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

- F. *Compliance order.* When the Director finds that a user has violated or continues to violate this Article, wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance by the addition and correct operation and maintenance of adequate treatment facilities, devices or other related appurtenances. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices designed to minimize the amounts of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- G. *Compliance schedules.* Consent agreements and compliance orders may contain compliance schedules for meeting pretreatment standards. The following conditions shall apply to compliance schedules:
- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for meeting pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment in a compliance schedule shall exceed nine (9) months.
 - (3) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months lapse between such reports to the Control Authority.
- H. *Cease and desist orders.* When the Director finds that a user is violating this Article, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to

the user directing it to cease and desist all such violations and directing the user to:

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

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

I. *Administrative fines.*

- (1) Notwithstanding any other Section of this Article, any user that is found to have violated any provision of this Article, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.
- (3) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance and interest shall accrue thereafter at a rate of one and one-half (1.5) percent per month. A lien against the individual user's property will be sought for unpaid charges, fines and penalties.
- (4) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within ten (10) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the industrial user. The County may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

J. *Emergency suspensions.* The Director may immediately suspend the wastewater treatment service and wastewater permit of a user, whenever such suspension is necessary, in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, as referenced in Paragraph L(2) of this Section. The Director may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment, as referenced in Paragraph L(2) of this Section. Any user notified of a suspension of the wastewater treatment service or the wastewater permit or its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection and discontinuance of the water service to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the County that the period of endangerment has passed, unless the termination proceedings set forth in Paragraph K of this Section, are initiated against the user. Within three days, 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 Director prior to the date of any show cause or termination hearing under Paragraphs E and K of this Section. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

K. *Termination of discharge.* In addition to those provisions in Paragraph J of this Section and Section 13.10.1360(F) of this Chapter, any user that violates the following conditions of this Article, wastewater discharge permits, orders issued hereunder, or any applicable or state and federal law, is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations wastewater volume, constituents and characteristics prior to discharge;

- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; and
- (5) Violation of the pretreatment standards in Sections 13.10.1200 through 13.10.1260 of this Chapter.

Noncompliant users will be notified of the proposed enforcement action and may show cause under Paragraph E of this Section why the proposed action should not be taken. A terminated permit under any of the above provisions shall mean the user shall not discharge process wastewater into the County's sewerage system.

L. *Authority to disconnect service.*

- (1) The Director shall have the authority to enforce the provisions of this Article by the discontinuance of water service and sewer service in the event any person shall continue to violate the provisions of this Article after receiving oral or written notice of the violation from the County.
- (2) Whenever the Director determines that a person is violating or has violated any provision of this Article, except for Section 13.10.1240 of this Chapter, and determines that the violation of this Article will cause immediate damage or harm to the sewers, sewerage treatment process, environment, equipment or treatment facilities of the Control Authority, or that the violation endangers the public health, safety or general welfare of the community, the Director shall have the power and authority to immediately revoke, orally or in writing, the sewerage permit of the person violating any provision of this Article and terminate that person's water service and sewer service.
- (3) Any person aggrieved by having a sewerage permit revoked by the Director shall have the right to appeal the revocation to the Board of Commissioners. Such appeal shall be taken within five (5) days from the date of the revocation by notifying the Board of Commissioners in writing and specifying the grounds of appeal. The Board of Commissioners shall, within five (5) days after the receipt of the notice of appeal, fix a date and time for the hearing of the appeal and after due notice to the parties at interest, have a hearing on the appeal and decide the same within a reasonable time.
- (4) The Director shall have the power and authority to reinstate the sewerage permit and allow the use of the Control Authority's sewer

service if the person who had been violating the provisions of this Article shall discontinue and cease such violations.

- (5) Any user who violates any provision of this Article shall upon oral notification by the County and within ten (10) days of such violation or violations furnish the County a written report concerning such violation or violations, which report shall specifically detail the cause of the violation or violations and the steps implemented by the person to assure that the violation or violations will not occur in the future. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of notification. This Section shall not restrict the authority of the Director provided under Section 13.10.1360(E) of this Chapter.

M. User to receive due process. Noncompliant users will be notified of the proposed enforcement action, with the exception of Paragraphs J and L(2) of this Section, and may show cause under Paragraph E of this Section, why the proposed action should not be taken within five (5) days from the date of the action by notifying the Board of Commissioners in writing and specifying the grounds of appeal. Any enforcement action taken based on information gained from this provision shall be enforceable under Sections 13.10.1610, 13.10.1620(A and B) and 13.10.1630 of this Chapter.

13.10.1620. Judicial Remedies.

If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this Article or any order or permit issued hereunder, or if any person violates other provisions of this Article, the County may commence an action for appropriate legal and/or equitable relief in the appropriate Court.

- A. *Injunctive relief.* Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Article, wastewater discharge permit, or orders issued hereunder, or any other pretreatment requirement, the County may petition the Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels specific performance of the wastewater discharge permit, order, or other requirement imposed by this Article on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the County. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

B. *Civil penalties.*

- (1) Any user which has violated or continues to violate this Article, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement may be liable to the County for a civil penalty of at least one thousand dollars (\$1,000.00) plus actual damages incurred by the POTW per violation, per day, for as long as the violation continues. 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. In addition to the above described penalty and damages, the County may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. In addition, any person violating any of the provisions of this Article shall become liable to the County for any judgment, expense, loss, damage, fine, penalty or fee occasioned by the Control Authority by reason of such violation or violations, including, but not limited to, any fee, penalty or fine assessed against the Control Authority by any state or federal agency as a result of such violation or violations.
- (2) In determining the amount of liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires. The Director shall have such remedies to collect these fees as it has to collect other sewer service charges.
- (3) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

C. *Criminal Prosecution.*

- (1) Any person who violates any provision of this Article, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- (2) Any person who introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction,

be guilty of a misdemeanor, punishable as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court. Each day such violation is committed or permitted to continue shall constitute a separate violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) Any person who knowingly falsifies information as described in Section 13.10.1480 of this Chapter shall, upon conviction, guilty of a misdemeanor, punishable as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court. Each day such violation is committed or permitted to continue shall constitute a separate violation.

D. *Remedies Nonexclusive.* The County reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the County reserves the right to take other action against any user when the circumstances warrant. Further, the County is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

E. *Penalty for Violation; Generally.* Any person found to be violating any provision of this Article shall be punished as provided within this Article of the Official Code of Hall County, Georgia and as allowed under 40 CFR 403.8 and 403.12. Each day in which any such violation shall continue shall be deemed a separate offense.

13.10.1630. Supplemental Enforcement Remedies.

A. *Performance Bonds.* The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Article, any orders or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

B. *Liability Insurance.* The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Article, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

- C. *Water and Sewer Supply Severance.* Whenever a user has violated or continues to violate the provisions of this Article, orders, or wastewater discharge permit issued hereunder, water and sewer 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.
- D. *Public Nuisances.* Any violation of this Article, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Official Code of Hall County, Georgia governing such nuisances, including reimbursing the County for any costs incurred in removing, abating, or remedying said nuisance.
- E. *Informant Rewards.* The Director is authorized to pay up to one thousand dollars (\$1,000.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Director is authorized to disperse up to five percent (5%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000.00).
- F. *Contractor Listing.* Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by a user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the County.

13.10.1640. Affirmative Defenses to Discharge Violations.

- A. *Treatment upsets.*
 - (1) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical, state or local pretreatment standards or requirements, including wastewater discharge permit conditions, because of factors beyond the reasonable control of the permitted user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical, state or local

pretreatment standards or requirements if the requirements of Paragraph A(3) of this Section are met.

- (3) Any permitted user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the permitted user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - (c) The permitted user has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. A plan of action to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the permitted user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Permitted users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with categorical, state or local pretreatment standards or requirements.
- (6) The permitted user shall control production or all discharges to the extent necessary to maintain compliance with categorical, state or local pretreatment standards or requirements 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. *General/specific prohibitions.* A permitted user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Sections 13.10.1100 through 13.10.1160 and 13.10.1200 through 13.10.1260 of this Chapter 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 industrial user was in compliance with each limit directly prior to and during the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. *Treatment bypasses.*

- (1) A permitted user may allow a bypass to occur which does not cause pretreatment standards or requirements, including permit conditions, to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs C(2 and 3) of this Section.
- (2)
 - (a) If a permitted user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible.
 - (b) A permitted user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards or requirements to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the permitted 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 recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (3) (a) Bypass is prohibited, and the POTW may take enforcement action against a permitted user for a bypass, unless;
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - ii. 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 backup 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.
- (b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the two conditions listed above in Paragraph C(3(a)) of this Section.

13.10.1700 FEES.

13.10.1710. Charges Generally.

All users of the public sewerage system shall pay such service charges, surcharges, connection fees, tap fees, or other charges for the use of same as are now or hereafter specified in the current Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners. The Hall County Board of Commissioners reserves the right to periodically adjust rates either upward or downward depending upon the need to do so.

13.10.1720 User Fee Classifications.

For the purpose of establishing sewer user charges under this article, users are classified as follows:

- A. Residential;
- B. Multi-family;

- C. Commercial; or
- D. General industry.

13.10.1730. Fees Charged.

A. Monthly account servicing fees and monthly per unit (one hundred (100) cubic feet) sanitary sewer user charges:

- (1) All classes of sanitary sewer users of the County who purchase water from sources other than through the City of Gainesville Public Utilities Department, shall pay a monthly account servicing fee on the sanitary sewer portion of the utility bill when billed with the water service.
- (2) All classes of sanitary sewer users whose sewer flow is metered and billed separately from their water meters, shall pay a monthly account servicing fee in accordance with fees established in this Section.
- (3) Unless other fees are established by contractual obligation between an entity and the County, monthly per unit (one hundred (100) cubic feet) sanitary sewer user charges for all classes of users by district shall be as set forth in the Hall County Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Monthly Per Unit (One Hundred (100) Cubic Feet) Sanitary Sewer User Charges.

For the purposes of this Section, the Mulberry Creek District is defined as that portion of Hall County, Georgia shown in Exhibit B as the "16. Hall County/Municipality". Said Mulberry Creek District is generally bounded by the County Line and the Braselton City Limits to the South and East, Hog Mountain Road and Martin Road to the West with the exception of the Flowery Branch Service Area, along the Winder Highway Corridor from the intersection of Martin Road westerly to the intersection of Poplar Springs Road with the exception of the previously noted area served by Oakwood just north of Winder Highway in the drainage basin they are currently serving, then along the Poplar Springs Road Corridor easterly from the intersection with Winder Highway to the intersection with Sherman Allen Road, along Sherman Allen Road to the County Line on the east, also including areas of the Flowery Branch and Braselton Service Districts that the County is contractually obligated to serve.

- B. The Director shall notify all classes of users biennially of the actual cost of operation and maintenance of the system.
- C. In addition to the above, all classes of users, except residential and multifamily, shall be billed, as a surcharge, a fee based upon their pollutant load in excess of that found in the maximum residential waste effluent. The Director, in accordance with the standard practice for sample taking and sample analysis, shall compute monthly for each class of user the amount of waste pollutants in mg/L/ccf (milligrams per liter per hundred cubic feet) introduced in the sewer system in excess of the residential criteria hereafter established. Computation shall be based on sample(s) taken in a water service period. In the event there are no samples taken in a service period, the most recent sample shall be used for the monthly computation for up to four (4) consecutive monthly computations.
- D. In addition to surcharges, all classes of users, except residential and multifamily, shall be billed, as a penalty, a fee based upon their pollutant load of oil and grease in excess of that found in the maximum residential waste effluent. The Director in accordance with the standard practice for sample taking and sample analysis, shall compute monthly for each class of user, the amount of waste pollutants in mg/L/ccf (milligrams per liter per hundred cubic feet) introduced in the sewer system in excess of residential criteria hereafter established. Computation shall be based on sample(s) taken in a water service period. In the event there are no samples taken in a service period, the most recent sample shall be used for the monthly computation for up to four (4) consecutive monthly computations.
- E. Waste effluent contaminants to be analyzed and measured for surcharge and penalty are:
- (1) Biochemical oxygen demand;
 - (2) Suspended solids;
 - (3) Oil and grease;
 - (4) Phosphorus;
 - (5) Total Kjeldahl nitrogen.
- F. The criteria hereby established for maximum or upper limit residential waste is:
- (1) Biochemical oxygen demand, 250 mg/L;

- (2) Suspended solids, 250 mg/L;
 - (3) Oil and grease, 100 mg/L;
 - (4) Phosphorus, 7 mg/L;
 - (5) Total Kjeldahl nitrogen, 40 mg/L.
- G. The surcharge to industrial and commercial users for excess pollutants over the maximum residential criteria each month will be computed as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Excess Pollutant Surcharges.
- H. The penalty to industrial and commercial users for excess pollutants over the maximum residential criteria each month will be computed as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Excess Pollutant Penalties.

13.10.1740. Calculation of Charges.

- A. The monthly sewer charge for residential users who maintain public or private water service shall be calculated based on a percentage of the usage calculated from the monthly water meter readings. The percentage used for calculation of the monthly bill shall be eighty-five (85) percent of the metered water usage. The percentage calculation shall apply to all residential users except for multiple users served by a single or master meter on which the sewer charge shall be calculated on each month's entire water usage.
- B. The sewer charge for all other classes of users who maintain public or private water service and who are served by the sewers shall be calculated on each month's water usage as shown by the water meter. In the event that any user receives a water supply from sources other than the City's system, such additional sources shall be metered, and the sewer charge shall be based upon the monthly total of all metered water supplied.
- C. In the event a portion of the water supply can be shown, to the satisfaction of the Director, not to be discharged into the Control Authority's sewerage system, credit may be allowed by the County for that portion not discharged.

- D. Should a user have water service that is not metered, the user shall be required to install a metering device on the sewer service capable of metering within 2% accuracy the sewer flows from this user and shall be billed based upon the monthly readings of this meter. The Director shall approve the type of metering device to be installed.

13.10.1750. Excess Contaminated Waste Fees.

Wastewater acceptable for treatment without incurring an excess contaminated waste fee is sewage with:

- A. Generally.
 - (1) BOD of five hundred (500) mg per liter or less.
 - (2) Suspended solids of five hundred (500) mg per liter or less.
 - (3) Total phosphorus of eleven (11) mg per liter or less.
 - (4) Total Kjeldahl nitrogen (TKN) of seventy-five (75) mg per liter or less.
 - (5) Animal or vegetable oil or grease of one hundred twenty-five (125) mg per liter or less.
 - (6) Any wastewater accepted with effluent contaminants in excess of the limits of Paragraph A (1, 2, 3 and 4) of this Section shall be charged a surcharge to be computed as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Excess Effluent Contaminant Surcharge.
 - (7) Any wastewater accepted with effluent contaminants in excess of the limit established in Paragraph A(5) of this Section shall be charged a penalty to be computed as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Excess Effluent Contaminant Penalty.
- B. Payment of the surcharge as provided for herein shall not excuse the violator from any other penalty, termination of service or legal or equitable relief pursued by the County to terminate such violation.

13.10.1760. Tapping and Other Fees.

The fees for tapping into the sewer system of the Control Authority shall be as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Tapping Fees.

13.10.1770. Sanitary Sewer System Connection Fee.

- A. Users subject to fee. Users of the sewer system shall pay a sewer connection fee before new or additional service will be made available. Applications for new or additional sewer service must include the street address for a specific lot or lots where the service is to be provided. Applications for sewer service shall expire unless all fees have been paid to the County's Finance Director no later than ten (10) calendar days after the date of application issuance by the utilities department. Sewer service approved for a specific lot shall not be transferred to any other lot or property. Existing users shall be subject to the fee when their existing water service tap is inadequate to deliver the volume of water desired and requires an increase in the water service tap and meter size. New users will be subject to the fee at the time new service is requested. All users shall be subject to the sewer connection fee regardless of location of the service tap.
- B. Determination of connection fee.
 - (1) The sanitary sewer system connection fee shall be imposed unless other fees are established by contractual obligation between an entity and the County including a 3% administrative fee to account for tracking the collection and use of the connection fee. Said fee shall be as set forth in the Hall County Sewers and Sewage Disposal Fee Schedule adopted by the Hall County Board of Commissioners for Connection Fees. The sanitary sewer system connection fee shall be paid at the time of application for sanitary sewer service and in addition to the meter and sanitary sewer system tapping fees.
- C. Changing tap and meter size.
 - (1) After the original sewer connection fee has been paid and installation made, any customer requesting a change in water tap size resulting in a smaller water meter shall make proper application at the water and sewer department for this change. Such change shall be made without cost to the customer. No credit shall be given for sewer connection fees or water meter costs paid on the existing larger water meter. The water meter removed shall

remain the property of the water provider and shall be returned to the same.

- (2) After the original sewer connection fee has been paid and installation made, any customer requesting a change in water tap size resulting in a larger water meter shall make proper application for this change. The customer shall pay a sewer connection fee equal to the difference between the current applicable sewer connection fee for the existing water meter size and the current applicable sewer connection fee for the requested water meter size.

D. Payment of fee.

- (1) Existing users shall pay the sewer connection fee at the time the application is made to increase the size of the existing water service tap on meter.
- (2) New users shall pay the sewer connection fee at the time the application is made for sewer service.

E. Revenue restrictions.

- (1) All revenues received from each sewer system connection fee service area shall be accounted for separately and distinctly from any other system revenues. Available sewer system connection fee balances shall be invested and all interest earned on these investments shall be accounted for as part of the sewer system connection fee revenues for each service area. The accounting system shall be established so that sewer system connection fee collections from each service area, interest earned, and expenses can be clearly tracked on a monthly basis and so that connection fees are properly deposited, accounted for and expended in accordance with this Section.
- (2) Sewer connection fee funds from each service area shall be expended only for costs related to system improvements, as defined in O.C.G.A. § 36-71-2(20), as amended, that provide capacity to serve new connections to the sewer system located within that service area. All costs permitted under O.C.G.A. § 36-71-2(19), as amended, shall be permitted under this Section. Such costs include, but are not limited to, planning, design, engineering, land acquisition, land improvement, surveying, and construction or reconstruction costs as well as principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by the County to finance such system improvements.

Sewer connection fee funds shall not be expended for maintenance or repair of system improvements nor for operational expenses.

F. Applicant contributions of system improvements; credits/reimbursements.

- (1) Project improvements are the responsibility of the developer or property owner and no credits against connection fees shall be made for project improvements. Project improvements include all lot or building improvements necessary to provide service (including for example the building sewer and cleanout and pre-stubs if required) and main extensions of eight (8) inches in diameter and up to one hundred (100) feet in length from the property line or project boundary as required to connect to the nearest main. Project improvements also include any other sewer system facilities, including but not limited to pump stations and larger diameter lines, that are planned, designed and necessary to provide service to a particular development project in accordance with O.C.G.A. § 36-71-2(15), as amended. Tap costs are covered by the tapping fee imposed pursuant to this Section.
- (2) Upon application for new or increased sewer service, the sewer connection fee otherwise due shall be reduced by any applicable credits for the contribution of money or dedication of land for or the construction of system improvements, as defined in O.C.G.A. § 36-17-2(20), as amended, within the service area where the new connection is located and serving the new connection, and required or accepted by the County from the applicant or his predecessor in title or interest. In the event that the amount of credit due exceeds the total sewer connection fees due, an agreement between the applicant and the County shall govern the amount and timing of reimbursement payments to the applicant. The County shall have the option of reimbursing an applicant by a lump sum payment or periodic payments and from existing funds or from sewer connection fees collected in the future.
- (3) The amount of applicable credit/reimbursement, if any, shall be determined based on credible evidence submitted by the applicant on forms provided by the County Utility Department, which:
 - (a) Describes the contribution for which credit/reimbursement is claimed;
 - (b) Establishes the original cost and date of the construction, contribution or dedication;

- (c) Identifies the specific development project for which the construction, contribution or dedication was made, including the location, land use, size, number of buildings or number of dwelling units in the original development project; and
 - (d) Describes the development project for which the credit/reimbursement against sewer connection fees is requested, if different from the project described in Paragraph F(3(c)) of this Section. Credits/reimbursements may not be transferred from one development project to another project. All costs related to submitting the credit/reimbursement application and any additional information requested by the Director are the responsibility of the applicant.
- (4) The Director of Public Works and Utilities, and the Director of Finance shall determine the amount of credit/reimbursement due per connection, if any, based on consideration of the original and current or depreciated value of the contribution or dedication, the facilities required to serve the development project, the ability of the contribution or dedication to provide service to other development, and, if the contribution or dedication is determined to be a system improvement which is eligible for credit/reimbursement, the per connection share of the present value of the construction, contribution and dedication. System improvements shall be determined based on accepted engineering principles and data produced by a registered engineer. The burden of establishing eligibility for a credit/reimbursement is on the applicant claiming the credit/reimbursement. All costs incurred by the County, including the value of staff time and consultant fees, as well as expenses related to applications for credit/reimbursement, shall be the responsibility of and charged to the applicant. Regardless of the results of any appeal of a determination of the Director by the applicant, County costs billed to and paid by the applicant shall not be refunded.
- G. Annual report. At least once every year, the Director of Public Works and Utilities and Director of Finance shall jointly prepare a report on the sewer connection fees. Such report shall include:
- (1) The total amount of sewer connection fees collected within each service area during the past fiscal year;
 - (2) The total expenditures and projects funded in part or in whole by sewer connection fees within each service area during the past fiscal year;

- (3) The sewer connection fee interest earned and account balance for each service area;
- (4) The sewer system projects within each service area anticipated to be funded in whole or in part by sewer connection fees;
- (5) Any proposed changes to the Hall County Sewers and Sewage Disposal Fee Schedule for sewer connection fee calculation methodology; and
- (6) Any other recommendations as the Director of Public Works and Utilities or the Director of Finance deem appropriate or as may be requested by the Board of Commissioners.

H. Appeal process.

- (1) Applicants for a new or changed sewer service may appeal any determination of the Director of Public Works and Utilities regarding the meter or line size required to serve the property or the amount of credits and reimbursement due for contributions of system improvements to the Board of Commissioners. Appeals shall be made to the Board of Commissioners and must be filed no later than thirty (30) days after the date of determination by the Director of Public Works and Utilities. The Board of Commissioners shall provide the applicant with a written explanation of its determination within sixty (60) calendar days of filing of the appeal with Board of Commissioners. Appeals shall be submitted on a form provided by the County.

I. Authority to establish an administrative fee.

- (1) A reasonable fee to cover all or a portion of the administrative costs incurred in administering and managing the sewer connection fee system may be established by resolution of the Board of Commissioners. Such administrative fee may include, but is not limited to, the following costs to the extent the costs are related to the administration and operation of the connection fee system: reasonable charges for Control Authority staff time, consultant fees and expenses, computer equipment/software, and other equipment the costs of which are not included in the sewer connection fee calculations.
- (2) The administrative fee adopted by resolution of the Board of Commissioners shall be paid at the time of application for new or

changed sewer service and shall be paid in addition to the cost of the sewer system connection fees and sewer system tapping fees.

13.10.1780. Disposition of Tapping Fees and Connection Fees..

- A. All fees for tapping into the sewer system lines shall be paid into the sewer operational fund.
- B. All revenues received from the sewer system connection fees shall only be used for debt service payments, for capital improvements or deposited into the sewer construction fund for construction and purchase of capital improvements.

13.10.1790. Disposition on Discontinuance of Service.

- A. In the event of failure of any person to pay any charge herein provided, execution therefore may be issued by the Board of Commissioners, and the same may be enforced by levy and sale of any property with which Control Authority sewers are connected.
- B. In event of failure of any person to pay any charge herein provided, the County may discontinue sewer service to the property and may not reinstate sewer service to such property until the amount owing has been paid.
- C. Upon failure to pay the monthly fees prescribed, the County shall have the right after five days' notice to the party in default to discontinue sewer service to the party in default.

13.10.1800. User Charge System for Operation and Maintenance Costs.

A. *Basis for user charge.* The wastewater characteristics which are used to determine user charge are:

- (1) BOD;
- (2) Suspended solids;
- (3) Flow volume;
- (4) Oil and grease;
- (5) Phosphorus; and

(6) TKN.

Normal wastewater dischargers and industrial wastewater dischargers of normal strength wastewaters shall be charged a basic user charge in which flow volume is the wastewater characteristic for determining the charge.

- B. *Basic user charge.* The formula for determining basic user charge which applies to normal strength discharges shall be as follows:

TABLE INSET:

R	=	$V_m C_t$
R	=	Monthly user charge
V_m	=	Volume contribution in accordance with this Section from a user in units of 100 cubic feet
C_t	=	Sanitary Sewer User Charge as defined in Section 13.10.1720 (dollar per 100 cubic feet for operation and maintenance)

- C. *Surcharged wastewater.* When BOD, suspended solids, oil and grease, phosphorus or TKN concentrations in a user's wastewater discharge is in excess of the range of concentration in normal strength wastewater as set forth in Section 13.10.1740(A), a surcharge shall be added to the base charge.

- D. *Surcharge determination.* When BOD, suspended solids, oil and grease, phosphorus, or TKN exceed the range of concentration of those pollutants in normal strength wastewater as set forth in Section 13.10.1750(A), a surcharge shall be added in the basis charge. The surcharge shall be determined as follows:

TABLE INSET:

C_s	=	$(B_c \times B + S_c \times S + G_c \times G + P_c \times P) V_u$
C_s	=	Surcharge for wastewater (dollar per month)
B_c	=	Operation, maintenance and replacement costs for treatment of one mg/L of BOD in 100 cubic feet
B	=	Concentration of BOD from a user above base load (mg/L)

S _c	=	Operation, maintenance and replacement costs for treatment of one mg/L of suspended solids in 100 cubic feet
V _u	=	Flow volume in units of 100 cubic feet per month
S	=	Concentration of suspended solids from a user above base level (mg/L)
G _c	=	Operation, maintenance and replacement costs for treatment of one mg/L of oil and grease in 100 cubic feet
G	=	Concentration of grease from a user above base level (mg/L)
P _c	=	Operation, maintenance and replacement costs for treatment of one mg/L of phosphorus in 100 cubic feet
P	=	Concentration of phosphorus from a user above base level (mg/L)

E. *Sanitary sewer user charge determination.* The sanitary sewer user charge, C_t, which shall be revised not less frequently than biennially, shall be determined as follows:

TABLE INSET:

C _t	=	$B_d B_c + S_d S_c + G_d G_c + P_d P_c + V_c$
B _d	=	Average mg/L of BOD of normal strength wastewater contributed
S _d	=	Average mg/L of suspended solids of normal strength wastewater contributed
G _d	=	Average mg/L of oil and grease of normal strength wastewater contributed
P _d	=	Average mg/L of phosphorus of normal strength wastewater contributed
V _c	=	Operation, maintenance and debt service cost of the sewerage system of flow volume in units of 100 cubic feet

C_t, B_c, S_c, G_c and P_c are as defined in Paragraph B and D of this Section. B_d, S_d, G_d and P_d shall be revised not less frequently than biennially and shall be determined by dividing actual wastewater treatment plant loading less total surcharged loading by total annual volume contribution by domestic waste water dischargers.

Vc, Bc, Sc, Gc and Pc shall be revised not less often than two (2) years by dividing their respective annual maintenance and operation costs by their respective annual loadings. Wastewater discharge volume (Vm) for dischargers of normal strength wastewater shall be one hundred (100) percent of the amount of water metered. For industrial wastewater dischargers which discharge surcharged waste, the wastewater discharge volume (Vu) shall be one hundred (100) percent of the amount of water metered, unless it can be shown that the volume of wastewater discharge is less.

- F. *Biennial review.* The total cost of operation, maintenance and debt service of the sewerage system, its approved user charge system and the contribution of the users shall be reviewed not less than every two (2) years. Charges for users shall be revised to maintain the distribution of costs among users and to generate sufficient revenue to pay the total operation and maintenance cost necessary to the proper operation and maintenance of the sewerage system.
- G. *Inconsistent agreements.* The user charge system shall take precedence over any terms, conditions of agreements, or contracts between the County and the user, including industrial users, districts, other municipalities or federal agencies which are inconsistent with the requirements of Section 204(b)(1)(a) of the Clean Water Act and these regulations.
- H. *Excess revenue.* Revenues collected in excess of revenues used to defray operation, maintenance and renewal and extension costs in any year shall be applied to the costs of operation and maintenance for the next year, and the user charge adjusted to absorb the excess.
- I. *Toxic pollutants.* Each user which discharges any toxic substance to the publicly owned sewer which causes an increase in the costs of managing the effluent or the sludge of the treatment works shall pay for the increased costs.
- J. *Extraneous flows.* Maintenance and operation costs for all flows not attributable to users shall be distributed among all users in proportion of flow volume of the user discharge.
- K. *Notification.* Each user shall be notified no less than annually with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services.
- L. *Implementation.* The County shall implement the user charge system upon its adoption by the Hall County Board of Commissioners. For the first year of operation, operation and maintenance charges shall be based

upon past experience and judgment. After one (1) year of documentation of operation and maintenance cost and user loadings, user charges will be revised based on actual data. User charges shall be reviewed annually and revised to reflect actual operation and maintenance cost of the treatment plant works.

- M. *Records.* The County shall document the various waste treatment plant loading categories and the operation and maintenance costs attributable to each category, record user charge revenues and demonstrate that the user charge derived is a proportional distribution of operation and maintenance costs.

ARTICLE II ON-SITE SEWAGE MANAGEMENT SYSTEMS.

13.10.2000 *Applicability.*

This Article shall apply to all on-site sewage management systems in the unincorporated area of Hall County, Georgia. It shall not apply in the following cases:

- A. Any facility or system under the jurisdiction of and regulated by the Department of Natural Resources or its successor;
- B. Any public or community sewage treatment system;
- C. Other shared jurisdiction by Memoranda of Agreement or other agreements; and
- D. Any public sewer.

13.10.2010 *Definitions.*

For the purpose of this Article, the following words and phrases shall have the meaning as indicated below:

Absorption Field means a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

Absorption Line means a pipe line of perforated pipe laid in an absorption trench to serve as a conduit for sewage effluent.

Absorption Trench means an excavation in which an absorption line is laid.

Absorption Trench Bottom and Side Soil Area means the total interface of bottom and side soil area with undisturbed soils of all absorption trenches in an absorption field and occurring horizontally and downward from the point of distribution into the soil, expressed in square feet.

Aggregate means washed gravel or washed stone meeting the Georgia Department of Transportation standards for hardness or other materials approved by the Department and shall be one half inch (1/2 ") to two inches (2") in diameter.

Alternative On-site Management System means any on-site sewage management system approved by the Hall County Health Department and which otherwise meets the applicable federal, state and local law requirements for the same which differs in design or operation from the conventional or chamber septic tank system or privy.

Approved or Approval means compliance with applicable specifications or criteria developed or accepted by the Hall County Health Department.

Auxiliary System means a system to serve a portion of a residence, a pool house or other adjunct facility.

Bedroom means any room that is designed primarily for sleeping purposes, as shown on the building plan.

Black Water means wastewater generated by water closets, urinals, bidets, kitchen sinks and garbage disposals.

Building Drain means that part of the lowest piping of a building drainage system inside the walls of a building, which receives the discharge from soil, waste or other drainage systems and conveys the discharge to the building sewer.

Building Sewer means that part of the horizontal piping of a building drainage system beyond the building drain which receives the discharge from the building drain and conveys it to a public sewer, private sewer, on-site sewage management system, or other disposal.

Central On-site Sewage Management System means an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

Chamber Septic Tank System means a septic tank and a chamber system as defined herein.

Chamber System means a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and

sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.

Community Subsurface Treatment System means any system which treats primarily domestic wastewater other than those serving single family residences or nondomestic sewage systems.

Conventional System means a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.

Conventional Septic Tank System means any septic tank and conventional system as defined herein, but does not include alternative or experimental systems.

County Board of Health means the Hall County Board of Health established by O.C.G.A. § 31-3-1 or its designee.

Department means the Department of Human Resources of the State of Georgia or its designee.

Distribution Device means a watertight structure which receives sewage effluent from a septic tank, dosing tank, or other sewage retention device and distributes it in equal portions to two or more absorption lines.

Dosing Tank means an approved watertight tank, located after a septic tank or other sewage retention device, to receive and retain sewage effluent, and so equipped as to discharge sewage effluent intermittently to a distribution device, either by pump or by siphon.

Experimental On-site Sewage Management System means any on-site sewage management system proposed for testing and observation, and provisionally approved for such purposes by the Department, but which has not been fully proven under field use.

Failure means an on-site sewage system in such a condition that it constitutes a public hazard by inadequate treatment or disposal of sewage.

Filter means an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

Flood Plain means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent water courses and coastal areas subject to intermittent tidal action.

Gray Water means wastewater generated by water-using fixtures and appliances, excluding water closets, urinals, bidets, kitchen sinks, and garbage disposals.

Grease Trap means a device in which the grease content of sewage is intercepted and congealed, and from which grease may be skimmed or otherwise removed for proper disposal.

Individual Water Supply System means a system of piping, pumps, tanks, or other facilities, utilizing groundwater to supply a single family dwelling.

Lot means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

Manual for On-Site Sewage Management Systems means the technical handbook currently adopted and periodically updated which is used by the Department in the implementation of this Chapter and is available for inspection at the appropriate State Office in Atlanta or at local health departments. The Manual for On-Site Sewage Management Systems and its provisions are herein adopted unless inconsistent with other provisions of law or regulation and is hereafter referred to as the "Manual" or "Manual for On-Site Sewage Management Systems."

Mobile Home Park means a parcel of land developed for subsequent rental or lease for placement of two (2) or more mobile homes.

On-Site Sewage Management System means a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

Percolation Coefficient means the ratio of trench bottom area to percolation time; it is expressed as the allowable rate of sewage application in gallons per square foot per day.

Percolation Rate means the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

Percolation Test means the method used to measure the percolation rate of water into soil as described in the Department's current Manual for On-Site Sewage Management Systems.

Person means any individual, partnership, corporation, or association and may extend and be applied to bodies, both political and corporate.

Physical Development means development which includes, but is not limited to site preparation, erection of a structure, road construction, well construction, or installation of on-site sewage management systems.

Privy means a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term does not include chemical, composting, portable, or incinerator toilets.

Public Water Supply System means a system for the provision of piped water to the public for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals daily, at least sixty (60) days out of the year.

Septage means a waste that is a fluid mixture of partially treated or untreated sewage solids, liquids and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

Sewage Treatment System is a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system. The system shall be designed to be physically incapable of a surface discharge of effluent.

Septic Tank means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

Sewage means and includes human excreta, all water carried wastes, and liquid household waste from residences or commercial and industrial establishments.

Sinkhole means a depression in the land surface, generally in a limestone region, which communicates or has the potential to communicate with a subterranean passage developed by solution; typical sinkholes can be broad, closed basin-like features or steep-sided dropouts, or variants thereof.

Site means the location where the absorption field will be installed to include replacement area.

Soil Classifier means a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or related field, as approved by the Soil Classifiers Certification Advisory Committee. Must

have completed a minimum of 15 semester hours or 25 quarter hours in approved soil science courses including a course in pedology and have four years or more of full time experience as a Soil Classifier/Soil Scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Certification shall be in accordance with guidelines published in the Manual for On-Site Sewage Management Systems. Any person who holds a valid certificate of registration as a geologist issued pursuant to O.C.G.A. Chapter 19 of Title 43, or who holds a valid certificate of registration as an engineer issued pursuant to O.C.G.A. Chapter 15 of Title 43 and is practicing within his or her area of engineering competency may register with the Department as a Soil Classifier.

Subdivision means any division of a tract or parcel of land into five or more lots, building sites, mobile home sites, or other divisions, resulting in any single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided; however, that the following are not included within this definition:

1. The combination or recombination of previously platted lots or portions thereof where the total number of lots is not increased and the resultant lots conform to the standards of these rules.

2. The division of land into parcels, all of which is three acres or more in size with minimum width of one hundred and fifty feet (150') for a distance sufficient to provide an adequate area for the placement of structures and improvements including wells and approved installation of approved on-site sewage management systems.

Well means an excavation or opening into the ground by which groundwater is sought or obtained.

13.10.2020. General Provisions.

- A. *On-Site Sewage Management System Required.* Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property, designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site sewage management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more. Connection shall be made to a public or community sewage treatment system when such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property. Where a public or community sewage treatment system is to be constructed, or an existing public or community sewer is to be extended to serve a lot, or an approved on-site

sewage management system is to be used, the building sewer shall be installed so that it will insure gravity flow at a self-cleaning velocity throughout. If an existing on-site sewage system fails, immediate connection shall be made to a public or community sewerage system if such a system is available.

- (1) Any facility that produces a waste stream with BOD5 (Biochemical Oxygen Demand) and TSS (total suspended solids) higher than 200 mg/L shall be required to pretreat the waste to reduce the BOD5 and TSS to 200 mg/L or below before disposal through a conventional or chamber septic tank system.

B. *On-Site Sewage Management System Construction Permit Required.* No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the County Health Department a construction permit for the installation.

- (1) Application for such a construction permit shall be made in writing on forms provided by the County Board of Health. The County Board of Health shall approve or disapprove such application within twenty days after the receipt of a completed application. The application shall include:
 - (a) Name and address of the owner and the applicant, if other than the owner;
 - (b) Location of property;
 - (c) Plans and specifications including location and design of the proposed on-site sewage management system including surface and subsurface drainage and piping;
 - (d) Nature of the facility to be served;
 - (e) Location of all water supplies, geothermal systems, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;
 - (f) Number of bedrooms in the dwelling, or the number of persons to be served in other types of establishments, or other sewage flow or water usage data;

- (g) Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high groundwater tables, occurrence of rock and other impervious strata;
 - (h) Signature of the owner or agent applying for permit; and
 - (i) Any additional information deemed necessary to determine the suitability of the site.
- (2) The County Board of Health may waive submission of part of the information required for the application, provided the Board deems that such information is available from previously submitted subdivision or mobile home park data, or from other sources. The information must be sufficient to make an adequate appraisal of the acceptability of the proposed lot for the installation of an onsite sewage management system.
 - (3) Repairs, replacement, or additions to existing systems must be permitted and inspected.
 - (4) Any person preparing to modify a lot for the purpose of obtaining a construction permit for the installation of an on-site sewage management system shall submit plans showing the type and extent of modifications. No modifications shall be carried out prior to the approval of the plans by the County Board of Health. Such approval shall be in accordance with the provisions of the Department's current Manual for On-Site Sewage Management Systems.

C. *Requirements for On-Site Sewage Management System Construction Permit Issuance or Denial.* On-site sewage management system construction permits shall be issued only after a site inspection by the County Board of Health shows favorable findings relative to absorption rates, soil characteristics, groundwater, rock, and any other factors which would affect the acceptability of the lot. No construction permit for an on-site sewage management system shall be issued prior to the approval of the public water supply system, where a public water supply system is to be utilized. Lot suitability and approval is to be determined by the criteria established by the Department's current Manual for On-Site Sewage Management Systems. Lots shall be sized according to the regulations of the County Board of Health. The County Board of Health may deny or revoke an on-site sewage management system construction permit upon finding the lot unsuitable or for failure of the applicant to comply with the provisions of these rules. Such denial shall be made in accordance with the provisions of O.C.G.A. §§ 12-8-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5 and

31-5-6. On-site sewage management construction permits shall remain valid for not more than twelve (12) months from the date of issue.

- (1) Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the County Board of Health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.
- (2) On tracts or parcels of land of three acres or more, the conventional or chamber septic tank system may be utilized where the percolation rate does not exceed 120 minutes per inch. All other conditions must comply with the requirements of the regulations for onsite sewage management systems.

D. *Inspections.* No person may backfill or use an on-site sewage management system until final inspection has been made by the County Board of Health to determine compliance with the provisions of the construction permit issued under Paragraph C of this Section and written approval has been issued by the County Board of Health.

- (1) A copy of the final inspection of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.
- (2) Grading, filling, digging trash pits or other landscaping or construction activities on the lot subsequent to final inspection by the County Board of Health which may adversely affect the on-site sewage management system shall render the approval void. Removal or alteration of system components after final inspection by the County Board of Health shall render the approval void.

E. *Design Limits for Conventional or Chamber Septic Tank Systems.* To provide for the maintenance of sanitary conditions through the proper functioning of a conventional or chamber septic tank system for a reasonable period of time, no such system may be installed, constructed, or used, having a septic tank design capacity of less than one thousand (1000) gallons or greater than ten thousand (10,000) gallons, or where the total length of absorption trenches required would exceed three thousand (3,000) linear feet, or where the total absorption trench bottom area required would exceed nine thousand (9,000) square feet.

- F. *Submission of Plans, Specifications, and Soil Data.* Plans, specifications, soil data and, if required, absorption test data, submitted to the County Board of Health for the purpose of obtaining a construction permit to install an on-site sewage management system, which will produce a sewage flow in excess of two thousand (2,000) gallons per day, shall bear the registration number and signature of a Registered Professional Engineer, certified and registered under the laws of this State. The County Board of Health may accept plans, specifications, soil data, and absorption test data for facilities with sewage flow of two thousand (2,000) gallons or less per day, when prepared in accordance with these rules, from any person who demonstrates to the satisfaction of the County Board of Health that they have sufficient knowledge of on-site sewage management system design.
- G. *Soil Data Acceptability for Individual Lots.* Soil evaluations shall be conducted by individuals meeting the requirements established in the Department's current Manual for On-Site Sewage Management Systems.
- H. *Soil Data or Design Certification Required.* The soil classifier, engineer, geologist or other professional approved by the Department shall be required to attach to any soil evaluation submitted to the County Board of Health a copy of a current in force liability insurance certificate with limits of liability of no less than one million dollars. Soil evaluation reports submitted in compliance with the requirements established by the Soil Survey Report Checklist in Section C of the Department's Manual shall be deemed sufficient and shall be accepted. The County Board of Health shall issue on-site sewage management system permits on sites deemed suitable by soil evaluations conducted in accordance with requirements established by the checklist in Section C of the Department Manual. In the event that the County Board of Health finds that the soil evaluation is deficient, it shall notify the person or entity that submitted the evaluation in writing by mail within 3 business days stating all deficiencies and all measures needed to correct deficiencies. Engineer designs submitted in compliance with the requirements established by the Engineered Site Plan Checklist in Section F of the Department's Manual and submitted with a copy of current in force liability insurance certificate with limits of liability of no less than one million dollars shall be accepted by the County Board of Health. Engineer designs shall be evaluated within 20 days of submission and a written determination of said evaluation shall be mailed to the submitter within three (3) business days of the findings by the County Board of Health. If the engineer design is rejected, the County Board of Health shall so notify the submitter listing the deficiencies found, the measures needed to correct the deficiencies and of the submitter's right to appeal the County's decision.

- I. *On-Site Sewage Management System Notice Required.* In the event an on-site sewage management system, alternative system or soil fill installation is installed, notice shall be delivered to the owner of such property and in the event of new construction homes or commercial buildings, notice must be delivered to new owner, by the homebuilder/contractor, at the time of conveyance on such property stating the type of installation, design and maintenance needs.

13.10.2030. Sewers.

- A. *Size of Sewers.* Sewers connecting component parts of onsite sewage management systems shall be of sufficient size to serve anticipated flow conditions.
- B. *Sewers.* All solid pipe and fittings used in an on-site sewage management system, beginning at the house, shall be NSF International schedule 40 PVC or equivalent and shall be a minimum of four inches in diameter. Sewers under driveways or similar areas of load or impact shall be of material capable of withstanding anticipated loads or installed so as to provide protection from crushing.
- C. *Construction.* Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be laid with sealed, watertight, root-resistant joints. Such sewers shall be laid on a firm foundation, shall not be subject to settling, and shall be installed on a grade that will insure a self-cleaning velocity. Where on-site sewage management systems are used, and where installation of building drains and building sewers is not covered by duly adopted local plumbing codes, or in the absence of a local plumbing code or plumbing inspections, the County Board of Health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.

13.10.2040. Septic Tanks.

- A. *Minimum Design and Construction.* Septic tanks shall provide a minimum of 24 hours of retention and shall be designed and constructed to equal or exceed minimum design and construction criteria established by the Department as published in the current Manual for On-Site Sewage Management Systems. After the effective date of these regulations, any person seeking approval of septic tanks to be used in on-site sewage management systems, shall submit detailed plans and specifications for tank manufacture and other information as may be required by the Department. Manufacturers and suppliers may be subject to periodic inspection, and approval by the County Board of Health or the

Department. Both the inlet and outlet tees shall be ASTM 3034 rated or equivalent. In addition, an approved filter shall be installed on the outlet end of the septic tank in compliance with the Manual for On-Site Sewage Management Systems.

- B. *Location.* No septic tank shall be installed less than fifty feet (50') from existing or proposed wells/springs, sink holes, or suction water lines, and tanks shall be located downgrade from wells or springs if physically possible; less than twenty-five feet (25') from lakes, ponds, streams, water courses, other impoundments; less than ten feet (10') from pressure water supply lines, or less than ten feet (10') from a property line. No septic tank shall be installed less than fifteen feet (15') from a drainage ditch or embankment. Septic tanks shall be installed so as to provide ready access for necessary maintenance. Normally, the distance a septic tank should be located from a building foundation is at least ten feet (10') but, lesser distances may be allowed by the County Board of Health. The County Board of Health, after site inspection, may require greater separation distances than cited herein due to unusual conditions of topography, or other site configuration; subsurface soil characteristics or groundwater interference.
- C. *Capacity.* The liquid capacity of septic tanks for single family dwellings shall be one thousand (1000) gallons for one, two, three or four bedrooms, and 250 additional gallons for each bedroom over four. Septic tank capacity shall be increased by (50%) where garbage grinders are to be used. Auxiliary systems serving single family residences or other facilities shall be based on the maximum daily flow.
- D. *Compartmented Tanks.* Two compartment tanks shall be required. The first compartment shall be at least 2/3 the liquid capacity of the tank.
- E. *Tanks in Series.* The County Board of Health may approve the installation of two septic tanks placed in series provided that the capacity of the first tank is at least one thousand (1000) gallons and at least equal to the capacity of the second tank. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.
- F. *Foundation and Backfill.* Septic tanks will be constructed or installed level, on a foundation that will prevent settling; backfill shall be placed so that a stable fill results and undue strain on the tank is avoided. Earth backfill shall be free of voids, large stones, stumps, broken masonry, or other such materials. A minimum earth cover of six inches (6") over the tank is recommended. With proper documentation the County Board of Health may approve less cover. All openings and manholes shall be constructed so as to prevent the entrance of surface water.

13.10.2050. *Distribution Devices and Dosing Tanks.*

- A. *Minimum Design and Construction of Distribution Devices.* Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria established in the Department's current Manual for On-Site Sewage Management Systems.
- B. *Minimum Design and Construction of Dosing Tanks.* Where required, dosing tanks shall be designed, constructed, and installed in accordance with the Department's current Manual for On-Site Sewage Management Systems.

13.10.2060. *Absorption Fields.*

- A. *Absorption Area.* The absorption area shall be based upon the anticipated volume of treated sewage and upon the characteristics of the soil in which absorption fields are to be located as specified in the Department's current Manual for On-Site Sewage Management Systems. Soil characteristics and other related data, including percolation tests, may be required by the County Board of Health. Absorption areas shall be classified as follows: aggregate, non-aggregate and other.
- B. *Prior Approved Systems.* Any "prior approved system" as defined in the O.C.G.A. § 31-2-7(a(4)) is approved for installation according to manufacturer's recommendation.
- C. *Location.* No absorption field will be constructed less than one hundred feet (100') from existing or proposed wells, springs or sinkholes; less than ten feet (10') from water supply lines and buildings with basements and less than five feet (5') from buildings without basements, other structures, drives and property lines; less than fifteen feet (15') from an embankment, drainage ditch or trash pits; not less than fifty feet (50') from the normal water level of any impoundment, tributary, stream, or other body of water, including ponded areas of wetlands. If the water supply line crosses or comes within ten feet (10') of the absorption field, the water supply line shall be installed at least twelve inches (12") above the top of the aggregate layer of the absorption line, non-aggregate absorption line or other absorption line, and shall be encased in a single length of larger diameter water pipe. No absorption field shall be installed in areas where groundwater, soil characteristics or adverse geological formation may interfere with the absorption or effective treatment of sewage effluent.

- D. *Minimum Design and Construction for Absorption Fields.* Absorption lines and absorption trenches shall be designed and installed in accordance with the minimum design and installation criteria established in the Department's current Manual for On-Site Sewage Management Systems.

13.10.2070. Privies.

Minimum Design and Construction. Privies shall be designed and constructed in accordance with minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems.

13.10.2080. Alternative On-Site Sewage Management Systems.

- A. Alternative On-Site Sewage Management System means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank or privy.
- B. *Design and Construction.* Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems. The Department shall maintain a list of approved alternative on-site sewage management systems.

13.10.2090. Experimental On-Site Sewage Management Systems.

Experimental On-Site Sewage Management System means any on-site sewage management system proposed for testing and observation, and provisionally accepted for such purposes by the Department's technical review committee. Any limitations to the use of experimental systems shall be decided by the Department's technical review committee, and any use of an experimental system approved by the Department that is not in accordance with the use approved by the Department's technical review committee shall be a violation of this Article.

13.10.2100. Septage Removal and Disposal.

- A. *Permit Required.* No person shall engage in the removal or disposal of the contents of septic tanks, pit privies, or other on-site sewage management or experimental systems without having first applied for and obtained from the Department or County Board of Health a septage removal permit, renewed annually, for such activities. The application for such septage removal permit shall be submitted in writing on forms

provided by the Department or the County Board of Health at least ten (10) days prior to engaging in such activities. The application shall include but not be limited to: the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as may be required by the County Board of Health, including evidence that septage removed and transported will be accepted at approved disposal sites.

- (1) *Suspension and Revocation.* The permit shall be subject to suspension and revocation for failure to comply with the requirements of these regulations or the Department's current Manual for On-Site Sewage Management Systems.
- B. *Pumping and Disposal Methods.* Approved methods of pumping and disposal of septage from on-site sewage management systems shall be: discharge to a public or community sewage treatment system for treatment in a wastewater treatment plant, treatment at separate approved septage handling facilities, or direct land application as permitted by law. Pumping and disposal shall be in accordance with the requirements of the Department's current Manual for On-Site Sewage Management Systems.
 - C. *Vehicle Identification.* The name and address of the person or firm engaging in the removal of septage from on-site sewage management systems and the permit number shall be lettered on both sides of each vehicle used for septage removal purposes. Letters and numerals shall not be less than two inches (2") in height and shall be readily visible.
 - D. *Vehicle Maintenance.* Every vehicle used for removal of septage from on-site sewage management systems shall be equipped with a watertight tank or body and properly maintained. Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained so as to prevent leakage.

13.10.2110. Grease Traps.

- A. *Grease Traps Required.* Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems where it is determined by the County Board of Health that the amount of grease introduced into the system is in excess of 50 mg/L.
- B. *Grease Trap Design.* Plans and specifications for grease traps shall be submitted to the County Board of Health for approval. The County Board of Health shall review the grease trap design in accordance with minimum design and construction criteria established by the Department's current

Manual for On-Site Sewage Management Systems. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption field. Grease traps shall be located, installed and constructed so that the temperature of the sewage will be reduced to permit congealing or separation of grease, and easy access for cleaning is provided.

13.10.2120 Sewage Flow.

The design sewage flow of an on-site sewage management system shall be determined from the Department's current Manual for On-Site Sewage Management Systems. The daily sewage flow may be determined by the Department after due consideration of data submitted by the owner or his agent on design criteria. Calculations will be made on the basis of peak flow and not on long term averages.

13.10.2130. Subdivision and Mobile Home Parks.

- A. *Pre-development Review.* It is recommended that developers considering subdivision or mobile home park development, where public or community sewage treatment systems will not be available, seek a predevelopment review by the County Board of Health prior to developmental improvements. A predevelopment report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including:
- (1) A vicinity map;
 - (2) A topographic map;
 - (3) A preliminary soil study conducted in compliance with the Department's current Manual for On-Site Sewage Management Systems.
- B. *Proposals and Plans Required.* The following information is required for subdivision and mobile home park proposals:
- (1) A boundary plat drawn to a reasonable scale which includes:
 - (a) A vicinity map;
 - (b) Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;

- (c) A topographic map depicted in two (2) foot contour intervals. Lesser contour intervals may be approved by the County Board of Health if the slope is sufficiently steep;
- (d) A soil map and soil descriptions based on a high intensity soil study conducted in compliance with the Department's current Manual for On-Site Sewage Management Systems;
- (e) The location of all present and proposed wells, water systems, water courses, flood plains, sewage systems, structures, right-of-ways, utilities, storm water drainage systems and easements on the property and within one hundred feet (100') outside the perimeter of the property; and
- (f) The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.

(2) A completed Subdivision Analysis Record on forms provided by the Department.

(3) A copy of the following documents issued by the Environmental Protection Division of the Department of Natural Resources:

- (a) The land disturbance activity permit issued by either the Environmental Protection Division or the local "Issuing Authority". For the purposes of this section, "Issuing Authority" means the governing authority of any County or municipality, which is certified pursuant to subsection O.C.G.A. § 12-7-8(a) by the Director of the Environmental Protection Division;
- (b) A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public water supply system is to be utilized; and
- (c) For a development, which will result in the disturbance of more than five (5) acres, a copy of the Notice of Intent (NOI) submitted to the Environmental Protection Division to be covered under NPDES Permit GAR100000 for the discharge of storm water associated with construction activity.

C. *Approval Required.* No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a lot or lots in a subdivision or mobile home park until written approval of plans for water supply and sewage disposal has been obtained from the County Board of

Health. This approval constitutes general acceptance of all lots, except those lots excluded, for development with on-site sewage management systems. (Excluded lots may receive further consideration based on additional information.)

- D. *Limits on Use of On-Site Sewage Management Systems for Subdivision and Mobile Home Parks.* Approval of subdivisions and mobile home parks utilizing on-site sewage management systems shall not be granted:
- (1) When a public or community sewage system is available within five hundred feet (500') off the subdivision or mobile home park;
 - (2) When soil maps, descriptions, and reports compiled by a registered Soil Classifier indicate that soil conditions prohibit safe development of on-site sewage management systems.
 - (3) Prior to receipt of a letter(s) from the Environmental Protection Division approving the plans to construct the public water supply system and approving the source of the water supply where a public water supply system is to be utilized.
- E. *Construction Permits.* Construction permits for on-site sewage management systems shall be issued in accordance with Section 13.10.2020 of this Chapter.

13.10.2140. Subdivision, Mobile Home Park Water and Sewage.

- A. *Subdivision and Mobile Home Park Water Supply.* Connection to a public water supply system shall be required if available within one thousand feet (1,000') of the proposed subdivision or mobile home park.
- B. *Subdivision and Mobile Home Park Percolation Tests.* Where required for planning purposes and determination of the general absorptive capacity of soils, the number of percolation tests to be made shall be one (1) per lot, in the area where absorption fields are to be located. Before construction of on-site sewage management systems, individual lots within the proposed development shall comply with Section 13.10.2130 of this Chapter.
- C. *Subdivision and Mobile Home Park Test Bores.* Where required for planning purposes, test bores to determine groundwater elevations and subsurface rock formations shall be made at locations, in numbers and at depths to be determined by the Department or County Board of Health.

13.10.2150. Certification and Decertification of Septic Tank Contractors, Inspection Personnel, Pumpers, Soil Classifiers and Maintenance Personnel.

- A. *Certification Required.* Individuals performing services related to site approval, the design, location, installation, inspection and maintenance of an onsite sewage management system, must be certified by the Department.
- (1) Guidelines defining certification qualifications for septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel shall be established by the Department and shall be published in the Manual for On-Site Sewage Management Systems. The guidelines shall be based on education, experience, testing and performance.
 - (2) The Department shall write a protocol for decertification of persons certified under the provisions of this Section.
 - (3) Certification shall be required every two years and shall be based on meeting continuing education requirements.
- B. *Fee.* The Department shall adopt a fee schedule for the certification and recertification of the persons listed in this Section.

13.10.2160. Maintenance and Operation.

- A. *Prohibited Discharge.* No person shall allow the unapproved discharge or spillage of sewage, nor shall an on-site sewage management system be used or maintained in such a manner that will allow the seepage or discharge of effluent from such system to the ground surface, to a water course, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake, stream, river, estuary, groundwater, or other body of water.
- B. *Maintenance.* The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase the life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria established in the Department's current Manual for On-Site Sewage Management Systems. Where an on-site sewage management system is proposed to serve facilities under separate ownership, a contract to insure proper operation and maintenance of the system signed by all owners, shall exist as a precondition to the issuance of a permit for the construction of an on-site sewage management system.

- C. *Additives.* No strong bases, acids or organic solvents shall be used in the operation of an on-site sewage management system.
- D. *Existing System Evaluations.* If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure established in the Department's current Manual for On-Site Sewage Management Systems.
- E. *Variances.* The County Board of Health may grant variances in the cases of hardship where existing systems are malfunctioning.

13.10.2170 *Violations; Penalty.*

Any person, firm, corporation, association or partnership violating this Article as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this Article as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia Section 1.50.020 for each violation in the discretion of the court.

ARTICLE III. GENERAL PROVISIONS.

13.10.3000 *Applicability.*

This Article shall apply to all of the unincorporated area of Hall County, Georgia regardless of whether the location is served by public sewer, has an approved on-site sewage management system or other means of sewage disposal.

13.10.3010 *Definitions.*

The definitions set forth in Official Code of Hall County, Georgia § 13.10.1030 are hereby incorporated by reference and shall have the meaning ascribed to them except where the context in this Article clearly indicates a different meaning.

13.10.3020 *Discharges to the Environment.*

It shall be unlawful to discharge to the environment, including any natural outlet within the County, or in any area under the jurisdiction of the County, any wastewater,

other polluted waters or polluting substances, except where suitable treatment has been provided in accordance with subsequent provisions of this Title.

13.10.3030 Unlawful Construction or Maintenance for Wastewater Disposal.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other non permitted facility intended or used for the disposal of wastewater unless said facility is constructed and maintained in accordance with all local, state and federal laws.

13.10.3040. Commercial Waste Transportation and Reporting Requirements.

A. *Applicability.* In addition to any applicable requirements of Section 13.10.2100 of this Chapter, this Paragraph shall apply to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial wastes for final disposal.

B. *Definitions.* In addition to the definitions set forth in § 13.10.1030 Of this Chapter, the following definitions shall apply:

Commercial Waste Transporter Permit is a permit issued by a Local Governing Authority for an individual tank truck.

Grease Interceptor means a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes.

Grit Trap means a structure or device designed primarily for the accumulation and removal of grit.

Oil-water Separator means a structure or device designed primarily to collect and retain oily substances.

On-site Sewage Management System means any system that has been permitted by the County Board of Health for sewage disposal under Article II of this Chapter or any other applicable Hall County ordinance or state health regulation.

Originator means the owner or operator of the grease or F.O.G. interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.

Registration means acceptance by EPD of a transporter.

Registered Commercial Waste Transporter is a business/owner registered by the Division and whose tank trucks are permitted by a Local Governing Authority.

Sand Trap means a receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.

Septic Wastes means the contents of a septic tank.

Tank truck means any vehicle that removes and transports commercial wastes.

Transporter means any person or firm, which owns or operates one (1) or more waste tank trucks that receive or dispose of commercial waste in this state.

C. *Originators.* An originator shall:

1. Have commercial waste removed from their facility only by a transporter who holds a valid commercial waste transporter permit;
2. Sign the received manifest form and maintain such record for a period of three (3) years; and
3. Keep a copy of all manifests for a period of three (3) years at the originator's principal place of business and shall make the same available for inspection by the County.

D. *Transporters.*

1. *Transporter Registration.* Any transporter, owning or operating one or more waste tank trucks that receive, transport or dispose of commercial waste in the County, shall submit a registration form to EPD for the purposes of receiving a registration number.
2. *Commercial Waste Transporter Permit.*
 - a. *Application.* Application for a commercial waste transporter permit shall be made to Hall County by submitting the following:
 - (1) A complete and accurate permit application on the form prescribed by the EPD;
 - (2) The location of the disposal site(s) to be used;
 - (3) Evidence of the tank truck owner's registration as a commercial waste transporter with EPD; and
 - (4) The transporter permitting fee adopted by Hall County as set forth in the Hall County Sewers and Sewage

Disposal Fee Schedule for a Commercial Waste Transporter Permit.

- b. *Permit Issuance.* The commercial waste transporter permit shall be issued only after:
 - 1. A fully completed application is received by the County, and
 - 2. If, after inspection, the County finds that the tank truck is substantially leak proof, durable, of easily cleaned construction, and is maintained in good repair.
- c. *Permit Conditions.* All permits shall be issued on the following conditions:
 - 1. The only disposal facilities used are identified on the permit application;
 - 2. The tank truck is substantially leak proof; and
 - 3. The tank truck is maintained in good repair.
- d. *Permit Term.* Any commercial waste transporter permit issued shall have a fixed term not to exceed one year.
- e. *Permit Renewal.* A commercial waste transporter permit can be renewed prior to 60 days of its expiration if the conditions for permit issuance in (D(2(a and b)) of this Section have been met.
- f. No transporter shall pump-out or vacuum F.O.G. separators, grit traps, sand traps, or oil-water separators without a valid commercial waste transporter permit issued by a LGA of this state.
- g. A commercial waste transporter permit shall be required for each individual tank truck owned and operated by a transporter.
- h. The commercial waste transporter permit issued by any LGA for operation of a tank truck shall be valid throughout the state.
- i. A transporter, who has trucks permitted by an LGA, and who decides to have additional trucks permitted by another LGA,

must provide copies of the current commercial waste transporter permits with the new commercial waste transporter permit application.

- j. A transporter cannot have two (2) tank trucks permitted with the same commercial waste transporter permit number.
 - k. The EPD registration number, which shall begin with FOG, shall be part of the commercial waste transporter permit number issued by the LGA.
3. On the vehicle that transports commercial waste, a transporter shall display the commercial waste transporter permit number.
 4. A transporter shall remove the entire contents of any commercial tank that is serviced.
 5. A transporter shall dispose of the contents of any commercial tank service, unmingled with hazardous wastes or septic wastes.
 6. A transporter shall dispose of the contents of any commercial tank service only at a facility permitted by EPD to receive such waste.
 7. A transporter shall utilize a manifest for each location being serviced.
 8. A transporter shall sign the transporter portion of the manifest and leave a copy of the manifest with the originator.
 9. A transporter shall present the manifest to the disposal operator to complete and sign the disposal section, and shall leave one (1) copy of the manifest with the disposal site operator.
 10. Prior to sending a completed copy, a transporter shall ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the County.
 11. A transporter shall send a completed copy of the manifest to the County within fifteen (15) days after the commercial waste is delivered and disposed of at the commercial waste disposal or processing facility, and the manifest has been signed and completed by the disposal or processing facility.
 12. A transporter shall send a completed copy of the manifest to the originator with the signature of the disposal site operator within thirty (30) days after the commercial waste is delivered and

disposed of at the commercial waste disposal or processing facility, and the manifest has been signed and completed by the disposal or processing facility.

13. A transporter shall keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and maintain such records for a period of three years; except that the transporters manifest (or copy thereof) covering not less than the immediately preceding thirty (30) day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection for EPD, any LGA or their designee.
14. A transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.

E. A receiver of commercial waste shall:

1. Maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years; and
2. Make such records available to EPD, the County, any LGA or their designee for inspection.

F. *Manifests.* All originators, transporters, and processing and disposal site operators involved in the removal, transport, and disposal of commercial wastes and commercial waste sludge and byproducts shall participate in proper maintenance of manifests that shall be on a multi-copy form as prescribed by EPD. This manifest will require signatures from the originator, transporter and disposer in order to maintain and establish accountability.

G. *Inspection.*

1. Representatives of EPD, the County, any LGA or their designee, after proper identification, shall be permitted to enter the premises of any originator, transporter, processor, or disposal site at any reasonable time for the purpose of making inspections to determine compliance with this Section or any commercial waste transporter permit.
2. Representatives of EPD, the County, any LGA or their designee, during inspections of the originator, transporter, processor, and the disposal site operator, may review records to determine compliance with provisions of these regulations. The right of inspection shall

include the right to measure, observe, sample, test, record, review and make copies of all pertinent documents in accordance with this Section.

H. Removal of commercial waste from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system for the purpose of transporting such waste to a disposal site shall be accomplished:

1. In a clean and sanitary manner;
2. By means of a vacuum hose or pump;
3. By removing the entire contents of the holding tank or pretreatment system being serviced; and
4. By being received:
 - a. As unmingled with any hazardous waste or septic waste; and
 - b. Into a leakproof tank truck approved and permitted for such service as provided by section.

I. Any commercial waste spilled, leaked, discharged, or otherwise released or removed from a grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system to any location other than a licensed leakproof tank truck shall be deemed a violation of this Article.

J. Commercial waste vacuumed or pumped from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system and which waste is carried by tank trucks and disposed therefrom in this state shall be disposed only at a facility which is authorized by law to receive and process such waste.

K. No person shall dispose of commercial waste from a tank truck at any location in this state other than the place inside the property boundaries designated for such waste by the authorized facility's owner.

L. Any originator in this state, transporter, or disposal site operator in this state of any load of commercial waste vacuumed or pumped from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system shall be each responsible for maintaining a manifest system for such load of commercial waste, and the transporter shall certify on its manifest that such load of commercial waste is disposed in accordance with this Section or in accordance with the law of such other state in which it is disposed.

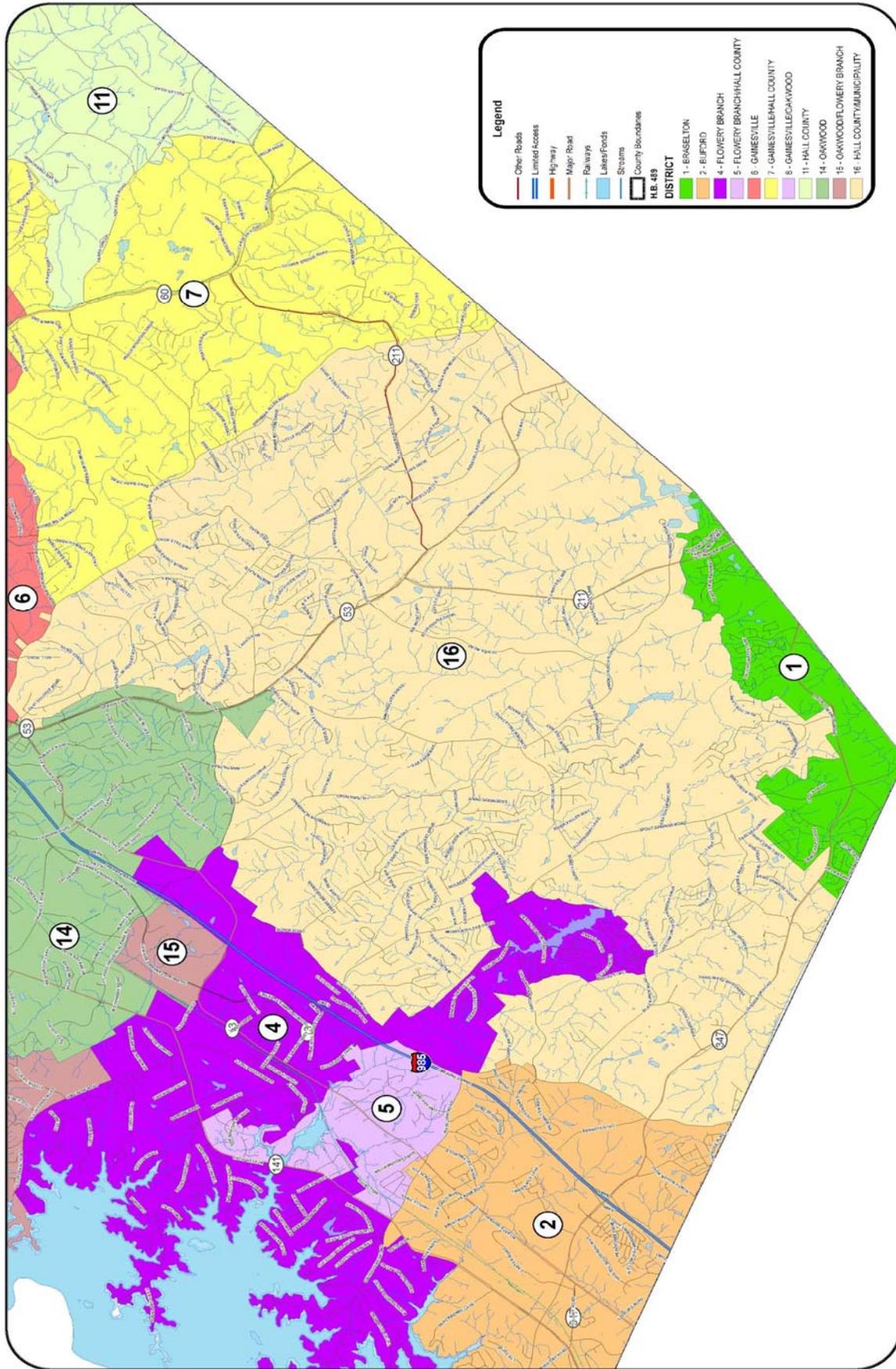
M. *Notice of Enforcement Action.* The County is required to provide timely written notice to EPD of any enforcement action taken pursuant to this Section against an operator permitted under this article who is alleged to be in violation of the same. EPD shall be notified of the initiation of any such local enforcement action and of the final conclusions or ultimate outcome of any such action.

N. *Civil Penalties.* Any person who violates any provision of this article, the rules and regulations adopted pursuant to this article, or any permit condition or limitation established pursuant to this article shall be liable for a civil penalty not to exceed \$2,500.00 per violation. Notwithstanding any other provision of law, the Hall County Magistrate Court is authorized to impose a civil penalty not to exceed \$2,500.00 for each violation.

13.10.3050 *Violations; Penalty.*

Any person, firm, corporation, association or partnership violating this Article as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this Article as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia Section 1.50.020 for each violation in the discretion of the court.

Exhibit B



HALL COUNTY SEWER SERVICE AREAS

Hall County, Georgia

