

May 21, 2002

**REGULAR BUSINESS MEETING -- MAY 21, 2002**

PRESENT: Chairman C. Crandle Bray, Commissioner Virginia Burton Gray, Commissioner Gerald A. Matthews, Commissioner Carl Rhodenizer, and Clerk Suzanne Brown.

1. Chairman Bray called the meeting to order.
2. Invocation led by Pastor Gisela Mann, of Cup of Water Ministries. Pledge of allegiance to the flag led by Chairman Bray.
3. Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to amend the agenda to include the Zoning Moratorium as item #24. The agenda was adopted, as amended, as the official agenda of May 21, 2002 (as all commissioners had copies before them). Vote unanimous.
4. **PROCLAMATION:** *Emergency Medical Services Week/May 19-25, 2002*

Fire Chief Alex Cohilas and Deputy Chief of Operations Jeff Hood were presented a proclamation in recognition of the excellent lifesaving care and vital public service that the Clayton County Fire Department provides to the county's 245,000 citizens.

**PROCLAMATION:** *Sergeant Michael Fold's Retirement*

To honor his distinguished thirty-two years of service and celebrate his retirement on May 24, 2002, a proclamation was presented to Sergeant Michael S. Folds of the Clayton County Fire Department. Sgt. Folds was praised for his professional and compassionate roles as a Firefighter, EMS Sergeant, Fire Suppression Lieutenant, CPR Expert Training Coordinator, Member of the Federal Emergency Management Agency Disaster Medical Response Team, etc.

**PRESENTATION:** *VFW's EMT Award -- Firefighter Sean Gray*

Jim Creglow, of the Veterans of Foreign Wars Post #6330, and Post Commander Leo Ott, presented a merit certificate to Clayton County Firefighter Sean Gray for his outstanding Emergency Medical Technician services. Firefighter Gray competed, at state level, with eight (8) other EMT personnel and won a gold medal award from the State of Georgia Veterans of Foreign Wars, signed by the State Commander. Firefighter Gray will go on to compete at the national level. Mr. Creglow expressed utmost confidence in Firefighter Gray's ability to win a national award as well.

5. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve the minutes of the Zoning Meeting of April 18, 2002, Regular Business Meeting of May 7, 2002, and the Work Session of May 14, 2002. Vote unanimous.
6. Peggy Davidson, Deputy Director of Central Services, presented these items which resulted in the following actions:

1) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a bid covering the infrastructure & IBM AS/400 Server for Internet Service, requested by the Computer Center. Cheryl Wilder, Director of the Computer Center, has reviewed all quotes and recommends the low quote of 3X Corporation for a total purchase price of \$236,215.00. Vote unanimous.

2) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid to purchase and install three (3) Outdoor LED Information Display Boards, requested by the Parks & Recreation Department. Gary Dukes, Director of Parks & Information, has reviewed the only quote received -- Daktronics/Scoreboard Sales & Service, Alpharetta, GA for \$23,735.00, with \$6,000.00 optional installation for a total of \$29,735.00. Vote unanimous.

3) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve construction of a Tennis Center at International Park. Lee Design and Management Group, the Program Manager for this project, reviewed all quotes. It recommends the low quote of Astra Group, Inc., Woodstock, GA, totaling \$1,185,894.00 (including bonds). This construction is projected to be completed within a year.

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Vote unanimous.

4) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a bid covering an annual contract for Inspection Services for Alarm Sprinkler Systems, required by Building & Maintenance. Donnie Hood, Director of Building & Maintenance, has reviewed all quotes and recommends the overall low complete quote of Simplex Grinnell, Duluth, Georgia. Vote unanimous.

5) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid for a Thermoplastic Roof System on a county facility located at 6315 Don Hastings Dr. (East Garden Walk Blvd.), requested by Building & Maintenance. Mr. Hood has reviewed the quotes and recommends the low quote of Peach State Roofing, Inc., Lawrenceville, Georgia, for a total of \$20,600.00. Vote unanimous.

Commissioner Gray questioned the exact location of this county facility. Chairman Bray said it still known as Don Hastings Drive, although the official name is East Garden Walk Boulevard.

6) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve an RFP for Catering Service Proposals at International Park. Mr. Dukes has reviewed all proposals and recommends the proposal of Blanchard's Bakery & Deli Shop, Hapeville, Georgia. This company proposes to pay the county 15% concession sales, 21% of catering sales, and 20% of alcohol sales. Mr. Dukes recommends a 5 year contract period -- renewable in 1 year increments. Vote unanimous.

Chairman Bray asked if Blanchard's Bakery & Deli Shop would be the only caterer available for persons requesting its services. Ms. Davidson replied that there is a \$2.00 per person "buy-out" in the contract when persons choose not to use the designated caterer (inside the beach). Rick Lane, International Park Administrator, said that inside the beach pricing includes pavilion rental, tickets for a party, and parking. Persons outside the beach are welcome to bring their own food, rent a pavilion, or opt to use the designated caterer.

7) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid for an indefinite quantity annual contract for the purchase of Light Emitting Diode Traffic Signal Modules, requested by Transportation and Development. Wayne Patterson, Director of Transportation & Development, has reviewed all quotes and recommends the lowest quote that meets specification requirements – Temple, Inc. Vote unanimous.

8) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a bid for an indefinite quantity annual contract for Concrete Pipe, requested by Transportation and Development. Mr. Patterson has reviewed all quotes and recommends a primary award to Sherman Concrete Pipe, Rome, Georgia with a secondary award to Southern Drainage, Vidalia, Georgia. Vote unanimous.

9) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid for an indefinite quantity annual contract for Fire Extinguisher Services, county-wide, at the request of Building and Maintenance. Mr. Hood has reviewed all quotes and recommends the lowest complete quote of Fire-X, Inc., College Park, Georgia. Vote unanimous.

10) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a bid for an indefinite quantity annual contract for Transmission Work, requested by Fleet Maintenance. Glenn Johnson, Director of Fleet Maintenance, has reviewed all quotes and recommends a split award as follows (based on low quotes):

- |    |   |              |
|----|---|--------------|
| 1. | Spartan Lincoln Mercury<br>Morrow, Georgia          | Ford Product |
| 2. | Judson Transmission Service<br>Forest Park, Georgia | GM Product   |

Vote unanimous.

11) Motion by Commissioner Matthews, second by Commissioner Gray, to approve a bid covering

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construction of a Concrete Box Culvert on Mt. Zion @ Tar Creek, at the request of Transportation & Development. Mr. Patterson has reviewed all quotes and recommends the low quote of Bruce Albea Contracting, Inc., Rockmart, GA, totaling \$418,246.80. Vote unanimous.

12) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a bid covering the widening of McDonough Road, requested by Transportation & Development. Mr. Patterson has reviewed all quotes and recommends the low quote of Puryear & Sons Grading Company, Inc., Hiram, Georgia, for a total of \$469,177.46. Vote unanimous.

13) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid to purchase a digital voice logging recorder system, requested by Communications/Emergency Services. Joe Shelnett, Director of Communications, has reviewed all quotes and recommends the low quote of AMR Business Products, Inc., Atlanta, Georgia, totaling \$74,898.00 (12 month warranty included in the purchase price). Vote unanimous.

14) Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve a bid covering the construction of Traffic Signals at SR 3 Tara Boulevard @ S. Main St./Irongate, at the request of Transportation & Development. Mr. Patterson has reviewed the quotes and recommends the low quote of Detection Engineering Technology, Atlanta, Georgia. This award includes the signal cost of \$34,350.00 and the performance bond cost of \$1,030.50, totaling \$35,380.50. Mr. Patterson indicated in the Work Session of May 14, 2002 that he did not recommend bonds for this project. Vote unanimous.

Commissioner Gray asked if the Board had a reconfiguration of the area. Mr. Patterson said Irongate Boulevard is being realigned to line up across South Main Street. This area has already been approved by the Board for a contractor to do the work. Once the work is completed, the signals will be installed at the realignment.

15) Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve a purchase requisition for Gateway Computer Equipment, under current Georgia state contract, for the total amount of \$44,337.00. This equipment is requested by the District Attorney, and funds will be charged to the 220 drug fund. Vote unanimous.

16) Motion by Commissioner Matthews, second by Commissioner Gray, to approve a purchase requisition, from Transportation & Development, for a Ford F250 crew cab long bed truck, from Allan Vigil Ford (under current Georgia state contract), totaling \$22,541.00. Vote unanimous.

17) Motion by Commissioner Rhodenizer, second by Commissioner Gray, to approve a purchase requisition, from Transportation & Development, for a Ford F150 short bed truck, from Allan Vigil Ford (under current Georgia state contract), totaling \$20,638.00. Vote unanimous.

18) Motion by Commissioner Rhodenizer, second by Commissioner Gray, to approve a purchase requisition, from Narcotics, for five (5) Ford Crown Victoria Sedans, from Allan Vigil Ford (under current Georgia state contract), totaling \$104,575.00. Vote unanimous.

19) Motion by Commissioner Gray, second by Commissioner Rhodenizer, to approve a purchase

requisition, from the District Attorney, for five (5) IBM ThinkPad laptop computers from IBM PCD Direct (under current Georgia state contract). The total purchase amount is \$18,695.00 to be charged to the 220 drug fund. Vote unanimous.

20) Motion by Commissioner Matthews, second by Commissioner Gray, to approve a purchase requisition, from the Police Department, for two (2) Ford Crown Victoria Police Pursuit Vehicles (replacements). These vehicles will be purchased from Allan Vigil Ford, under current Georgia state contract, for a total of \$42,302.00. Vote unanimous.

7. Dan Martin, Director of Finance, presented items which resulted in the following actions:

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REQUEST FOR TRANSFER OF FUNDS -- PROBATE COURT

TRANSFER FUNDS TO:

Part Time/Temporary Wages	101-2303-4001	\$ 10,000
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TRANSFER FUNDS FROM:

Part Time/Temporary Wages	101-2301-4001	\$ 10,000
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REQUEST FOR TRANSFER OF FUNDS -- POLICE -- STATE NARCOTICS FUND

TRANSFER FUNDS TO:

CO - Other Equipment	221-3001-6040	\$ 750
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TRANSFER FUNDS FROM:

Crime Investigation Supplies	221-3101-4315	\$ 750
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Motion by Commissioner Matthews, second by Commissioner Gray, to approve the above-listed transfer of funds requests. Vote unanimous.

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REQUEST FOR BUDGET AMENDMENT-- JUVENILE COURT

INCREASE REVENUES:

U.S. Department of Justice	289-2210-3216-10000-1JU25	<u>\$ 17,222</u>
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Total		<u>\$ 17,222</u>
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INCREASE EXPENSE:

Other Contract Service Fees	289-2210-4140-10000-1JU25	\$ 11,430	
Office Supplies	289-2210-4390-10000-1JU25		4,447
Telephone, Telegraph & Teletype	289-2210-4520-10000-1JU25		88
Training, Travel/Meetings Expense	289-2210-4785-10000-1JU25	<u>1,256</u>	
Total			<u>\$ 17,222</u>

DECREASE REVENUES:

U.S. Department of Justice	289-2210-3216-10000-1JU25	<u>\$ 21,507</u>	
Total			<u>\$ 21,507</u>

DECREASE EXPENSES:

General Assistance Expense	289-2210-5010-10000-1JU25	<u>\$ 21,507</u>	
Total			<u>\$ 21,507</u>

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REQUEST FOR BUDGET AMENDMENT -- SHERIFF: VENDING OPERATIONS

INCREASE REVENUE:

Telephone Commission	101-2805-3330	\$ 62,000	
Miscellaneous Revenue	101-2805-3720	<u>44,000</u>	
TOTAL:			\$106,000

INCREASE EXPENSE:

CO-Other Mach & Equip	101-2805-6040	\$ 93,000	
Safety Supplies	101-2805-4420	7,000	
Uniform Allowance	101-2805-4790	<u>6,000</u>	
TOTAL:			\$106,000

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REQUEST FOR BUDGET AMENDMENT -- COUNTY POLICE

INCREASE REVENUE:

Proceeds of Prop/Cas Ins Claims	101-3001-7030	\$ 62,410	
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Mr. Comer stated this ordinance includes the creation of the Historic Preservation Commission, the designation of districts/ landmarks, design guidelines for the historic districts/landmarks, application process, certification process, demolition, and the maintenance provisions.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2002 - 49

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 74, "PLANNING", SO AS TO ADD A NEW ARTICLE III.

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ENTITLED "HISTORIC PRESERVATION" THE PROVISIONS OF WHICH WILL PROVIDE FOR THE INTENT OF THE ORDINANCE; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding to Chapter 74, "Planning", a new Article III. to be entitled "Historic Preservation" to read as follows:

Article III. Historic Preservation

**Sec. 74-51. Purpose.**

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of Clayton County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people; in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; to encourage the development of financial and other incentives at all levels of government and the private sector that will serve to promote the preservation of historic resources; in order to enhance the opportunities for federal tax relief of property owners under relevant provisions of the Economic Recovery Tax Act of 1981 allowing tax investment credits for rehabilitation of certified historic structures (26 U.S.C.A. section 191), the Board of Commissioners of Clayton County hereby declare it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, objects, and works of art having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of the chapter.

Sec. 74-52. Historic preservation commission.

(a) Creation. The title of the historic preservation commission shall be the Clayton County Historic Preservation Commission, hereafter referred to as the "historic preservation commission." Historic preservation commission members shall be appointed by the Board of Commissioners of Clayton County and will have only advisory authority in recommending landmark and historic district designation.

(b) Historic preservation commission position within the government of Clayton County. The Clayton County Historic Preservation Commission shall be considered a part of the planning functions of the government of Clayton County and shall be administrated by the staff of the Clayton County Planning Department.

(c) Historic preservation commission members: number, appointment, term and compensation. The historic preservation commission shall consist of seven members, who shall be residents of Clayton County and who shall be appointed by majority vote of the Board of Commissioners. The members of the historic preservation commission at the time this chapter takes effect shall be the initial members of the historic preservation commission to be appointed by the Board of Commissioners and shall hold office for the balance of their terms then remaining as members of such commission, and their successors shall be appointed by the Board of Commissioners for a term of three years. Any vacancy in membership appointed by the Board of Commissioners shall be filled for the unexpired term by appointment by the Board of Commissioners as heretofore provided; no member of the historic preservation commission shall serve more than two consecutive full, three-year terms; and the Board of Commissioners shall have the authority to remove any member of the historic preservation commission appointed by it for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties. The majority of such members shall have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources. Members shall not vote on issues in which they have conflict of interest.

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(d) Statement of the historic preservation commission's powers. The Clayton County Historic Preservation Commission shall be authorized to:

(1) Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;

(2) Recommend to the Board of Commissioners specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties.

(3) Review applications for certificates of appropriateness, and approve, approve with conditions or deny same in accordance with the provisions of this chapter;

(4) Recommend to the Board of Commissioners that the designation of any place, district, site, building, structure, object, or work of art as historic property be revoked or removed;

(5) Restore or preserve any properties acquired by the government of Clayton County;

(6) Promote the acquisition by the government of Clayton County of easements in accordance with the provisions of section 44-10-1 et seq., O.C.G.A., entitled "Uniform Conservation Easement Act";

(7) Conduct an educational program on historic properties located within its historic preservation jurisdiction;

(8) Make such investigation and studies of matters relating to historic preservation as the Board of Commissioners or the historic preservation commission may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

(9) Seek out state and federal funds for historic preservation and make recommendations to the Board of Commissioners concerning the most appropriate uses of any funds acquired;

(10) Consult with historic preservation experts in the Historic Preservation Office of the Department of Natural Resources or its successor and the Georgia Trust for Historic Preservation, Inc.;

(11) Submit to the Historic Preservation Office of the Department of Natural Resources a list of historic properties designated;

- (12) Perform historic preservation activities as the official agency of the government of Clayton County's historic preservation program;
- (13) Receive such volunteer services as are available and appropriate, and employ persons and services within the limits of funds budgeted by the Board of Commissioners to carry out the responsibilities of the historic preservation commission in an appropriate manner;
- (14) Receive donations, grants, funds, or gifts of property and to acquire and sell historic properties. The historic preservation commission shall not obligate the government of Clayton County without prior consent;
- (15) To recommend to the Board of Commissioners such financial and/or other incentives that can be expected to encourage the preservation of the communities' historic resources and provide a positive incentive to affected property owners;
- (16) Attend or take advantage of any training available through state, federal or private agencies to further the education of the historic preservation commission members in accordance with established budget constraints;

(e) Historic preservation commission's power to adopt rules of procedure. The historic preservation commission shall adopt rules for the transaction of its business and consideration of applications; shall provide for the time and place of regular open meetings, with proper public notification, and for the calling of special meetings. The historic preservation commission shall adopt rules of procedure with approval from the Board of Commissioners. A quorum shall consist of a majority of the members. The latest edition of Roberts' Rules of Order shall determine the order of business at all meetings.

(f) Records of historic preservation commission meetings. A public record shall be kept of the historic preservation commission's resolutions, proceedings, and actions in the office of the planning department.

Sec. 74-53. Designation of historic districts and landmarks.

(a) Preliminary research by the historic preservation commission. The following provisions shall apply to preliminary research by the historic preservation commission:

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(1) Historic preservation commission's mandate to conduct a survey of local historical resources. The historic preservation commission shall have the authority to compile and collect information and conduct surveys of resources within Clayton County.

(2) Historic preservation commission's power to recommend historic districts and landmarks to the Board of Commissioners for designation. The historic preservation commission shall present to the Board of Commissioners nominations for historic districts and local landmarks.

(3) Preparation of a report on proposed designations. The historic preservation commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nominating property to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two parts:

- a. a physical description and
- b. a description of historic significance.

This report will be submitted to the Historic Preservation Office of the Department of Natural

Resources.

(b) Designation of a historic district. The following shall apply to the designation of historic districts:

(1) Criteria for selection of historic districts. A historic district is a geographically definable area which contains structures, sites, buildings, objects, works of art, places or a combination thereof which:

- a. Have special character or special historic/aesthetic value or interest;
- b. Represent one or more periods of styles of architecture typical of one or more eras in the history of the municipality, county, state, or region;
- c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

(2) Boundaries of a historic district. Boundaries of a historic district shall be specified on tax maps or an official historic district and landmark map adopted by the Board of Commissioners and drawn at a scale sufficient to clearly ascertain district and landmark boundaries, and located on the official zoning map, these boundaries will be included in the separate ordinances designating local districts and landmarks. Boundaries specified in legal notices shall be no smaller than and shall normally coincide with the boundaries finally designated. This shall not preclude the deletion of property from the adopted district that had been noticed as intended for inclusion. Districts shall be shown on the official zoning map adopted by the Board of Commissioners.

(3) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:

- a. Contributing. A building, site, structure, work of art or object that adds to the aesthetic qualities or historic values for which a district is significant because it possesses historic integrity reflecting the district's character or it independently meets the designation criteria. The property should meet an age criteria of fifty years unless the property has exceptional significance.
- b. Noncontributing. A building, site, structure, work of art, or object that does not add to the aesthetic qualities, historic values for which a district is significant because it does not possess historic integrity reflecting the district's character and it does not independently meet the designation criteria.

(4) Affirmation of existing zoning. This historic preservation ordinance is not a use ordinance and local zoning laws apply.

(c) Designation of a landmark. The following provisions apply to the designation of landmarks:

(1) Criteria for selection of landmarks. A landmark is a building, structure, site, place, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to Clayton County, State of Georgia, or local region for one or more of the following reasons:

- a. It is an outstanding example of a building, structure, object, or work of art

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representative of its era;

- b. It is one of the few remaining examples of past architectural style;

c. It is a place, building, site, object, work of art or structure associated with an event or a person of historic or cultural significance to Clayton County, State of Georgia, or the region.

d. It is a site or place of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

(2) Boundary description. Boundaries shall be clearly defined for landmarks on tax maps or an official historic district and landmark map adopted by the Board of Commissioners and drawn at a scale sufficient to clearly ascertain district and landmark boundaries and located on the official zoning map adopted by the Board of Commissioners.

(d) Procedure for designation of historic districts and landmarks:

(1) Application for designation of historic districts and landmarks:

a. Historic district. A historical society, neighborhood association, group of property owners, or the Board of Commissioners may apply to the historic preservation commission for designation.

b. Landmark. A historical society, property owner, or the Board of Commissioners may apply to the historic preservation commission for designation.

(2) Historic preservation commission recommendation. Prior to the designation of any historic district or landmark, the historic preservation commission shall first consider the merits of such a designation in accordance with the provisions of this chapter at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner to the Board of Commissioners. *Following written approval of the property owners within the historic district or of the landmark, the historic preservation commission shall transmit its recommendation and the Report required in section 8-4-3-(a)(3) of this chapter to the Board of Commissioners for its consideration.*

(3) Required public hearings and notifications procedures. The historic preservation commission and the local governing body shall hold separate public hearings on the proposed ordinance for designation. Notice of the hearings shall be published in at least three consecutive issues of the legal organ of Clayton County and/or in a newspaper of general circulation within Clayton County, and written notice of the hearings shall be mailed by the historic preservation commission to all owners and occupants of such properties. All such notices shall be published or mailed out not less than ten nor more than 20 days prior to the date set for the public hearings. A letter sent via the United States Mail to the last known owner of the property, as shown on the most recent tax digest, shall constitute legal notification of owners under this chapter. Included with the required notification to each property owner within a proposed designation shall be a questionnaire, which may be returned to the historic preservation commission, to ascertain the degree of interest in and support for the proposed designation amongst that segment of the community directly affected by the proposal. Such questionnaire shall be used for information purposes only and is not to be binding on the Board of Commissioners.

(4) Requirements for designation ordinances. Any ordinance designating any historic property (*with the property owner's written consent*) shall describe the exterior boundaries of each historic district or each landmark to be designated, set forth the name(s) of the owner(s) of the designated property or properties, as listed on the most recent tax digest, and require that a certificate of appropriateness be obtained from the historic preservation commission prior to any material change in appearance of the designated historic property.

(5) Requirements regarding historic property boundaries. Any ordinance designating any property as historic property shall require that the designated historic property be shown on the official zoning map adopted by the Board of Commissioners and kept as a public record to provide notice of such designation.

(6) Notification of historic preservation office. Prior to any historic preservation commission recommendation on designation and prior to the Board of Commissioners's public hearing to consider designating any property or properties under the historic preservation ordinance, the historic preservation commission must submit a report on the historic, cultural, architectural, or aesthetic significance of each place, district, site building, structure, object, or work of art to the Historic Preservation Office of the Department of Natural Resources; 30 days will be allowed to prepare written comments.

(7) Decision. A decision to accept, accept with conditions, or deny the designation shall be made following the public hearing, and shall be in the form of a recommendation to the Board of Commissioners.

(8) Notification of adoption of ordinance for designation. Within 30 days immediately following

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the adoption of the ordinance for designation by the Board of Commissioners, the owners and occupants of each designated historic property shall be given written notification of such designation by the historic preservation commission, which notice shall apprise such owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated.

(9) Notification of other agencies regarding designation. The historic preservation commission shall notify all necessary agencies of the government of Clayton County of the ordinance of designation and the Clayton Heritage Foundation.

(10) Moratorium on applications for alterations of demolitions while an ordinance for designation is pending. If an ordinance for designation has been recommended by the historic preservation commission to the Board of Commissioners, the historic preservation commission shall have the power to delay an application for alteration or demolition for properties under consideration for up to 60 days.

Any building permit issued prior to the recommendation of an ordinance for designation may continue until its six month expiration. However, if the work described in any building permit has not begun within six months from the date of permit issuance, or once construction has begun, if it is discontinued for a period in excess of six months, such permit shall expire and be canceled by the building official.

(11) Authority to rescind designation. The Board of Commissioners has the authority to rescind the designation following receipt of a recommendation from the historic preservation commission and receipt of comments at a public hearing noticed in accordance with the provisions for designation.

Sec. 74-54. Design guidelines for historic districts and landmarks.

(a) Identification of design guidelines. Concurrent with, or immediately following, the designation of any historic district or landmark, the historic preservation commission shall recommend to the Board of Commissioners a set of "Design Guidelines" appropriate to the district or landmark. The guidelines are intended to identify the characteristic features of the designation that will be used in determining the compatibility of new construction or alterations of size, location, materials, style, rhythm, and any other quality deemed by the historic preservation commission to contribute to the character of the historic property.

(b) Procedure for adoption of design guidelines. The historic preservation commission must draft and recommend the proposed design guidelines to the Board of Commissioners at a public hearing. Adoption of the guidelines by Board of Commissioners may only be considered after the historic preservation commission's recommendation and following a public hearing as follows: The historic preservation commission and the Board of Commissioners shall hold a public hearing on the adoption of the design guidelines. Notice of the hearing shall be published in at least three consecutive issues in the legal organ and/or in a newspaper of general circulation within Clayton County. All such notices shall be published not less than ten nor more than 20 days prior to the date set for the public hearing.

(c) Concurrent action. The historic preservation commission may recommend, and the Board of Commissioners may consider and adopt, the design guidelines at the same public hearing and/or meeting as the designation of the corresponding historic district or landmark. The legal notices for the guidelines and designated area may be combined into one notice if the hearings are to be combined.

Sec. 74-55. Application to the historic preservation commission for certificate of appropriateness.

(a) Approval of alterations to historic properties. After designation by ordinance of a historic property and adoption of corresponding design guidelines, no demolition or material change in the appearance of such historic property shall be made or be permitted to be made by the owner or occupant thereof unless or until application for a certificate of appropriateness has been submitted to and approved by the historic preservation commission.

(b) Approval of new construction to historic properties. The historic preservation commission shall review and may approve, or approve with conditions, and issue certificates of appropriateness to new structures, buildings, objects, or works of art to be constructed within historic property. Such structures, buildings, objects, or works of art shall conform in design, scale, building materials, setback, and landscaping to the character of historic property specified in the historic preservation commission's design guidelines. If, in the opinion of the

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historic preservation commission, any such structure, building, object or work of art would fail to comply with the guidelines and would be inconsistent with the character of the historic property, the certificate of appropriateness shall be denied. Reasons for denial shall be stated and transmitted to the applicant in writing.

(c) Submission of plans to historic preservation commission. An application for certificate of appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the historic preservation commission.

(d) Acceptable historic preservation commission reaction to application for certificate of appropriateness:

(1) The historic preservation commission shall approve or approve with conditions the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance

would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the historic preservation commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and materials of the architectural feature involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood in accordance with the adopted design guidelines.

(2) The historic preservation commission shall deny a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic, architectural significance and value of the historic property.

(e) Public hearing on applications for certificates of appropriateness, notices, and right to be heard. At least seven days prior to review of a certificate of appropriateness the historic preservation commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application and shall give applicant and such owners an opportunity

to be heard. Notice in Clayton County's legal organ or newspaper of general circulation within Clayton County shall, for the purpose of this section, be deemed to be sufficient action.

In cases where the historic preservation commission deems it necessary, it may hold a public hearing concerning the application, noticed in Clayton County's legal organ or newspaper of general circulation within Clayton County at least one time not less than ten days nor more than 20 days prior to the hearing.

At such hearing, any interested party shall be given the opportunity to comment on the request.

(f) Interior alterations. In its review of applications for certificates of appropriateness, the historic preservation commission shall not consider interior arrangement or use having no effect on exterior architectural features nor shall the commission consider the construction of or alterations to backyard fences.

(g) Technical advice. When dealing with difficult technical questions, the historic preservation commission shall have the power to seek expert advice within approved budgetary limitations.

(h) Deadline for approval or rejection of application for certificate of appropriateness. The historic preservation commission shall approve, approve with conditions, or deny an application for a certificate of appropriateness within no more than 45 days after the filing of a complete application by the owner or authorized agent of a historic property. Failure of the historic preservation commission to act within such 45 days shall constitute approval and no other evidence of approval shall be needed.

(i) Necessary actions to be taken by historic preservation commission upon rejection of application for certificate of appropriateness:

(1) In the event the historic preservation commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the applicant. The historic preservation commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(2) In cases where the application covers a material change in the appearance of a structure, building, object or work of art which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the historic preservation commission shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

(j) Undue hardship. Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the historic preservation commission, in passing upon applications, shall have the power to vary or modify strict adherence to such provisions, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of such provisions, so that the architectural or historical integrity, or character of the

## **REGULAR BUSINESS MEETING -- MAY 21, 2002**

property shall be conserved and substantial justice done. In granting variances, the historic preservation commission may impose such reasonable and additional stipulations and conditions as will, in its judgement, best fulfill the purpose of this chapter.

(k) Requirement of conformance with certificate of appropriateness. Work not in accordance with an issued certificate of appropriateness shall be halted by the building official before it is completed. Any such work shall be considered a violation of this chapter subject to any and all appropriate fines and penalties.

(l) Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance.

Certificates of appropriateness shall be issued for a period of 18 months and are renewable.

(m) Recording of applications for certificates of appropriateness. The historic preservation commission shall keep a public record of all applications for certificates of appropriateness and of all the historic preservation commission's proceedings in connection with such application.

(n) Acquisition of property. The historic preservation commission may, when and only when such action is authorized by the Board of Commissioners, and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

(o) Appeals. Any person adversely affected by any determination made by the historic preservation commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Board of Commissioners; the appeal must be applied for within 30 days after notification is sent. The mayor and commission may approve, modify, or reject the determination made by the historic preservation commission if the governing body finds that the historic preservation commission abused its discretion in reaching its decision.

Appeals from decisions of the Board of Commissioners made pursuant to this chapter may be taken to the superior court of the county in the manner provided by law for appeals from conviction for municipal or county ordinance violations.

(p) Department of Transportation and local governments. The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this chapter. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local government shall notify the historic preservation commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

Sec. 74-56. Demolition or relocation applications.

(a) Authority to comment on demolition permit applications. The commission shall have the authority to approve or deny a certificate of appropriateness for a permit to demolish or relocate a structure, building, object or work of art from, to or within a historic property.

(b) Actions acceptable in reaction to application for demolition permit or relocation permit. The commission shall have the authority to approve, approve with conditions, or deny a certificate of appropriateness for a demolition permit or relocation permit within its jurisdiction.

(c) Consideration of pre-demolition plans. A public hearing shall be scheduled for each application for demolition. Notice shall be given in Clayton County's legal organ and/or newspaper of general circulation within Clayton County at least one time not less than ten days nor more than 20 days prior to the public hearing.

(d) Consideration of post-demolition plans. The historic preservation commission shall not grant a certificate of appropriateness for demolition permission without reviewing at the same time the plans for the historic property.

(e) Demolition or relocation criteria. The historic preservation commission's decision concerning the certificate of appropriateness for demolition or relocation of a historic site, landmark, or building shall be based on the following criteria:

(1) The structure is of such interest or quality it would reasonably meet national, state, or local criteria for designation as a historic property.

(2) The structure, building, object or work of art is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.

(3) Retention of the structure, building, object or work of art would aid substantially in preserving and protecting a structure, building, object, work of art, or district which meets subsections (1) or (2) herein above.

Where the historic preservation commission determines that one or more of these criteria are met, no certificates of appropriateness shall be issued and the application shall be denied.

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Sec. 74-57. Maintenance of historic property.

(a) Ordinary repair. Ordinary maintenance or repair of any exterior architectural feature in or on a historic property that does not involve a material change in design, material, or outer appearance thereof is excluded from review.

(b) Conformity to existing building codes. Nothing in this chapter shall be construed as to exempt property owners from complying with existing building codes adopted by Clayton County nor to prevent any property owner from making use of his property not prohibited by other statutes, ordinances, or regulations.

Sec. 74-58. Penalty provisions.

Violations of any provisions of this chapter shall be punished as provided in section 1-1-5 of this Code.

Sec. 74-59. Severability.

In the event that any section, subsection, sentence, clause, or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and effect as if the section, subsection, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Sec. 74-60. Amendments.

(a) This chapter, including the official historic district and landmark map, may be amended by the Board of Commissioners on its own motion or on recommendation of the historic preservation commission; but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the historic preservation commission for review and recommendation. All amendments to historic districts and landmarks shall follow the procedure set forth in section 8-5-3(d) of this chapter, known as "Procedure for Designation of Historic Districts and Landmarks."

(b) Amendments to the design guidelines for new construction or alterations within a designated district or involving landmarks must be approved by the Board of Commissioners on its own motion or on recommendation of the historic preservation commission; but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the historic preservation commission for review and recommendation. All amendments to the design guidelines shall follow the procedure set forth in section 8-5-4(B) of this chapter, known as "Procedure for Adoption of Design Guidelines."

Sec. 74-62. Definitions.

The following definitions shall be applicable in the interpretation and enforcement of this chapter:

Backyard fence: Any fence located completely in the rear yard, as defined in this section, and having no frontage on the street.

Certificate of appropriateness: A document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building, structure, object or work of art, including, but not limited to, the kind or texture of the building material and the type and the style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Historic district: A geographically definable area which contains structures, buildings, objects, sites, works of art, or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Board of Commissioners.

Historic property: Property designated by this historic preservation ordinance as either being within a historic district or as a landmark.

Landmark: An individual structure, building, object, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Board of Commissioners.

Material change in appearance: A change that will affect either the exterior architectural or environmental features of a historic property, and may include any one or more of the following:

- (1) A reconstruction or alteration of the size, shape, or facade of a historic property, including any of its architectural elements or details;
- (2) Demolition of a historic property;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way on any historic property;
- (5) The erection, alteration, restoration, or removal of any building, structure, object or work of art within a historic property, including walls, fences, steps, and pavements, or other appurtenant features.

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Rear yard: A yard extending across the full width of the lot between the rearmost line of the principal building projected to the side lines of the lot and the rear lot line, the depth of which shall be the least horizontal distance between the rear line of the principal building and the rear lot line.

Sec. 74-62. Provisions for historic preservation ordinances existing under prior law.

Designations of property under any former Code of Clayton County shall continue in full force and effect.

Section 2. All ordinances, resolutions, rules and regulations, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and no such remainder shall remain in full force and effect.

SO ORDAINED this 21st day of May, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, COMMISSIONER

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/SUZANNE BROWN

10. Motion by Commissioner Rhodenizer, second by Commissioner Gray, to approve Ordinance 2002-50 to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 74, "Planning", so as to add a new Article IV, entitled "Application of Code to existing Historic or Landmark Museum Building", the provision of which will provide for the intent of the ordinance; to repeal conflicting laws, ordinances and resolutions; provide for severability; etc. Vote unanimous.

Per Mr. Comer, this ordinance is concurrent with Ordinance 2002-49 and provides the framework for individuals subject to it to be able to complete construction and renovation of historic buildings/landmarks.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2002 - 50

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 74, "PLANNING", SO AS TO ADD A NEW ARTICLE IV. ENTITLED "APPLICATION OF CODE TO EXISTING HISTORIC OR LANDMARK MUSEUM BUILDING" THE PROVISIONS OF WHICH WILL PROVIDE FOR THE INTENT OF THE ORDINANCE; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

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OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding to Chapter 74, "Planning", a new Article IV. to be entitled "Application of Code to Existing Historic or Landmark Museum Buildings" to read as follows:

Article IV. Application of Code to Existing Historic or Landmark Museum Buildings

Sec. 74-81. Intent and purposes.

(a) It is the purpose of this chapter to encourage the sensitive rehabilitation, restoration, stabilization, or preservation of existing buildings throughout Clayton County and to encourage the preservation of buildings and structures deemed to be historic in total or in part; provided, however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this chapter to provide guidance regarding acceptable alternative solutions and to stimulate enforcement authorities to utilize alternative compliance concepts whenever practical to permit

the continued use of existing buildings and structures without overly restrictive financial burdens on owners or occupants.

(b) The provisions of this chapter shall not be applicable to new construction, except as specifically provided herein.

**Sec. 74-82. Definitions.**

The following definitions shall apply to the enforcement and implementation of this chapter:

Building system: Any utility, mechanical, electrical, structural, engross, or fire protection/safety system.

Enforcement authority: The chief building official, or his designee, and the fire marshal.

Existing building or structure: Any completed building or structure which has been placed in service for a minimum of five years.

Historic building: Any building so designated by the State Historic Preservation Officer as individually significant or as contributing to the historic character of a historic district, pursuant to the rules and regulations adopted by the Board of Natural Resources or as so designated pursuant to the provisions of article 2 of chapter 10 of title 44 of the O.C.G.A., the Georgia Historic Preservation Act.

Landmark museum building: A historic building or structure used as an exhibit of the building or structure itself, and which exhibits a high degree of architectural integrity, and which is open to the public not less than 12 days per year; however, additional uses, original or ancillary, to the use as a museum shall be permitted within the same building subject to the provisions of paragraph (3) of subsection (b) of Code section 25-2-13 of the O.C.G.A. Landmark museum buildings shall be so designated by the State Historic Preservation Officer pursuant to rules and regulations adopted by the Board of Natural Resources.

**Sec. 74-83. Conditions for application.**

The provisions of this chapter authorize the enforcement authority to permit the repair, alteration, addition, or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code, or standard for new construction requirements under the following general conditions:

- (1) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for existing buildings, and outlined in section 7-5-4 shall be corrected to a reasonable and realistic degree as set forth in this chapter;
- (2) The existing building becomes the minimum performance standard; and
- (3) The degree of compliance of the building after changes must not be below that existing before the changes. Nothing in this chapter will require or prohibit compliance with requirements more stringent than those provided in this chapter.

**Sec. 74-84. Hazardous conditions.**

With reference to existing buildings, authorized enforcement authorities should assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

- (1) Structural. Any building or structure or portion thereof which is in imminent danger

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of collapse because of, but not limited to, the following factors:

- a. Dilapidation, deterioration or decay;
- b. Faulty structural design or construction;
- c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; or
  - (2) Number of exits. Less than two approved independent, remote and properly protected exitways serving every story of a building, except where a single exitway is permitted by the applicable state or local fire or building code or life safety code;
  - (3) Capacity of exits. Any required door, aisle, passageway, stairway, or other means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety; and
  - (4) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threatens the safety of the occupants of the building.

Sec. 74-85. Additions to existing building.

Additions to an existing building shall comply with the applicable requirements of state and local laws, rules, regulations, codes and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this chapter and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

- (1) The new addition to be separated from the existing structure by at least a two-hour fire wall with openings therein properly protected; or
- (2) The installation of an approved automatic fire suppression system; or
- (3) Other remedies which may be deemed appropriate by the enforcement authority.

Sec. 74-86. Minor alterations and new mechanical systems.

Minor alterations or repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or as a whole, exceed the requirements of any applicable construction or fire safety code may, in the course of compliance with this chapter, have reduced or removed, in part or total, features not required by such code for new construction, provided, however, that such features were not a condition of prior approval.

Existing buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this chapter, provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed in an existing building shall conform to applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authorities.

Sec. 74-87. Continued use.

The legal use and occupancy of any building or structure may be continued without change, except as may be provided otherwise by this chapter or as may be legally provided for by any applicable state or local law, rule, regulation, code or standard.

Sec. 74-88. Change in use.

(a) A total change in the use or occupancy of any existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes, and standards for the new use or occupancy; provided, however, the compliance alternative provisions of this chapter may be utilized by authorized enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes or standards is not practical.

(b) When the proposed use is of equal or lesser hazard as determined by an authorized enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this chapter. Alterations or repairs to an existing building or structure which do not

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adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, then requirements of applicable construction of fire safety codes for exterior walls shall apply.

Sec. 74-89. Changes in use of a portion of a building.

(a) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes, or standards or with compliance alternatives, then the portion changed shall be made to comply to the applicable requirements for the new use or occupancy to the extent noted in section 7-5-8.

(b) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection (a) hereinabove, then the provisions of the applicable state and local rules, regulations, codes, and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in section 7-5-8; provided, however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.

Sec. 74-90. Floor loading.

Any proposed change in the use or occupancy of an existing building or portion thereof which could increase the floor loading should be investigated by a Georgia-registered professional engineer to determine the adequacy of the existing floor system to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

Sec. 74-91. Documentation.

Whenever action is taken on an existing building to repair, make alterations, or change the use or occupancy of an existing structure and when such action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternative approved, including applicable plans, test data, or other data submitted for evaluation, be maintained on file in the office of the chief building official. If such structure also falls under the jurisdiction of a state level enforcement authority, at least one copy of same material shall be maintained on file with that authority.

Sec. 74-92. Compliance alternatives.

The following subsections (1) through (5) contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in Clayton County. It is recognized for purposes of this chapter that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.

- (1) Compliance alternatives for an inadequate number of exits include, but are not limited to, the following:
  - a. Provide connecting fire-exit balconies acceptable to the enforcement authority between buildings;
  - b. Provide alternative exits or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
  - c. Provide an exterior fire escape or escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or
  - d. Install early fire warning and fire suppression systems.
- (2) Compliance alternatives for excessive travel distances to an approved exit include, but are not limited to, the following:
  - a. Install an approved smoke detection system throughout the building;
  - b. Install an approved completely automatic fire suppression system;
  - c. Subdivide the exit travel route with smoke-top doors acceptable to the enforcement authority;
  - d. Increase the fire resistance rating of corridor walls and doors; or
  - e. Provide additional approved means of escape.

## **REGULAR BUSINESS MEETING -- MAY 21, 2002**

- (3) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include, but are not limited to, the following:
  - a. Improve enclosure of exit stairway;
  - b. Add a partial fire suppression system;
  - c. Add a sprinkler draft curtain; or
  - d. Add a smoke detection system.
- (4) Compliance alternatives for inadequate or a total lack of fire partitions or fire separation walls shall be as set forth in subsection (3) hereinabove.
- (5) Compliance alternatives for a lack of required protection of openings in exterior walls where a fire exposure is a risk include, but are not limited to, the following:
  - a. Improve fire resistance of existing openings and protect them with fire-related windows or doors as appropriate;
  - b. Seal the openings with fire-related construction as approved by the enforcement authority; or
  - c. Install an approved fire suppression system.

Sec. 74-93. Appeals.

Should a party not agree with a decision of the enforcement authority or should an enforcement authority desire a ruling, an appeal may be made to the hearings board as provided for in this Code.

Sec. 74-94. Landmark museum buildings.

(a) The provisions of this subsection relating to landmark museum buildings shall apply only to those portions of such buildings which meet all the requirements of landmark museum buildings, except as otherwise provided in subsections (b) and (c) of this section. Subsection (b) and (c) of this section shall, unless otherwise provided, preempt all laws, regulations, or rules governing reconstruction, alteration, repair, or maintenance of landmark museum buildings.

(b) A landmark museum building shall be subject to the following provisions:

(1) Repairs, maintenance, and restoration shall be allowed without conformity to any building or fire safety related code, standard, rule, or regulation, provided the building is brought into and remains in full compliance with this section;

(2) In case of fire or other casualty to a landmark museum building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to the condition prior to the fire or casualty and use as a totally preserved building; or

(3) If a historic building or structure, as a result of proposed work or changes in use, would become eligible and would be so certified as a landmark museum building, and the State Historic Preservation Officer so certifies and such is submitted to the local fire and building code official with the construction or building permit application, then the work may proceed under the provisions of this section.

(c) All landmark museum buildings shall comply with the following requirements:

(1) Every landmark museum building shall have portable fire extinguishers as deemed appropriate by the local fire authority having jurisdiction based on the applicable state or local fire safety codes or regulations.

(2) All landmark museum buildings which contain residential units shall have electrically powered smoke or products of combustion detectors installed within each living unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in the sleeping rooms of that living unit. These unit detectors shall be required in addition to any other protective system that may be installed in the building.

(3) For all landmark museum buildings, except those protected by a total automatic fire suppression system and one- and two-family dwellings, approved automatic fire warning protection shall be provided as follows: Install at least one listed smoke or products of combustion detector for every 1,200 square feet of floor area per floor or story. In addition, all lobbies, common corridors, hallways, and ways of exit access shall be provided with listed smoke or products of combustion detectors not more than 30 feet apart. Detectors shall be so connected as to sound an alarm audible throughout the structure or building. With respect to buildings which are totally protected by an automatic fire suppression system, activation of the sprinkler system shall sound an alarm throughout the structure or building.

(4) Smoke or products of combustion detectors shall be listed by a nationally recognized testing laboratory.

#### **REGULAR BUSINESS MEETING -- MAY 21, 2002**

(5) All multistory landmark museum buildings, except one- and two-family dwellings, with occupancy above or below the street or grade level, shall have manual fire alarm pull stations in the natural path of egress. The activation of a manual pull station shall cause the building fire warning system to sound.

(6) Approved exit signs shall be located where designated by the authority having jurisdiction in accordance with the applicable code, standard, rule, or regulation.

(7) Except for one- and two-family dwellings, every landmark museum building occupied after daylight, or which has occupied areas subject to being totally darkened during daylight hours due to a power failure or failure of the electrical system, shall be equipped with approved emergency lighting meeting the provisions of the applicable code, standard, rule, or regulation.

(8) Occupant loading of landmark museum buildings or structures shall be limited by either the actual structural floor load capacity or by the limitations of means of egress or by a combination of factors. Actual floor load capacity shall be determined by a Georgia-registered professional engineer. Such floor load shall be posted at a conspicuous location. The building owner shall submit evidence of this certification and related computations to the enforcement authority having jurisdiction upon request. Where one or more floors of a landmark museum building have only one means of egress, the occupant load shall be computed and occupancy limited as determined by the fire marshal.

(9) The electrical, heating and mechanical systems of landmark museum buildings shall be inspected and any conditions that create a threat of fire or a threat of life shall be corrected in accordance with applicable standards to the extent deemed necessary by the authority having jurisdiction.

Sec. 74-95. Historic buildings.

(a) Historic buildings not classified as landmark museum buildings shall meet the requirements of applicable building and fire safety laws, ordinances, codes, standards, rules, or regulations as they pertain to existing buildings. If a historic building or structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction, or it shall meet the requirements for new construction of the applicable codes, standards, rules or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

(b) As to any buildings or structures in Clayton County which have been designated as historic buildings or structures by the lawfully constituted designated officer, the appropriate enforcement authority, in granting or denying a variance, shall consider the intent of this chapter, with special attention to section 7-5-14 of this chapter, article 3 of chapter 2 of title 8 of the O.C.G.A., "The Uniform Act for Application of Building and Fire Related Codes to Existing Buildings, article 2 of chapter 10 of title 44 of the O.C.G.A., the "Georgia Historic Preservation Act," and the Secretary of Interior's "Standards for Preservation Projects."

Section 2. All ordinances, resolutions, rules and regulations, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and no such remainder shall remain in full force and effect.

SO ORDAINED this 21st day of May, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ J. CHARLEY GRISWELL, VICE CHAIRMAN

/s/ GERALD A. MATTHEWS, COMMISSIONER

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

11. Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve  
**REGULAR BUSINESS MEETING -- MAY 21, 2002**

Ordinance 2002-51 to amend the Code of Ordinances of Clayton County, Georgia, specifically Ordinance 96-108, also known as the Clayton County Water Authority Sewer Use Ordinance, by deleting Ordinance 96-108 in its entirety and adopting a new 96-108 to be designated in the current Code of Ordinances as Section 98-1 through Section 98-16 of the Code of Ordinances of Clayton County, Georgia; to provide for enforcement and penalties; to provide for codification; to repeal conflicting laws, ordinances, and resolutions; to provide severability; etc. Vote unanimous.

Chairman Bray said this ordinance will allow the Water Authority to have some control of the grease, created by restaurants, in the sewage system.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2002-51

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF CLAYTON COUNTY, GEORGIA SPECIFICALLY ORDINANCE 96-108 ALSO KNOWN AS THE CLAYTON COUNTY WATER AUTHORITY SEWER USE ORDINANCE BY DELETING ORDINANCE 96-108 IN ITS ENTIRETY AND ADOPTING A NEW 96-108 TO BE DESIGNATED IN THE CURRENT CODE OF ORDINANCES AS SECTION 98-1 THROUGH SECTION 98-16 OF THE CODE OF ORDINANCES OF CLAYTON COUNTY, GEORGIA; TO PROVIDE FOR ENFORCEMENT AND PENALTIES; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Clayton County Board of Commissioners is the duly elected governing authority of Clayton County, Georgia; and

**WHEREAS**, Article IX, Section II, Paragraph I of the Constitution of the State of Georgia provides that local governing authorities may adopt ordinances; and

**WHEREAS**, the Clayton County Water Authority (the "CCWA") was duly created pursuant to Georgia Laws 1955 p. 3334 §1 et seq. to provide water and sewerage services to the citizens of and visitors of Clayton County, Georgia; and

**WHEREAS**, the CCWA provides full-time professional water and sewer services for Clayton County, Georgia; and

**WHEREAS**, the CCWA and the Board of Commissioners of Clayton County, Georgia, as stewards of the assets of the public desire to preserve and protect Clayton County citizens from

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the negative impacts of the illegal discharge of grease, oil, grit, garbage, medical and other waste

into the County sewer system; and

**WHEREAS,** the health, safety, and welfare of the citizens and visitors of Clayton County shall be enhanced and protected by the adoption of an ordinance designed to prevent illegal discharge into the County sewer system; and

**WHEREAS,** the Board of Commissioners of Clayton County desire to delegate reasonable, limited authority to the CCWA for the purposes of investigating and enforcing illegal sewer discharge cases.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS**

HEREBY ORDAINED

**Section 1.** The Code of Ordinances of Clayton County, Georgia, Ordinance 96-108 is hereby deleted in its entirety and a new Ordinance 96-108 replacing section 98-1 through section 98-16 of the Code of Ordinances of Clayton County, Georgia is adopted to read as follows:

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**ORDINANCE NO. 96-108**

SECTION 98-1 [GENERAL PROVISIONS]

(A) Purpose and Policy

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

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

6. To enable Clayton County Water Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance provides rules for regulating the use of public sewers and drains, sewer service charges, industrial waste surcharges, connection of building sewers, and the discharge of water and waste into the public sewer system(s). This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### (B) Administration

Clayton County Water Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon Clayton County Water Authority may be delegated to the Manager or to other Clayton County Water Authority personnel.

#### (C) Abbreviations

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

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

#### (D) Definitions

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

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
2. Approval Authority. The Director of the Georgia Environmental Protection Division
3. Authorized Representative of the User.
  - a. If the user is a corporation:
    1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to CCWA.
4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° C, usually expressed as a concentration (e.g., mg/l).
5. Board. The members of the Clayton County Water Authority created and established under the Acts of 1955, pp. 3344, et seq., and particularly Section 4 thereof, said Board having jurisdiction over maintenance and operation of the water and sanitary sewer systems within Clayton County, Georgia.
6. Board of Commissioners. The duly elected officials of the Clayton County Board of Commissioners.
7. Building Drain. That part of the lowest horizontal piping of the drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
8. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection".
9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §

1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

10. Chain-of-Custody. A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.

11. Clayton County Water Authority or CCWA. The authority established under Georgia Laws 1955 pp. 3344 et. seq., which is responsible for the construction, operation and maintenance of the Clayton County Water and Wastewater Systems.

12. Clayton County Wastewater System. The total wastewater treatment and collection system owned, operated, and maintained by the Clayton County Water Authority.

13. Clayton County Water System. The total water treatment and distribution system owned, operated and maintained by the Clayton County Water Authority. Also the administrative framework that operates the facilities.

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

15. County. The county of Clayton or the Clayton County Board of Commissioners.

16. Direct Discharge. The discharge of treated or untreated wastewater to the waters of the State of Georgia.

17. Domestic Wastewater. That wastewater discharged into the wastewater system from domestic sources such as toilets, sinks, showers and bathtubs.

18. Easement. An acquired legal right for the specific use of land owned by others including such meaning as given under all applicable federal and state rules, regulations and statutes (O.C.G.A. 44-9-1 et seq., as the same may be, from time to time, amended or replaced).

19. Effluent. The treated flow discharged from a water pollution control facility.

20. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

21. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

22. Flammable. Any material with a closed-cup flashpoint of less than 140° F using the test methods described in 40 CFR 261.21.

23. Floatable Oil and Grease. Oil, fat or grease in a physical state such that it will separate by flotation from wastewater by treatment in an approved pretreatment facility or interceptor.

24. Food Service Facility. Any facility, which cuts, cooks, bakes, prepares, or serves food, or disposes of food related wastes.

25. Garbage. The animal and vegetable waste resulting from the domestic and commercial handling, preparation, cooking and serving of foods.
26. Grinder. A device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge to the sanitary sewer.
27. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
28. Grease. A material composed primarily of fats, oils, and grease from animal or vegetable sources. The terms fats, oils, and grease shall be deemed as Grease by definition. Grease may also include petroleum-based products.
29. Grit. Matter consisting of sand, gravel, cinders, or other heavy solid materials that have settling velocities or specific gravities greater than those of organic putrescible solids normally encountered in domestic wastewater.
30. Hauler or Transporter. One who transfers waste from the site of the user to an approved site for disposal or treatment. The hauler is responsible for assuring that all Federal, State, and Local regulations are followed regarding transport.
31. Health Officer. The director of the Clayton County Board of Health or other person designated by the Board of Commissioners and their duly appointed assistants.
32. High-Strength Wastewater. Wastewater that contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater.
33. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
34. Industrial Wastes. The wastewater or liquid waste, of whatever nature, arising out of any manufacturing, industrial processing, fabricating, treating, renovating, or other commercial trade or business operation as distinct from domestic or sanitary wastes. CCWA shall determine from time to time specific waste designated as "industrial waste" and such definitions shall be included herein.
35. Industrial Waste Surcharge. The additional service charge assessed against industrial users in the county whose wastewater characteristics exceed established limits.
36. Infiltration/Inflow. Groundwater and surface water which leaks into the wastewater system through cracked pipes, joints, manholes and other openings.
37. Inflow. Water that flows into the wastewater system from the surface, streams, roof drains, downspouts or other such source.
38. Influent. The wastewaters arriving at the water pollution control facility.

39. Instantaneous Maximum Allowable discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete sample collected, independent of the industrial flow rate and the duration of the sampling event.

40. Interceptor or Separator or Trap. A device so constructed as to separate, trap, and hold fats, oils, greases, sand, and grit substances from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

41. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations of its sludge processes, use or disposal; and therefore, is a cause of a violation of CCWA's NPDES or LAS permits or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

42. Manager. The General Manager of the Water and Wastewater systems of Clayton County, Georgia, appointed by the Board of the Clayton County Water Authority and authorized by the Board to fulfill the requirements of these Rules and to be responsible for the operations of the water and sewer systems, or duly authorized representative.

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

44. Metered Water. The amount of water used by the system user as measured by a county water meter, or other approved metering device.

45. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

46. New Source.

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

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

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

3. The production or wastewater generating processes of the building, structure, facility, or installation 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.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program:

2. Any placement, assembly, or installation of facilities or equipment; or

3. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

4. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

43. Noncontact Cooling Water or Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

44. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of CCWA's NPDES permit, including an increase in the magnitude or duration of a violation.

45. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

46. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

47. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

48. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or

biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

50. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

51. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 98-6 (A) of this ordinance.

52. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by CCWA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant.

53. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

54. Septic Tank. A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

(a) A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and

(b) A subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

55. Septic Tank Waste or Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

56. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

57. Sewer. A pipe or conduit that carries wastewater or drainage water.

58. Significant Industrial User.

a. A user subject to categorical pretreatment standards; or

b. A user that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by CCWA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

c. Upon a finding that a user meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, CCWA may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

59. Slug Load or Slug. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Sec. 98-6 of this ordinance.

60. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

61. State. State of Georgia.

62. Storm Drain. Sometimes termed storm sewer, drain or sewer conveying surface water, groundwater, subsurface water, or any unpolluted water from any source.

63. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

64. Surcharge. A separate charge by Clayton County Water Authority for the handling and treatment of high-strength wastewater.

65. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

66. Total Kjehldahl Nitrogen or TKN. The sum of ammonia-nitrogen and organic-nitrogen concentrations.

67. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the EPA administrator under the provision of CWA 307 (1) or other acts.

68. Under-sink or In-line Grease Interceptor. A device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap, and hold oil and grease substances to prevent their discharge to the sanitary sewer.

69. User or Industrial User. A source of indirect discharge to CCWA sanitary sewer.

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

71. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

69. Watercourse. A natural or artificial channel for the passage of waters either continuously or intermittently.

70. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion.

## SECTION 98-2 [SEWER CONSTRUCTION AND SERVICE]

### (A) Responsibility

The construction, operation and maintenance of all sanitary sewer lines under the County's jurisdiction are the responsibility of the CCWA. All existing and future sanitary sewer lines laid in the County and all areas served by the sanitary sewer lines are within the jurisdiction of CCWA except those areas within the corporate limits of municipalities unless arranged by prior agreement or ordinance. The Manager supervises all resources of CCWA to effectively carry out the responsibilities of constructing, operating and maintaining the sanitary sewer system.

### (B) Contracting

CCWA shall be expressly authorized and empowered to contract for a period not exceeding fifty (50) years with any public agency, public corporation, city, town, county or authority, and they with CCWA, for water, sewer or other activities and transactions as such subdivisions are by law authorized and any and all contracts concerning water and sewage heretofore so entered into by CCWA are expressly ratified and approved. That contract may be extended for an additional period if changes in the law occur during the contract running period. This authorization shall be cumulative of all other powers authorized and delegated to CCWA and other governmental subdivisions, cities, towns and counties by other laws of whatever kind and nature; and this enactment shall not limit or restrict such power or authority in any way.

### (C) Private Wastewater Disposal

1. Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with the plans and specifications approved by the Health Officer. Septic tanks shall be maintained in sanitary working order.
2. No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the Health Officer. The Health Officer may withhold the issuance of such a permit pending an inspection and approval by the Health Officer of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the Health Officer.
3. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all the recommendations of the Georgia Department of Human Resources. No permit shall be issued for any private wastewater disposal system employing subsurface soil adsorption facilities where the area of the lot is less than 22,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

4. No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the Health Officer deems the use of same to be a menace to human health or well being.
5. At such time as a public sewer becomes available within 200 feet of the property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.
6. It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the CCWA wastewater system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage or other similar matter or material, except as provided in Section 98-7 (D) (1) of this ordinance.
7. Premises with private wastewater disposal systems that do not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the Health Officer.
8. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

#### SECTION 98-3 [SEWER SERVICE CHARGES]

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

##### (A) Service Charge Determination

Sewer user service charge shall be determined as follows:

1. The said sewer user service charge shall be based upon the quantity of water used by the said premises or facility therein or thereon as the same is measured by a water meter or meters therein used, or as otherwise currently established.
2. Said sewer user service charge shall be established by a formula consisting of the fraction of the "total operation, maintenance and replacement cost per unit time" over the "total volume contribution from all users per unit time" multiplied by the "volume contribution from the user per unit of time".
3. Said sewer user service charge shall consist of a charge per 1,000 gallons of water consumed, including adjustments thereto.

4. Water used from private sources shall be metered as required in Sec. 98-3 (B) and that portion of the sewer user service charge for the portion of sewerage shall be computed according to Section 98-3 (A).

(B) Other Water Sources

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

(C) Wastewater Not Discharged to POTW

Where it can be shown to the satisfaction of the Manager that a significant portion of the water as measured by the water meter or meters does not enter the wastewater system, then the Manager may require or permit the installation of additional meters or other devices as may be deemed necessary to establish that portion that does not enter the wastewater system, and the correct meter flow will be used for billing of the sewer user service charge. All such additional facilities will be provided by the owner of the premises concerned or other interested parties at no expense to CCWA.

(D) Termination of Service

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

SECTION 98-4 [INDUSTRIAL WASTE SURCHARGE]

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

1. A five (5) day, 20° C biochemical oxygen demand (BOD) of 225 mg/l; or
2. A total suspended solids (TSS) of 225 mg/l; or
3. A Total Kjehldahl Nitrogen (TKN) of 40 mg/l; or
4. A Total Phosphorus of 6 mg/l; or
5. Any other pollutants in excess of the "normal" level of such pollutants.

The amount of such surcharge shall reflect the cost incurred by CCWA in handling the excess pollutants. This surcharge shall include a proportionate share of the following: fixed charges for maintenance, operation and replacement of the sewerage system to include sewers, plants, pumping stations and other necessary systems including depreciation and other incidental expenses.

(A) Surcharge Determination

When the BOD, TSS, TKN, or Phosphorus of the water or waste accepted for admission to CCWA's wastewater system exceeds the values of these constituents for "normal" wastewater the excess concentration; shall be evaluated in terms of "normal" wastewater and be subject to a surcharge on the amount derived in accordance with the following formula:

$$\text{Amount of surcharge} = [B1 (B) + S1 (S) + N1 (N) + P1 (P) + X1 (X)] V$$

B1 = total operation, maintenance and replacement cost for treatment of a unit of BOD.

B = concentration of BOD from the user above the base level.

S1 = total operation, maintenance and replacement cost for treatment of a unit of TSS.

S = concentration of suspended solids from the user above the base level.

N1 = total operation, maintenance and replacement cost for treatment of a unit of TKN.

N = concentration of TKN from the user above the base level.

P1 = total operation, maintenance and replacement cost for treatment of a unit of Phosphorus.

P = concentration of Phosphorus from the user above the base level.

X1 = total operation, maintenance and replacement cost for treatment of a unit of any pollutant.

X = total contribution of any pollutant from the user above the base level.

V = volume contributed from the user per unit time.

#### (B) Annual Review and Billing

The rates of surcharges shall be reviewed annually by CCWA in order that the above factors may correctly represent current treatment cost, and may be modified at any time. Industrial waste surcharges provided for herein shall be prepared and rendered with the regular water and sewerage bill.

#### (C) Flow Measurement

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

#### (D) Sampling Frequency and Methodology

The industrial waste of each person discharging the same into the public wastewater system shall be subject to periodic inspection and determination of characteristics and concentration of said waste shall be made semiannually, or more often as may be deemed necessary by CCWA. Samples shall be collected in such a manner as to be representative of the actual quality of the waste. All measurements, tests and analyses of waters and wastes to which reference is made in this ordinance shall be determined in accordance with Sec. 98-11 (A) and (B).

#### (E) Disputes

In the event that an analysis of waste, determined by the sampling and gauging of waste from a person or industry by CCWA is disputed; a program of resampling and gauging, with subsequent chemical determinations may be instituted as follows:

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

#### SECTION 98-5 [BUILDING SEWERS AND CONNECTIONS]

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the CCWA jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of CCWA is hereby required at the owner(s) expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided that where no sewer is available, septic tanks and other private subsurface disposal facilities approved by the Health Officer may be used.

#### (A) Connections

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer without first obtaining a written permit from the Manager. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to the public sanitary sewer unless such a connection is approved by CCWA.

1. A separate and independent building sewer and connection shall be provided for every building unless otherwise approved. A separate and independent building sewer shall be provided for each residential unit of multi-unit residences unless otherwise approved.

2. All costs and expenses incidental to the installation and connection of building sewers shall be borne by the owners. The owners shall indemnify CCWA from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
3. All building sewers and connections shall be the responsibility and property of the landowner; and CCWA shall have no ownership in the same and no responsibility for maintenance of the same.
4. All such connections shall be made gas-tight and watertight.

#### (B) Building Sewer Permits

There shall be two (2) classes of building sewer permits: one for residential and commercial service, and the other for service to establishments producing industrial wastes. In either case, the owners or his agent shall make application on a special form furnished by the CCWA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit fee of an amount currently set by CCWA at the time the application is filed for residential and commercial service, or as currently set for an industrial building sewer connection, shall be paid to CCWA at the time the application is filed. The applicant for the building sewer permit shall notify the Building Inspector of Clayton County when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Building Inspector or his representative. Water and sewer service shall not be instituted until all fees levied by CCWA are paid and the County Building Inspector approves the connection.

#### (C) Applicable Codes

The size, materials of construction, methods of construction, slope, and alignment of all water and wastewater facilities construction shall conform to the technical codes and specifications described below. To the extent that any conflicting provisions exist in the below-described technical codes and specifications, the provisions of the earliest mentioned document shall prevail.

1. Georgia State Plumbing Code if in effect in Clayton County or the plumbing code in effect in Clayton County as it presently exists or may be amended.
2. Standard Building Code if in effect in Clayton County or the Building code in effect in Clayton County as it presently exists or as it may be amended.
3. One and Two Family Dwelling Code if in effect in Clayton County or the Dwelling code in effect in Clayton County as it presently exists or as it may be amended.
4. The current Standards for Residential and Commercial Development in Clayton County as it presently exists or as it may be amended.
5. Clayton County Cross-Connection or Backflow Prevention Program if in effect in Clayton County as it presently exists or as it may be amended.
6. Water Pollution Control Federation Manual of Practice No. 9, latest edition (for wastewater system construction).
7. American Water Works Association Standard Specifications C-100 through C-900, latest editions (for water system construction).

## SECTION 98-6 [GENERAL SEWER USE REQUIREMENTS]

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

### (A) Prohibited Discharge Standards

1. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
  
2. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  - b. Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but no case solids greater than one-half inch (0.5") in any dimension;
  - d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - e. Wastewater having a temperature greater than 150° F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - h. Trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Sec. 98-7 (D) of this ordinance.
  
3. Other Prohibitions. The following described substances, materials, waters, or waste shall be limited in discharges to the public sanitary sewers to concentrations or quantities which

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

- a. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- b. Wastewater that imparts color, which cannot be removed by the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating CCWA's NPDES or LAS permits;
- c. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- d. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
- e. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- f. Medical wastes, except as specifically authorized by the Manager in a wastewater discharge permit;
- g. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- h. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or in concentrations greater than one hundred (100) mg/l;
- i. Fats, oils, or greases of animal or vegetable origin in concentrations greater than two hundred (200) mg/l;
- j. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the sewer, or at any point in the POTW, of more than ten percent (10 %) or any single reading over ten percent (10 %) of the Lower Explosive Limit of the meter;
- k. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater plant effluent can not meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

- l. Water or wastes containing taste and odor producing contaminants in such quantities that after treatment of sewage these contaminants impart their taste and odor to receiving waters.
  - m. Any contaminant that is harmful to the operation or efficiency of wastewater treatment plants, or to the health and welfare of the residents of Clayton County.
  - n. Ground paper products shall be prohibited from discharge to the sanitary sewer.
  - o. Discharges of materials or substances that would cause the effluent quality from wastewater treatment plants to violate state and federal standards.
4. If any water or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances identified in Section 98-6 (A) 1, 2 or 3, and which may have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:
    - 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, and/or
    - d. Require surcharge payment to cover additional cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

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

#### (B) National Categorical Pretreatment Standards

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

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, CCWA may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, CCWA shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

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

(C) State Pretreatment Standards

State pretreatment standards located at Chapter 391-3-6-.08 of Georgia Rules and Regulations for Water Quality Control are hereby incorporated.

(D) Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits (mg/l):

CCWA NPDES Water Reclamation Facilities:

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

CCWA LAS Facilities:

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

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

(E) Right of Revision

CCWA reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(A) Dilution

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

SECTION 98-7 [PRETREATMENT OF WASTEWATER]

(A) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sec. 98-6 (A) of this ordinance within the time limitations specified by EPA, the State, or CCWA, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to CCWA for review and approval before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to CCWA under the provisions of this ordinance.

(B) Additional Pretreatment Measures

1. Whenever deemed necessary, CCWA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or

consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

2. CCWA may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

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

4. When required by CCWA, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of waste by CCWA and its employees. Such structure when required shall be accessible and safely located and shall be constructed in accordance with plans approved by CCWA. The structure shall be installed by the owner at his own expense and shall be maintained by him so as to be safe and accessible at all times.

5. Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Additionally, any user that handles hazardous wastes, any priority pollutant as shown on the EPA list, or any prohibited materials shall, upon request of the Manager, provide proof of protection from accidental discharge of hazardous wastes, priority pollutants or prohibited materials. Facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.

#### (C) Accidental Discharge/Slug Control Plans

At least once every two (2) years, CCWA shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. CCWA may require any user to develop, submit for approval, and implement such a plan. Alternatively, CCWA may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Manager of any accidental or slug discharge, as required by Sec. 98-10 (F) of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### (D) Hauled Wastewater

1. Septic tank waste may be introduced into the POTW only at locations designated by CCWA, and at such times as are established by CCWA. Such waste shall not violate Section 98-6 of this ordinance or

any other requirements established by CCWA. Septic tank waste haulers are required to obtain wastewater discharge permits.

2. The Manager shall require haulers of waste to obtain wastewater discharge permits. The Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled waste is subject to all other requirements of this ordinance.

3. Industrial waste haulers may discharge loads only at locations designated by CCWA. No load may be discharged without prior consent of CCWA. CCWA may collect samples of each hauled load to ensure compliance with applicable standards. CCWA may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### (E) Groundwater Remediation Sites

1. Groundwater remediation site wastewater may be introduced into the POTW only at locations designated by CCWA, and at such times as are established by CCWA. Such waste shall not violate Sec. 98-6 of this ordinance or any other requirements established by CCWA. The Manager shall require groundwater remediation sites to obtain wastewater discharge permits.

2. CCWA also may prohibit the discharge of groundwater remediation site wastewater. The discharge of groundwater remediation site wastewater is subject to all other requirements of this ordinance.

3. No wastewater may be discharged without prior consent of CCWA. The Manager may collect samples of the discharge to ensure compliance with applicable standards.

#### (F) Food Service Facility Grease Management Program

1. The purpose of this program is to minimize the introduction of fats, oils, and greases into the Clayton County Water Authority (CCWA) wastewater collection system. The main components of the program are the proper sizing, installation, and maintenance of grease interceptors. The administrative and inspection requirements of food service facilities are established herein as well.

2. General Criteria:

a. Installation Requirements for New Food Service Facilities - All proposed or remodeled food service facilities inside the CCWA Wastewater Service area shall be required to install an approved, properly operated and maintained grease interceptor. All interceptor units shall be installed outdoors of the Food Service Facility building unless the user can demonstrate to CCWA that an outdoor interceptor would not be feasible. All interceptor units shall be of the type and capacity approved by the County and CCWA.

b. Prohibited Discharges - Domestic Wastewater shall not be discharged to the grease

interceptor unless specifically approved, in writing, by CCWA.

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

i. CCWA will periodically inspect each Food Service Facility on an as-needed basis to assure that each facility is complying with the intent of the Grease Management Program. The as needed inspection shall be determined by the CCWA.

ii. Each Food Service Facility in the vicinity of the problem area will be inspected. The facilities' grease control practices and the adequacy of their grease control interceptor/equipment will be assessed. Maintenance records will also be reviewed.

iii. Following the inspections, CCWA will send written notice to the inspected food service facilities, containing a summary of the policy requirements, and the results of the inspection. The inspections will typically result in one or more of the following actions:

1. Facilities equipped with an appropriate and adequately sized grease interceptor who are meeting the intent of the Grease Management Program through effective grease control practices will be commended for their compliance.

2. After notice and an opportunity to be heard facilities not in compliance shall be issued a letter of violation and if such facility fails to achieve compliance it shall be required to develop and submit to CCWA a proposed plan designed to achieve compliance through improved housekeeping and/or increased maintenance and pumping on the existing grease interceptor/equipment.

3. Facilities that are not successful in achieving compliance with the intent of the Grease Management Program through improved housekeeping and increased maintenance and pumping on the existing grease interceptor/equipment will be required to install the necessary interceptor/equipment to bring the facility into compliance.

d. Waste Minimization Plan – Food Service Facilities shall develop and implement a Waste Minimization Plan pertaining to the disposal of grease, oils, and food particles. Educational materials are available from CCWA Environmental Compliance regarding the minimization of these wastes.

e. Floor Drains -- Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.

f. Location - Each grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at anytime. Grease interceptors required under this ordinance shall be installed outdoors of the food service facility. The best location is in an area outside of an exterior wall, but upstream from the domestic wastewater drain line(s). A grease interceptor may not be installed inside any part of a building unless approved in writing by CCWA. The user bears the burden of demonstrating that an outdoor grease interceptor is not feasible.

4. Design Criteria:

a. Construction of Interceptors - Grease interceptors shall be constructed in accordance with the County plumbing standards and outdoor units shall have a minimum of two compartments with fittings designed for grease retention. All alternative grease removal devices or technologies shall be subject to the written approval of CCWA. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

b. Access – Outdoor grease interceptors shall be provided with 2 (two) manholes terminating 1-inch above finished grade with cast iron frame and cover. All grease interceptors shall be designed and installed to allow for complete access for inspection and maintenance of inner chamber(s) as well as viewing and sampling of wastewater discharged to the sanitary sewer.

c. Load-Bearing Capacity - In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity (example: vehicular traffic in parking or driving areas).

d. Inlet and Outlet Piping - Wastewater discharging to the grease interceptor shall enter only through the inlet pipe of the interceptor. The inlet pipe bottom tee branch shall extend one (1) foot below liquid level. The outlet pipe bottom tee branch shall be submerged to 2/3 of the liquid depth. Each grease interceptor shall have only one inlet and one outlet pipe.

e. Interceptor Sizing -

i. Outdoor grease interceptors shall not have a capacity of less than 1,500 gallons nor exceed a capacity of 3,000 gallons. No matter what the calculated capacity using the following formulas, the minimum interceptor size shall be 1,500 gallons. If the calculated capacity using one of the following formulas exceeds 3,000 gallons, then multiple units in series shall be installed. The size of a grease interceptor shall be approximated by the following methods and grease interceptor size shall be the larger of the two results.

1. Interceptor Capacity (gallons) = (S) x (25) x (Hr/12)

S = Number of Seats

Hr = Maximum hours of daily operation  
(Include preparation and clean up time)

2. Interceptor Capacity (gallons) = (Sum of fixture flows) x (20)

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

ii. Under-sink or in-line grease interceptor requirements shall meet Plumbing and Drainage Institute Standard PDI-G101:

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

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

#### 5. Grease Interceptor Maintenance:

a. Pumping - All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater,

and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is strictly prohibited.

b. Pumping Frequency – Outdoor grease interceptors must be pumped out completely a minimum of once every three months. Under-sink or in-line grease interceptors must be pumped/cleaned out completely a minimum of once every month. Grease interceptors may need to be pumped more frequently as needed to prevent carry over of grease into the sanitary sewer collection system. Pumping frequency may be extended past the minimum period if it can be demonstrated by the user and approved by CCWA.

c. Pump Out Order – When the oil and grease concentrations exceed CCWA’s maximum discharge limits and/or the combined depth of bottom and top solids exceeds 33% of the total depth of the trap, CCWA will issue a Pump Out Order to the user. The user shall have seven (7) days from receipt of the order to comply. Where an emergency exists, a written or verbal warning shall be given to the user, and the user will have twenty-four (24) hours to comply.

d. Disposal of Interceptor Pumped Material – All waste removed from each grease interceptor shall be recorded on a proper manifest form. Also, all waste removed from each grease interceptor must be disposed at a facility approved by CCWA to receive such waste in accordance with the provisions of this program. In no way shall the pumped material be returned to any private or public portion of the sanitary sewer collection system. Responsibility for waste removed from or found in a grease interceptor or waste improperly disposed of shall be placed upon the private company generator food service facility owner.

e. Additives - Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to CCWA. Such additives shall include, but are not be limited to commercially available bacteria or other additives designed to absorb, consume, or treat fats, oils, and grease. The use of additives shall in no way be considered as an alternative technology or a substitution for maintenance procedures required herein.

f. Chemical Treatment - Chemical treatments such as drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease shall not be allowed to enter the grease interceptor.

6. Administrative Requirements:

a. Initial Data Acquisition - All food service facilities will be asked to complete a data sheet to establish the grease interceptor database. A copy of the form has been attached to this document as Appendix A. The CCWA database will be updated with additional or modified information after each yearly inspection.

b. Administrative Fees - No fee will be charged for an annual inspection by CCWA. However, if the user's grease interceptor is not in compliance with this section, a \$200.00 re-inspection fee will be charged for each inspection thereafter until compliance is achieved.

c. Inspection and Entry - Authorized personnel of CCWA, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

d. Record Retention and Reporting – All users must keep a record of any cleaning or maintenance of their grease interceptor. The following records must be kept on-site at the food service facility for a period of two (2) years:

1. Manifests are required for all grease interceptors and shall contain the following information:

a. Food Service Facility (generator) information, including name, address, volume pumped, date and time of pumping, and generator signature verifying the information;

b. Transporter information, including company name, address, license plate number, permit number, driver name, and driver signature verifying transporter information; and

c. Receiving information, including facility name, address, date and time of receiving, EPD permit number, and signature verifying receipt of the waste.

d. Manifests must be mailed, faxed, or electronically submitted to CCWA Environmental Compliance within fourteen (14) days of interceptor maintenance.

d. A manifest may not be required for under-sink or inline grease interceptors, if user can demonstrate to CCWA a valid reason not to use one.

2. Maintenance Logs are required for all under-sink and in-line interceptors. This log shall include the date, time, amount pumped or cleaned, hauler, disposal site, and signature. Log shall be kept in a conspicuous location for inspection. This log shall be made immediately available to Health officer or CCWA representative upon request.

7. Enforcement of these regulations shall be in accordance with the provisions of the CCWA Enforcement Response Plan. Failure to comply with this program will be grounds for penalty imposition and/or discontinuance of service. Additionally, failure to comply may result in Health Officer revoking food service permit.

(G) Oil, Grease, and Grit Interceptors

Oil, grease, and grit interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interceptor units shall be of the type and capacity approved by CCWA.

1. Requirements:

(a) Any user who discharges a wastewater which contains greater than the quantity of oil and grease regulated in Sec. 98-6 (A)(3)(i); and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor, then said user will be required to install an oil/grease interceptor. This includes all facilities that have a potential to discharge petroleum based products to the sanitary sewer such as vehicle maintenance facilities.

(b) All users whose wastewater discharge is associated with large quantities of grit, sand, or gravel shall be required to install a sand interceptor or trap. All car/truck wash systems shall be required to install sand traps.

2. Design Criteria:

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

i. All oil, grease, and grit interceptors shall have two access ports that will allow for inspection, sampling, and cleaning.

3. Maintenance:

(a) All oil, grease, and grit interceptors shall be maintained by the user at his expense, and in continuous efficient operation at all times. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials, and shall maintain records of the dates, and means of disposal that are subject to review and inspection by CCWA.

(b) All oil, grease, and grit interceptors shall be pumped out and cleaned, at a minimum when 50% of the retention capacity is filled with oils and/or solids. The frequency of removal may be increased by CCWA or the user to ensure that no overflows of oil, grease, or sand into the wastewater system ever occur.

4. If the owner contracts for the cleaning, removal, or hauling of collected materials with a currently licensed waste disposal firm, then a manifest must be available from the company hauling the waste away. Under no circumstances shall the collected materials ever be returned to the wastewater system. CCWA may require a user to submit periodic reports about the cleaning, removal, or hauling of collected materials from the separator or interceptor. Such records shall be kept on site for a period of three (3) years and be made available upon request.

5. An inspection by CCWA may be conducted on all oil, grease, and grit interceptors and shall require the owner to correct any deficiencies immediately at his own expense.

#### (H) Garbage Grinders

CCWA reserves the right to require any user to cease operation of a garbage grinder and permanently remove such equipment as necessary.

#### (I) Best Management Practices Plans

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

1. Purpose and objective(s) of the Plan;
2. Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge and to minimize waste generation;
3. Description of best management practices (options) available to the user to control accidental spillage, leaks and drainage;
4. Description of best available or practicable control technologies available for this specific application;
5. Description of the overall facility, including site plan;
6. Description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics;
7. Description of operating and maintenance procedures;
8. Inventory of raw materials and a list of waste sources;
9. Description of employee training programs, continuing education programs and participation;
10. Description of documentation, including record keeping and forms;
11. Description of monitoring activities; and
12. Information log of facility personnel, organization chart, emergency phone numbers, contact persons and maintenance or service representatives.

#### (J) Pollution Prevention Plans

The Manager may require a user to develop and submit a Pollution Prevention (P2) Plan including an implementation timetable for review. The user shall implement the P2 Plan on a timely basis once each

plan has been approved. The P2 Plan shall be developed in accordance with EPA and EPD guidelines, and shall contain the following elements at a minimum:

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

#### (K) Medical Wastes

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

## SECTION 98-8 [WASTEWATER DISCHARGE PERMIT APPLICATION]

### (A) Wastewater Analysis

When requested by The Manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

### (B) Wastewater Discharge Permit Requirement

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager, except that a significant industrial user that has filed a timely application pursuant to Sec. 98-8 (C) of this ordinance may continue to discharge for the time period specified therein.
2. CCWA may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sec. 98-13 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

### (C) Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Manager for a wastewater discharge permit in accordance with Sec. 98-8 (E) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Manager.

### (D) Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Sec. 98-8 (E) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

### (E) Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application, which includes but is not limited to the following information:

1. All information required by Sec. 98-10 (A)(2) of this ordinance;

2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.

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

#### (F) Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

#### (G) Wastewater Discharge Permit Decisions

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

### SECTION 98-9 [WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS]

#### (A) Wastewater Discharge Permit Duration

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

#### (B) Wastewater Discharge Permit Contents

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

1. Wastewater discharge permits must contain:

(a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to CCWA in accordance with Sec. 98-9 (E) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits based on applicable pretreatment standards;

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

2. Wastewater discharge permits may contain, without limitation, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

h. Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

#### (C) Wastewater Discharge Permit Appeals

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

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If CCWA fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Clayton County, Georgia, Superior Court, within thirty (30) days of CCWA's final administrative action.

#### (D) Wastewater Discharge Permit Modification

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

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to CCWA's sewers, CCWA personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### (E) Wastewater Discharge Permit Transfer

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

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

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

#### (F) Wastewater Discharge Permit Revocation

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

1. Failure to notify CCWA of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to CCWA of changed conditions pursuant to Sec. 98-10 (E) of this ordinance;
3. Misrepresentation or failures to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow CCWA timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer service charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

#### (G) Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Sec. 98-8 (E) of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

**(H) Regulation of Waste Received from Other Jurisdictions**No person or governments residing or operating outside the limits of Clayton County shall discharge or cause to be discharged any material into the sanitary sewer system of Clayton County without an Interjurisdictional Agreement or the prior approval of Clayton County Water Authority.

1. If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the POTW, CCWA may enter into an interjurisdictional agreement with the contributing jurisdiction.
2. Prior to entering into an agreement, CCWA shall request the following information from the contributing jurisdiction:
  - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
  - b. An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
  - c. Such other information as CCWA may deem necessary.
3. An interjurisdictional agreement shall contain the following conditions:
  - a. A requirement for the contributing jurisdiction to adopt a sewer use ordinance, which is at least as stringent as this ordinance, and local limits, which are at least as stringent as those, set out in Sec. 98-6 (D) of this ordinance. Requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to CCWA's ordinance or local limits;
  - b. A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
  - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by CCWA; and which of these activities will be conducted jointly by the contributing jurisdiction and CCWA (this is only valid if the contributing jurisdiction has an approved program);
  - d. A requirement for the contributing jurisdiction to provide CCWA with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
  - e. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;
  - f. Requirements for monitoring the contributing jurisdiction's discharge;

- g. A provision ensuring CCWA access to the facilities of users located within the contributor's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by CCWA; and
- h. A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

## SECTION 98-10 [REPORTING REQUIREMENTS]

### (A) Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Manager a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Manager a report which contains the information listed in paragraph 2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
  - a. Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
  - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
  - d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
  - e. Measurement of Pollutants.
    1. The categorical pretreatment standards applicable to each regulated process.
    2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sec. 98-11 (A) of this ordinance.
    3. Sampling must be performed in accordance with procedures set out in Section 98-11 (B) of this ordinance.

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

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Sec. 98-10 (B) of this ordinance.

h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Sec. 98-8 (F) of this ordinance.

#### (B) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Sec. 98-10 (A)(2)(g) of this ordinance:

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

#### (C) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Manager a report containing the information described in Sec. 98-10 (A)(2)(d-f) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Sec. 98-8 (F) of this ordinance.

#### (D) Periodic Compliance Reports

1. All significant industrial users shall, at a frequency of no more than twelve times but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Sec. 98-8 (F) of this ordinance.

2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required, using the procedures prescribed in Section 98-11 (B) of this ordinance, the results of this monitoring shall be included in the report.

#### (E) Reports of Changed Conditions

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

1. CCWA 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 Sec. 98-8 (E) of this ordinance.

2. CCWA may issue a wastewater discharge permit under Sec. 98-8 (G) of this ordinance or modify an existing wastewater discharge permit under Sec. 98-9 (D) of this ordinance in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### (F) Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

2. Within five (5) days following such discharge, the user shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

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

### (G) Reports from Unpermitted Users

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

### (H) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if CCWA monitors at the user's facility at least once a month, or if CCWA samples between the user's initial sampling and when the user receives the results of this sampling.

### (I) Notification of the Discharge of Hazardous Waste

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Sec. 98-10 (E) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 98-10 (A),(C), and (D) of this ordinance.

2. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

(J) Timing

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

(K) Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(L) Electronic Reporting

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

## SECTION 98-11 [COMPLIANCE MONITORING]

### (A) Analytical Requirements

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

### (B) Sample Collection

1. Except as indicated in Section 2, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, CCWA may authorize the use of time proportional sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. All sampling and analysis done for compliance purposes must be accompanied by proper chain-of-custody documentation.

### (C) Right of Entry: Inspection and Sampling

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

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

#### (D) Search Warrants

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of CCWA designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of a search warrant from the Magistrate Court of Clayton County, Georgia.

#### (E) Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or CCWA, or where the user has been specifically notified of a longer retention period.

#### SECTION 98-12 [PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE]

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

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in CCWA's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or
8. Any other violation(s) that will adversely affect the operation or implementation of the local pretreatment program.

## SECTION 98-13 [ENFORCEMENT REMEDIES]

### (A) Administrative Enforcement Remedies

1. Notification of Violation - When a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Manager may serve upon that user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
2. Increased Self-Monitoring - CCWA may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or any other pretreatment standard or requirement, to increase the self-monitoring frequency for any or all parameters. The user will be responsible for all sampling, analyses, and reporting under an increased self-monitoring order.
3. Consent Orders - CCWA may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 98-13 (A) (5 and 6) of this ordinance and shall be judicially enforceable.
4. Show Cause Hearing - CCWA may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
5. Compliance Orders - When a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, CCWA may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order

may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

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

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

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

7. Administrative Fines -

a. When CCWA finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, CCWA may fine such user 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.

b. Unpaid charges, fines, and penalties shall, after twenty (20) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at the rate allowed by law, not to exceed a rate of eighteen percent (18%) per annum. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for CCWA to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, CCWA may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. CCWA may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

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

a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, CCWA may take such steps as deemed necessary, including immediate severance of the sewer

connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. CCWA may allow the user to recommence its discharge when the user has demonstrated that the period of endangerment has passed, unless the termination proceedings in Sec. 98-13 (A)(9) of this ordinance are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under Sections 98-13 (A)(4 or 9) of this ordinance.

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

9. Termination of Discharge - In addition to the provisions in Sec. 98-9 (F) of this ordinance, any user who violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the pretreatment standards in Sec. 98-6 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Sec.98-13 (A)(4) of this ordinance why the proposed action should not be taken. Exercise of this option by CCWA shall not be a bar to, or a prerequisite for, taking any other action against the user.

10. Water Supply Severance - Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

## (B) Judicial Enforcement Remedies

1. Injunctive Relief - When a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Manager may petition the Superior Court of Clayton County through CCWA's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### 2. Civil Penalties -

a. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to CCWA for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day and a minimum of one thousand dollars (\$1,000.00). In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by CCWA.

c. In addition to the above-described penalties and damages, the law of the State of Georgia, O.C.G.A. §41-2-5 can be used to abate any public nuisance resulting from a violation this Ordinance.

d. In addition to the above-described penalties and damages, the law of the State of Georgia, O.C.G.A. § 12-5-52, grants the Department of Natural Resources the power to fine violators up to a maximum of fifty thousand dollars (\$50,000.00) per day.

e. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

### 3. Criminal Prosecution -

a. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

b. In addition to the above-described criminal penalties, O.C.G.A. § 12-5-53 imposes misdemeanor penalties up to \$25,000.00 per day and imprisonment up to one year, and for far more serious offenses, imposes felony penalties up to \$250,000.00 and imprisonment up to 15 years.

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

#### SECTION 98-14 [AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS]

##### (A) Upset

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

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.

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

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the Manager within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the

situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### (B) Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Sec. 98-6 (A)(1) of this ordinance or the specific prohibitions in Sections 98-6 (A)(2)(c) through (g) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

#### (C) Bypass

1. For the purposes of this section,
  - a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
4. Other regulations regarding bypass include:
  - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Manager, at least ten (10) days before the date of the bypass, if possible.
  - b. A user shall submit oral notice to the Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
5. Exceptions may include:

a. Bypass is prohibited, and the Manager may take an enforcement action against a user for a bypass, unless

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The user submitted notices as required under paragraph (3) of this section.

b. The Manager may approve an anticipated bypass, after considering its adverse effects, if the Manager determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

## SECTION 98-15 [MISCELLANEOUS PROVISIONS]

### (A) Pretreatment Charges and Fees

CCWA may adopt reasonable fees for reimbursement of costs of setting up and operating CCWA's Pretreatment Program that may include:

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

### (B) Hardship Variances

Any person or user, upon written application to the Manager, who shows, in the case of the activity being conducted or operated, that compliance with a section of this ordinance should either be impossible or would constitute an undue hardship because of time limitations, may be granted a variance. The variance, granted by the Manager, shall be for a reasonable time. The Manager may grant a variance on the condition that the person receiving it submit plans for the installation of pretreatment facilities to the Manager within six (6) months from the date of issuance of the variance. A variance shall not be granted under the provisions of this section where the person applying therefore is causing a nuisance or other injury to the public. Any variance granted under the provisions of this section shall not relieve the person receiving the variance from any liability or penalties imposed by law for the commission or maintenance of a public nuisance.

(C) Severability

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

(D) Recovery of Costs Incurred

CCWA shall have the right to bill user for recovery of cost incurred when said user is determined to be in violation of the regulations in this sewer use ordinance.

SECTION 98-16 [EFFECTIVE DATE]

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

**Section 2.** All laws, ordinances, and resolutions, or parts thereof which conflict with the provisions of this Ordinance are hereby repealed.

**Section 3.** This Ordinance shall be codified in accordance with the directions of the Clayton County Board of Commissioners and state law.

**Section 4.** a. It is hereby declared to be the intention of the Clayton County Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Chapter are and were, upon their enactment, believed by the Clayton County Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Clayton County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Chapter. It is hereby further declared to be the intention of the Clayton County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Chapter.

c. In the event that any phrase, clause, sentence, paragraph or section of this Chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Clayton County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Chapter shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** This Ordinance shall become effective upon its approval by the Board of Commissioners and as set forth under Sec. 98-16 hereinabove.

**Section 6.** Penalties for violations of this Ordinance are set forth hereinabove and are incorporated hereby specific references.

**Section 7.** The preamble to this Ordinance is hereby incorporated into this Ordinance as if set out fully herein.

**SO ORDAINED**, this 21<sup>st</sup> day of May, 2002.  
{Signatures on Following Page}

**CLAYTON COUNTY BOARD OF**

**COMMISSIONERS**

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ VIRGINIA BURTON-GRAY,

COMMISSIONER

/s/ GERALD A. MATHEWS,

COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

6. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve Resolution 2002-52 authorizing Clayton County to amend the Action Plan 2000 as it relates to the Home Program to reflect changes in project descriptions for certain funded organizations; to authorize the county to amend Action Plan 2001 as it relates to the Community Development Block Grant Program (CDBG) to reflect changes in project descriptions for certain funded organizations; to authorize the county to amend Action Plan 2001 as it relates to the Home Program to reflect changes in project descriptions for certain funded organizations; to authorize the county to enter into new and amended subrecipient agreements with those organizations affected by the stated changes; to authorize the Chairman to execute the subrecipient agreements, and otherwise to perform all acts necessary to accomplish the intent of this resolution. (This resolution will be amended to authorize the Finance Director to amend the budget to reflect changes the Board has approved.) Vote unanimous.

Commissioner Gray questioned the source of the additional funds. Vibha Singla, Contracts & Grants Manager, replied that the funds are from organizations which did not use all of their monies.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2002 - 52

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO AMEND THE ACTION PLAN 2000

AS IT RELATES TO THE HOME PROGRAM TO REFLECT CHANGES IN PROJECT DESCRIPTIONS

FOR CERTAIN FUNDED ORGANIZATIONS; TO AUTHORIZE THE COUNTY TO AMEND ACTION

PLAN 2001 AS IT RELATES TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(CDBG) TO REFLECT CHANGES IN PROJECT DESCRIPTIONS FOR CERTAIN FUNDED ORGANIZATIONS; TO AUTHORIZE THE COUNTY TO AMEND ACTION PLAN 2001 AS IT RELATES TO THE HOME PROGRAM TO REFLECT CHANGES IN PROJECT DESCRIPTIONS FOR CERTAIN FUNDED ORGANIZATIONS; TO AUTHORIZE THE COUNTY TO ENTER INTO NEW AND AMENDED SUBRECIPIENT AGREEMENTS WITH THOSE ORGANIZATIONS AFFECTED BY THE STATED CHANGES; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET TO REFLECT THE REQUIRED APPROPRIATIONS, AND EXPENDITURES AS THEY MAY RELATE TO THE AMENDMENTS; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE SUBRECIPIENT AGREEMENTS, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County has received Federal fiscal year (“FY”) 2000 and 2001 Community Development Block Grant, (“CDBG”) funds, Action Plan 2000 and Action Plan 2001 under Title I of the Housing and Community Development Act of 1974, as amended, to carry out various housing and community development activities and projects in the unincorporated areas and in municipalities participating in the County CDBG Programs; and

WHEREAS, certain changes to project descriptions have become necessary and amendments to the appropriate Action Plans are required; and

WHEREAS, certain new and amended Subrecipient Agreements are necessary to reflect that stated changes to the Action Plans; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by amending the Action Plans and entering into the Subrecipient Agreements for the above-stated purposes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby authorizes Clayton County to amend Action Plan 2000 and Action Plan 2001 as they relate to the HOME Program and Community Development Block Grant Program (CDBG) to reflect changes in project descriptions for certain funded organizations as set forth in Exhibit "A, Exhibit "B", and Exhibit "C" attached hereto. Further, the Board of Commissioners hereby authorizes the Finance Director to amend the budget to reflect the required appropriations, and expenditures as they may relate to the amendments.

Section 2. The Board of Commissioners hereby authorizes Clayton County to enter into new and amended Subrecipient Agreements with those organizations affected by the stated changes.

Section 3. The Board of Commissioners hereby authorizes the Chairman to execute the new and amended Subrecipient Agreements, and otherwise to perform all acts necessary to accomplish the intent of this Resolution. The Subrecipient Agreements shall be in substantially the forms attached hereto, subject to such minor changes, insertions, or deletions as the Chairman of the Board of Commissioners may approve.

Section 4. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 21st day of May, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN  
/s/ VIRGINIA BURTON GRAY, COMMISSIONER  
/s/ GERALD A. MATTHEWS, COMMISSIONER  
/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

7. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to deny Resolution 2002-53 to amend the Code of Clayton County, Georgia, Article VI of Chapter 5, Section 6-156, entitled "Additional Provisions for Retail Consumption," so as to add an area to the map designating retail consumption districts; to repeal conflicting ordinances; etc. (allow sale of alcoholic beverages from a point on the southeast corner of the intersection of Maddox Road and Lake Harbin Road, and then run along the southerly right-of-way of Lake Harbin Road approximately 712 feet). Vote unanimous.

8. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve Resolution 2002-54 of the Board of Commissioners of Clayton County consenting to change of control and internal restructuring of the cable franchise holder as it relates to the Non-exclusive Franchise ("Cable TV") Agreement; to authorize the Chairman to execute any document and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. The Board approved to leave it to the Chairman's discretion as to when to sign/finalize this resolution. Vote unanimous.

Mr. Comer reminded the Board that a public hearing was recently held on this matter. He said the resolution would authorize to the extent that the franchise needs to be transferred, and allow the authority to do that. Mr. Comer stressed that this is a restructuring; it is not changing the franchise agreement. He asked for the Board's approval of the transfer. Chairman Bray asked the Board if it would leave the resolution to his discretion as to when it will be signed. He explained that with the Board's approval, he could continue negotiation on this issue. The Board agreed to do so.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2002 - 54

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA CONSENTING TO CHANGE OF CONTROL AND INTERNAL RESTRUCTURING OF THE CABLE FRANCHISE HOLDER AS IT RELATES TO THE NON-EXCLUSIVE FRANCHISE ("CABLE TV") AGREEMENT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENT AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the cable franchise holder ("Franchisee") in Clayton County, Georgia, is an indirect subsidiary of AT&T Corp. ("AT&T"), and AT&T intends to merge with Comcast Corporation ("Comcast") to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast") pursuant to the terms of an Agreement and Plan of Merger dated December 19, 2001 by and among AT&T Corp., AT&T Broadband Corp., Comcast Corporation and certain of their respective affiliates, and a Separation and Distribution Agreement dated December 19, 2001 by and between AT&T Corp. and AT&T Broadband Corp. (the "Merger"); and

WHEREAS, prior to the Merger, pursuant to an internal corporate restructuring, the cable franchise or stock of the Franchisee, or indirect ownership of the Franchisee, may be transferred through one or more internal transfers or mergers to another direct or indirect subsidiary of AT&T, or Franchisee may elect as permitted by law to convert or reorganize its legal form to a limited liability company (together with the Merger, the "Transactions"); and

WHEREAS, following the Transactions, the resulting entity will be controlled by AT&T Comcast but will continue to operate the Cable TV System in Clayton County and continue to hold and be responsible for performance of the Non-Exclusive Franchise Agreement (the "Cable Franchise"); and

WHEREAS, Franchisee and AT&T Comcast have requested that the Board of Commissioners consent to the Transactions in accordance with the requirements of the Cable Franchise and have filed an FCC Form 394 ("Transfer Application") with the County requesting such consent Transactions; and

WHEREAS, the Transfer Application has been reviewed, the legal, financial and technical qualifications of AT&T Comcast have been examined, all required procedures in order to consider and act upon the Transfer Application have been followed, and the comments of all interested parties have been considered; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and County will best be served by consenting to the Transaction as it relates to the transfer of rights, privileges and obligations arising out of the Cable Franchise.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby consents to the Transactions in accordance with the terms of the Cable Franchise and applicable law, and otherwise approves the transfer of rights, privileges, and obligations arising out of the Cable Franchise to AT&T Comcast.

Section 2. The Board of Commissioners authorizes the Chairman to execute any document and otherwise to perform all acts necessary to accomplish the intent of this Resolution.

Section 3. This Resolution shall be deemed effective upon its adoption by the Board of Commissioners.

SO RESOLVED, this the 21st day of May, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ VIRGINIA BURTON GRAY,

COMMISSIONER

/s/ GERALD A. MATTHEWS, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

9. Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to accept a 1990 Dodge Utility Truck (condemned vehicle) to be turned over to Glenn Johnson, Fleet Maintenance Director, to be used in that department. Vote unanimous.

10. Motion by Chairman Bray, second by Commissioner Matthews, to approve appointment of Helen Bell to the Animal Control Board. New term is for three (3) years; expiring 4-20-05. (Chairman Bray) Vote unanimous.

11. Motion by Commissioner Matthews, second by Commissioner Gray, to approve re-appointment of Dr. Carlo Musso to the Housing Authority Board. New term is for five (5) years; expiring 5-11-07. (Vice Chairman Griswell) Vote unanimous.

12. Motion by Chairman Bray, second by Commissioner Rhodenizer, to approve re-appointments of Dewey "Buck" Shirley and Walter L. Stanley to the Zoning Advisory Group. New terms are for three (3) years; expiring 5-21-05. Vote unanimous.

13. Motion by Chairman Bray, second by Commissioner Rhodenizer, to approve appointments of Jim Jenkins, Libby Torbush, and Jack Bruce to the Clayton County Greenspace Program Land Trust Board. Vote unanimous.

14. Motion by Chairman Bray, second by Commissioner Rhodenizer, to approve appointment of Eva Mae

Dyer to the Clayton County Code Enforcement Board. The appointments of two (2) additional persons to this board will be discussed in the Regular Business Meeting on June 4, 2002. Vote unanimous.

15. Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to authorize the Chairman to execute the Georgia Department of Transportation document; and authorize the Finance Director to amend the budget accordingly:

City of Morrow Resurfacing Contract  
PR-8531-52(63), C1, 1 Street  
Carla Drive; 0.540 miles

Vote unanimous.

16. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to accept for maintenance by county the streets in **Brookwood Village, Unit III** (Brookwood Boulevard and Sunset Park) and **Foxworthy Estates** (Foxworthy Lane). Vote unanimous.

17. Motion by Commissioner Matthews, second by Commissioner Gray, to accept street light petitions for Colonnade Subdivision, District #12155; Fielder Crossing, District #12053; Kendrick Forest, Unit 2, District #13212, and Lakeside Subdivision, Unit II, III, & IV, District #05053. Vote unanimous.

18. Motion by Commissioner Rhodenizer, second by Chairman Bray, to approve the continuance of the Zoning Moratorium until July 18, 2002, since there will be no Zoning Meeting in May or June 2002. The county will soon have a recommended consultant to deal with the Land Use data. Until such time, the moratorium will continue until the Zoning Meeting scheduled on July 18, 2002. Chairman Bray added that zoning petitions will not be filed until after July 18, 2002. Vote unanimous.

There being no further business to discuss, motion by Commissioner Matthews, second by Commissioner Gray, to adjourn the Regular Business Meeting. The Regular Business Meeting adjourned at 9:52 a.m. Vote unanimous.

#### CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN  
/s/ VIRGINIA BURTON GRAY, COMMISSIONER  
/s/ GERALD A. MATTHEWS, COMMISSIONER  
/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN