

AN ORDINANCE

AN ORDINANCE OF THE HARRIS COUNTY BOARD OF COMMISSIONERS TO AMEND THE CODE OF ORDINANCES OF HARRIS COUNTY SO AS TO CREATE DIVISION 3 – PUBLIC SEWERS OF ARTICLE III OF CHAPTER 7 – WATER, SEWAGE AND UTILITIES OF THE CODE TO REGULATE THE USE, MAINTENANCE, INSTALLATION AND CONNECTION OF BUILDING AND OTHER SANITARY SEWERS; ESTABLISHING STANDARDS OF LIQUID WASTES ACCEPTABLE INTO THE SANITARY SEWAGE SYSTEM OF HARRIS COUNTY, GEORGIA; REGULATING INDUSTRIAL WASTES DISCHARGED INTO THE SANITARY SEWER SYSTEM; PROVIDING A SYSTEM OF FEES AND CHARGES FOR INDUSTRIAL WASTE AND OTHER CONTRIBUTORS; PROVIDING REMEDIES AND PENALTIES FOR VIOLATION HEREOF; TO PROVIDE FOR SEVERABILITY; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION 1: GENERAL PROVISIONS

1.1 Purpose and Policy

The purpose of this ordinance is to regulate the use of public sewers and the installation and connection of building sewers; to establish standards of permissible liquid wastes acceptable into the sanitary sewer system of Harris County; to regulate industrial and commercial wastes discharged into the sanitary sewage system; to provide a system of surcharges for industrial waste contributors; and to provide penalties for violations and other purposes.

This ordinance shall apply only to the unincorporated areas of Harris County, Georgia and to any public sanitary sewer as so designated by the Board of Commissioners of Harris County by subsequent Resolution of the Board of Commissioners of Harris County. Except as otherwise provided herein, the Board of Commissioners of Harris County shall implement, administer, and enforce the provisions of this Ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following words, 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 Environmental Protection Division of the Georgia Department of Natural Resources.

- (3) **Authorized Representative of the Industrial/Commercial User** - (1) If the user is a corporation: (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; OR (b) The manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively. (3) If the user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) **Designated Representative** - The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if 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 the environmental matters for the company, and the written authorization is submitted to Harris County.
- (5) **Biochemical Oxygen Demand (BOD)** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade expressed in milligrams per liter (mg/L).
- (6) **Board** - The Board of Commissioners of Harris County, Georgia, or its duly authorized and appointed representatives.
- (7) **Building Sewer** - A sewer conveying wastewater from the premises of a User to the public sewer or other place of disposal.
- (8) **Categorical Standards** - 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, et.seq.
- (9) **Classification Code** - The code given to distinguish food service establishments according to the service they provide.
- (10) **Code of Federal Regulations (CFR)** - A codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.
- (11) **Combined Sewer** - A sewer receiving both storm water and sanitary sewage.
- (12) **Cooling Water** - The water discharged from any use such as air conditioning, cooling or refrigeration, or as to which the only pollutant added is heat.
- (13) **Control Authority** – Board of Commissioners of Harris County.

- (14) **County Manager** - The County Manager or his designee whose duties shall include environmental compliance management.
- (15) **Direct Discharge** - The discharge of treated or untreated wastewater directly to the waters of the State of Georgia.
- (16) **Domestic Sewage** - Water carrying wastes of human origin, as opposed to commercial or industrial activities.
- (17) **Environmental Protection Agency, or EPA** - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (18) **Environmental Protection Division or EPD** - The Environmental Protection Division of the Department of Natural Resources of the State of Georgia.
- (19) **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.
- (20) **Fats, Oils, and Grease (FOG)** - FOG is defined to include but not limited to the accumulation of oils, fats, cellulose, grease, and other substances that are composed primarily of fatty matter from animal and vegetable sources and from hydrocarbons of petroleum origin.
- (21) **Food Service Establishment** - Any facility, excluding single-family dwellings, discharging kitchen or food preparation wastewater into the sewer system. Any facility that in the opinion of the controlling authority would require a grease trap/interceptor installation by virtue of its operation.
- (22) **Grab Sample** - A sample, which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.
- (23) **Grease Trap/Interceptor** - A device/pretreatment system utilized to effect separation of FOG in wastewater effluent to prevent excessive amounts of FOG discharges to the sanitary sewer system.
- (24) **Harris County, Georgia** – A Georgia county government.
- (25) **Harris County Water or Sewer** - The sewer system of Harris County, Georgia whose governing body is the Board of Commissioners of Harris County.
- (26) **Holding tank waste** - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump trucks.
- (27) **Indirect Discharge** - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307, (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding waste discharged into the system).

(28) **Industrial/Commercial User** - A source of Indirect Discharge, which does not constitute a “discharge of pollutants” under regulations, issued pursuant to Section 402, of the Act. (33 U.S.C. 1342)

(29) **Industrial/Commercial Wastes** - The liquid wastes from industrial manufacturing processes, trade or commercial business, as distinct from domestic sewage.

(30) **Interference** - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Harris County NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation 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 Substance Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(31) **North American Industry Classification System (NAICS)** - The system used to categorize industrial users according to types of manufacturing and products produced.

(32) **National Categorical Pretreatment Standard or Pretreatment Standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

(33) **Natural Outlet** - Any outlet into the waters of the State of Georgia.

(34) **National Pollution Discharge Elimination System or NPDES Permit** - A permit issued to Section 402 of the Act (33 U.S.C. 1342).

(35) **New Source.**

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

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

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

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

facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program;

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

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(36) **Objectionable Wastes** - Any wastes that can harm or damage the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, health, or property, or constitute a nuisance.

(37) **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 requirements of the Harris County NPDES permit, including an increase in the magnitude or duration of a violation.

(38) **Permit**. An official document, authorized by Harris County, that list parameters and regulations that apply to those facilities specifically required to hold a permit.

(a) **Industrial Permit** - is issued to those facilities by virtue of their manufacturing process that introduce pollutants through their discharge to the POTW.

(b) **Wastehaulers Permit** - is issued to companies that transport wastewater to the head works of the POTW.

(c) **Commercial Permit** - is issued to those facilities that are classified under the NAICS as non-manufacturing, that discharge waste to the POTW other than domestic.

(39) **Person** - Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(40) **pH** - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

(41) **Pollution** - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(42) **Pollutant** - Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, agriculture waste discharged into water and other compounds causing pollution as defined above.

(43) **Pretreatment or Treatment** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

(44) **Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an Industrial User.

(45) **Publicly Owned Treatment Works (POTW)** - A treatment work as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by Harris County. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

(46) **Public Sewers** - A sewer which is controlled by Harris County.

(47) **POTW Treatment Plant** - That portion of the POTW designed, intended and/or used to provide treatment to wastewater.

(48) **Sara Title III** - The Emergency Planning and Community Right to Know Act of 1986. Sara Title III establishes requirements for Federal, State, local governments, and industry for emergency planning and reporting of hazardous and toxic chemicals.

(49) **Sewage** - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

(50) **Sewer** - A pipe or conduit for carrying sewage.

(51) **Significant Industrial User** - Any Industrial User of the Harris County wastewater disposal system who; (i) has an average flow of 25,000 gallons or more per average work day of non-domestic sewage, or (ii) has a process wastewater flow greater than 5% of the average dry

weather hydraulic or organic capacity of the Harris County wastewater treatment plant, or (iii) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or State Statute and EPD rules, or is subject to Categorical Pretreatment Standards, or (iv) is found by Harris County, EPD, or EPA to have significant impact, either singly or in combination with other contributing industries, on the public sewers, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. Upon finding that an industrial user meeting the above mentioned criteria has no reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement, Harris County may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(52) **Slug Discharge** -Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration or flow during normal operation.

(53) **Standard Industrial Classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the office of Management and Budget 1972.

(54) **State** - State of Georgia.

(55) **Storm Water** - Any flow occurring during or following any form of natural precipitation and resulting there from.

(56) **Suspended Solids** - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(57) **Terms** - Shall is mandatory; may is permissive.

(58) **Toxic Pollutant** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307 (a) of the Act or other Acts.

(59) **Total Toxic Organics (TTO)** - The sum of the mass or concentration of specific organic compounds.

(60) **User** - Any person who contributes, causes or permits the contribution of wastewater into the Harris County' POTW.

(61) **Wastehauler** - Any company or user that transports wastewater to the head works of the POTW.

(62) **Wastewater** - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(63) **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 thereof.

(64) **Wastewater Discharge Permit** - As set forth in Section 8.3 of this Ordinance.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
EPA - Environmental Protection Agency
FOG – Fats, Oils & Grease
L - Liter
mg - Milligrams
mg/L - Milligrams per liter
EPD - Environmental Protection Division
NAICS – North American Industry Classification System
NPDES - National Pollutant Discharge Elimination Division
POTW - Publicly Owned Treatment Works
SIC - Standard Industrial Classification
SWDA - Safe Drinking Water Act
USC - United States Code
TTO- Total Toxic Organic
TSS - Total Suspended Solids
IU – Industrial User

SECTION 2: USE OF PUBLIC SEWERS REQUIRED

2.1 Unsanitary, Offensive Deposits on Property Generally

It shall be a violation of this Ordinance for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within unincorporated areas of Harris County, any human or animal excrement, garbage or other objectionable waste.

2.2 Discharging Waste to Natural Outlets

It shall be a violation of this Ordinance to discharge to any natural outlet or storm sewer system within any area in Harris County, Georgia and/or under the jurisdiction of Harris County any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance, or a NPDES permit which has been issued by the Georgia Environmental Protection Division.

2.3 Private Sewage Disposal

Except as hereinafter provided, construction or maintenance of any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage is prohibited in those areas of unincorporated Harris County for which Harris County operates a public sewer system and has been so designated by Resolution adopted by the Harris County Board of Commissioners.

2.4 Sewer Connection Required if Available

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the unincorporated jurisdiction of Harris County, Georgia, 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 or combined sewer, are hereby required at their expense to install adequate and suitable toilet facilities therein for all occupants and/or Users of said property and to connect such facilities with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within the required distance. In the event pumping is required for access to the public sewer, the pumping facility shall be installed and maintained by the owner.

As for commercial and industrial users, the quality of the wastewaters must be analyzed and an assessment of those waters reviewed for proper disposal methods. Based on this assessment and where Harris County's sewage conveyance system is available, those industrial and commercial users shall at their own expense and without regard to distance to the sanitary sewer system, install a sewage conveyance system to be connected to the Sanitary Sewer System of Harris County.

SECTION 3: PRIVATE SEWAGE DISPOSAL

3.1 Connection to Private Systems

Where a public sanitary or combined sewer is not available under the provisions of Section 2.4 above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section 3 or a septic tank complying with all county and state rules and regulations.

3.2 Refer Application to Health Department

Application for permits to construct, repair, alter, enlarge, and/or use privies; privy vaults, cesspools, aeration systems and septic tanks shall be referred to the Harris County Health Department.

3.3 Acceptable Private Sewage Disposal

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Georgia Department of Natural Resources and the Harris County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned at the end of such ninety (90) day period. The private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt by the Owner. Also, a property owner must repair and/or replace a private sewer connection within ninety (90) days of notification by Harris County that the repairs or a replacement is necessary. If the owner fails to complete the repairs/replacements within the ninety (90) days, enforcement actions may include,

but not limited to, disconnection of water and/or sewer services and/or fines as set forth in Section 10 of this ordinance.

3.4 Private Operation and Funding

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Harris County, unless an agreement in writing has been made with Harris County for such operation and maintenance.

3.5 Harris County Health Department

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Harris County Health Department.

3.6 Hauled Wastewater

All waste haulers are required to obtain a permit, issued by HARRIS COUNTY prior to any discharge to the POTW.

(a) Septic tank, grease-trap, and industrial waste may be introduced into the POTW only at locations designated by Harris County, and at such times as are established by the Superintendent of the POTW. Such wastes shall not violate Section 5 of this Ordinance or any other requirements established by Harris County.

(b) Harris County shall require generators of hauled industrial waste to obtain wastewater discharge permits. Harris County also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance. Harris County may also require haulers of permitted wastes to pay a fee for disposal at the Pollution Control Facility.

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

(d) Industrial waste haulers must provide a waste-tracking or manifest 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 the sources of the wastes, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4: BUILDING SEWERS AND CONNECTIONS

4.1 Application Required

No person shall uncover, make any connections with or opening into, use, alter, damage, or disturb any public sewer or appurtenance thereof without first obtaining written authorization from Harris County.

4.2 Connection Application

An owner or his agent shall make application for a sewer connection on a special form furnished by Harris County. The application shall be supplemented by any plans, specifications or other information required by Harris County. A connection fee of an amount set by the Harris County for a residential, commercial or industrial building sewer connection as the case may be, shall be paid to Harris County at the time the application is filed.

4.3 Responsibility for Cost

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify Harris County from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

4.4 Number of Sewers Required

A separate and independent building sewer shall be provided by the owner for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

4.5 Old Building Sewer Acceptable

Old building sewers may be used in connection with new buildings only when, on examination and test by Harris County they meet all requirements of this Ordinance.

4.6 Technical Specifications

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the specifications of Harris County for the design and installation of sewer mains in Harris County.

4.7 Sewer Depth and Pumping Requirement

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor or concrete slab. In all buildings in which any building drain is too low to permit gravity flow, based on minimum hydraulic design, to the public sewer, sanitary sewage carried by such building drain shall be lifted up and discharged to the building sewer at the expense of and maintained by the owner.

4.8 Surface Runoff Prohibited

No person or property owner shall make a connection of roof downspouts, exterior foundations drains, areaway drains or other sources of unpolluted surface runoff or groundwater to a building/facility sewer or building which in turn is connected directly or indirectly to a public sanitary sewer. If a connection already exists, the person or property owner shall have, upon notification by Harris County, ninety, (90), days to remove the illegal connection.

Facilities such as, but not limited to Carwashes and Detail shops must have in place devices/structures to prevent surface runoff from entering the sanitary sewer. Approved devices/structures may include the following: Roofs, structure sides, berms, and other applications approved by Harris County. If the connection has been previously approved by Harris County, a fee or surcharge may be imposed on the facility for the treatment of the surface runoff and to compensate for the extra hydraulic loading.

4.9 Connections to Public Sewer

The connection of the building sewer into the public sewer shall conform to the specifications for the design and installation of sewer mains in Harris County. Harris County requires that all such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials, must be approved before installation by Harris County so as not to be in violation of the Codes of Ordinances of Harris County, Georgia.

4.10 Inspection and Supervision

The applicant for the building sewer permit shall notify Harris County before any backfill when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of a representative of Harris County.

4.11 Safety

All excavations for building sewer installation shall be adequately guarded with barricades, lights, or other means so as to protect the public from danger. Streets, sidewalks, parkways and other public property, disturbed in the course of the work, shall be restored by the building owner in a workman-like manner in accordance with the Codes and Ordinances of Harris County, Georgia, and requirements of the Georgia Department of Transportation (DOT).

SECTION 5: PROHIBITIONS AND LIMITATIONS OF WASTEWATER DISCHARGES

5.1 General Discharge Prohibitions

No user shall contribute or distribute, directly or indirectly, any pollutant or wastewater that will cause interference or pass-through of the POTW. These general prohibitions apply to all Users of a POTW in addition to all other provisions of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403) or any national, State, or local Pretreatment Requirements. A user may not contribute or distribute the following substances to any POTW.

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may become, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, naphtha, benzene, fuel oil or any wastestream which has a closed-cup flash point of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21 and which is a fire hazard to the system.

(b) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (2) inch in any dimension, animal guts or tissues, paunch, manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.5 or greater than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. A user that discharges less than 50,000 gallons per day of process wastewater, may be allowed to discharge wastewater having a pH not less than 5.5 or greater than 11.0 as determined and approved by Harris County.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant Section 307 (a) of the Act, Sara Title III or TTO list.

In the event of toxicity being found in the POTW, Harris County may at its discretion require Industrial Users to participate in a Toxicity Reduction Evaluation in accordance with the provisions of the Harris County NPDES permits.

(e) Any pollutants that are noxious, toxic or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or an acute hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used.

(g) Any substance, which will cause the POTW to violate its NPDES Permit or the receiving stream water quality standards.

(h) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Harris County's NPDES permit.

(i) Heat in amounts which will inhibit biological activity in POTW treatment plant resulting in interference or heat in amounts along with corrosive characteristics of the wastewater, accelerate corrosion of the collection system piping or pump station structures and/or pump station equipment, but in no case wastewater with a temperature at the introduction into the public sewer which exceeds 65.5°C (150°F). Also prohibited is any wastewater with a temperature which will cause the temperature at the POTW influent to exceed 40°C (104°F).

(j) Any slug discharge of wastes, including oxygen demanding pollutants (BOD, COD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.

(l) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(m) Trucked or hauled pollutants, except at discharge points designated by Harris County in accordance with Section 3.7 of this ordinance.

5.2 National Pretreatment Standards

The categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N are hereby incorporated. Certain Industrial Users are now or shall become subject to these categorical pretreatment standards promulgated by the Environmental Protection Agency, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All Industrial Users subject to categorical pretreatment standard may also be subject to the limitations established in Column B of Section 5.3 or by the State of Georgia. Compliance with categorical pretreatment standards for existing sources shall be subject to the requirements in Section 8.14 of this ordinance. Compliance with categorical pretreatment standards for new sources shall be required upon promulgation of the standard by the Environmental Protection Agency.

5.3 Limitations on Wastewater Strength and Flow Rate

No person or User shall discharge wastewater in excess of the concentration set forth in Column A below unless a special permit condition is issued with their wastewater discharge permit. Special permit conditions may be issued for the following reasons:

(a) The User is in compliance with categorical pretreatment standards, and the receiving plant's influent wastewater characteristic is within the guidelines established to protect the treatment plant operations and receiving stream water quality.

(b) In the case whereas the industrial user will have to construct or build a system to treat its effluent to within the permitted limits, a compliance schedule may be set forth for a particular industrial user to comply with permitted limits,.

(c) For Industrial Users having discharges of less than 10,000 gallons per day, a mass limit may be applied based on the maximum acceptable concentration at a flow of 10,000 gallons per day.

Tabulated in Column B are the maximum concentrations of the indicated constituents that are allowed in the waste stream at the influent of a treatment facility. Should these concentrations be exceeded, the discharge limits of the industrial Users may be reduced below the limits in Column A. The Industrial Users may be required to reduce their concentrations to alternate limits set by Harris County to ensure that the level in the POTW influent does not exceed the concentrations in Column B.

	From point source	Loading to the headworks of Pollution Control Plant
	A	B
	Maximum Concentration	Maximum Concentration
<u>PARAMETER</u>	<u>(MG/L)</u>	<u>(MG/L)</u>
Arsenic	0.25	0.01
Cadmium	0.13	0.008
Chromium (Total)	11.68	0.293
Copper	2.26	0.067
Cyanide	0.16	0.003
Grease & Oil	200.0	
Lead	0.79	0.042
Mercury	0.12	0.0006
Nickel	1.57	0.08
Phenol	77.54	4.338
Selenium	0.66	0.03
Silver	6.86	0.126
Zinc	2.17	0.105
Molybdenum	1.02	0.05

The Federal categorical pretreatment standards may establish limits for parameters not listed previously in this section, including specific organic substances. Any industry subject to these federal standards shall be required to meet the established limits through a permit issued by

Harris County. In addition, Harris County may limit the discharge of other specific substances not listed above on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or violates any receiving stream water quality standards.

5.4 Dilution Prohibited

No User shall 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 the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by Harris County or the State. Harris County may impose mass limitations on an Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

5.5 Accidental Discharges

Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or User's own cost and expense. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the Industrial User shall submit to Harris County a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences as required by CFR 403. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance to other applicable law. Any User may be required by Harris County to prepare and submit for approval a Spill Prevention/Contingency Plan. A Spill Prevention/Contingency Plan must address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals and a site map indicating the areas where these chemicals are stored;
- (c) Procedures for immediately notifying Harris County and any of the required government and local agencies of any accidental discharge or spill, required in the above paragraph of this section;
- (d) Procedures to prevent adverse impact from any accidental or spill 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvent, and/or measures and equipment for emergency response.

5.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level in compliance with the provisions of the Ordinance shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Harris County for review, and shall be in compliance with the provisions of this Ordinance before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to Harris County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to Harris County as in compliance with the provisions of this Ordinance prior to the User's initiation of the changes.

5.7 Hazardous Waste Notification

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and is readily available to the user: identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass 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 notifications under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 8.3 (i) of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to Categorical Pretreatment Standards under self-monitoring requirements of Section 8.3 (e) of this Ordinance.

(b) Dischargers are exempt from the requirements of paragraph A, 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 waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law. No hazardous waste may be discharged without prior approval by Harris County.

5.8 Slug Discharges

At least once every two (2) years, Harris County shall evaluate whether each Significant Industrial User needs a Slug Control Plan. For the purposes of this subsection, a slug discharge is any discharge of non-routine, episodic nature, including, but not limited to a non-customary batch discharge. Harris County may require any user to develop, submit for approval, and implement such a plan for the control of slug discharges. Alternatively, Harris County may develop such a plan for any user. A slug discharge control plan shall address at a minimum, the following:

(a) Description of discharge practices, including non-routine and routine batch discharges, lockout procedures for all process tanks and storage tanks;

(b) Description of stored chemicals in all process areas;

(c) Procedures for immediately notifying Harris County of any accidental or slug discharges, as required in the above paragraph of this section;

(d) Procedures to prevent adverse impacts from any slug discharges. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transferring of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 6: FEES

6.1 Purpose

It is the purpose of this Section to provide for the recovery of costs from Users of the Harris County wastewater disposal system. The applicable charges or fees shall be set forth in the Harris County schedule of Charges and Fees.

6.2 Charges and Fees

The Board of Commissioners of Harris County may adopt charges and fees and from time to time modify, change, alter, increase or decrease said charges and fees for Users of the Harris County POTW. Sewer service charges shall be prepared and rendered with the water bill. Harris County is also authorized to assess a separate fee for Industrial Users for costs incurred by Harris County and related to the pretreatment requirements of this Ordinance. The monthly sewer service charge for users of public sewers including those facilities that are assessed a surcharge as described in Section 6.3 who are supplied either wholly or in part with water from wells or sources of supply other than Harris County shall be based on the measured waste flow using the rates in effect at the time. The owners of the premises or other interested parties shall install a flow measuring device on their waste discharge lines at no expense to Harris County. The flow measuring device shall be of a type that shall perform within ± 2 percent of accuracy and shall be located so as to be readily accessible to representatives of Harris County. The flow measuring devices shall be calibrated at least once per six months or whenever requested by Harris County.

6.3 Surcharges

All persons discharging high strength waste into the public sewers shall be charged and assessed a surcharge set by Harris County, in addition to any sewer service charge, if these wastes have a concentration of BOD in excess of 300 parts per million, suspended solids in excess of 300 parts per million, and/or Oil and Grease in excess of 100 parts per million, (note: Oil & Grease concentrations in excess of 200 parts per million is a violation of Section 5.3 of this ordinance). The surcharge rate is established by Board of Commissioners of Harris County based on the pounds of BOD, suspended solids, and Oil and Grease discharges in excess of the concentrations stated above.

Said high strength waste (as defined above) of each User discharging same into the public sewers shall be subject to inspection periodically. A determination of character and concentration of said waste shall be made semiannually, or more frequently as determined by Harris County. The concentration of BOD and suspended solids determined from these inspections shall be used to compute the monthly surcharges. Harris County reserves the right to use COD concentrations in lieu of BOD concentrations, if the BOD concentrations of the effluent wastestream cannot be obtained due to interference from chemical constituents in the wastestream. Under these circumstances, COD concentrations may be used to determine the BOD concentrations. The laboratory methods used in the examination of the waste shall be those set forth in 40 CFR 136.

6.4 Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sands and any other harmful pollutants; except that such interceptors shall not be required for single family dwelling units. All interceptors shall be of a type and capacity specified by the Harris County Grease Trap Program, Section 7 of this ordinance. Failure to comply may result in termination of water/wastewater services and/or fines as outlined in the section 10 of this ordinance.

6.5 Special Agreements

No statement contained in this Ordinance shall be construed as preventing any special agreement between Harris County and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by Harris County for treatment, subject to payment therefore by the industrial concern. The terms and condition of any such agreement may not, however result in a violation on any Industrial Pretreatment Regulations for Existing and New Sources of Pollution.

SECTION 7: HARRIS COUNTY GREASE/SAND TRAP PROGRAM

7.1 Purpose

The intent of this program is to ensure compliance with the rules and regulations set forth in this ordinance and to provide specific standards for FOG traps/interceptors location, type, size, construction, installation, and maintenance, to prevent excessive fats, oils, and grease from entering the Harris County Sewer System. Food Service Establishments shall provide means of preventing FOG discharges into the sanitary sewer system by installing and maintaining traps/interceptors at the owner, leaseholder, or operator's expense using the guidelines set forth in this ordinance. Failure to comply may result in penalties as set forth in Section 10 of this ordinance.

A list of the recommended ratings for commercial grease traps is presented in table, 1 Section 7.73 of this Ordinance. An alternative to the proprietary grease trap is the pre-cast or poured in place concrete unit, usually located outside of the building.

7.2 General Requirements

The following design, administrative, operational, and other requirements are applicable to all food service establishments. Specific requirements for grease trap/interceptor construction for both new and existing food service establishments can be found in section 7.6 of this ordinance.

(a) All food service establishments shall have grease-handling systems approved by Harris County. Establishments whose grease-handling facilities are not in accordance with this ordinance shall install approved devices within ninety (90) days from initial notification date.

(b) All food service establishment operations shall be subject to periodic review, evaluation, and inspection by Harris County.

(c) Violations of the FOG standards set forth in this Ordinance may result in enforcement actions as outlined in Section 9 of this ordinance.

(d) Food service establishments whose operations cause or allow excessive grease to discharge or accumulate in the sewer collection system may be liable for all cost associated to line blockages, line cleaning, line repair where needed, any stop-ups or overflows, and any damage to public or private property that is a direct result of grease accumulation related to the facility in violation.

(e) All traps /interceptors shall be designed and installed in accordance with this ordinance.

(f) All food service establishments must complete a permit application for the discharge of waste from food preparation and food service industries into the Harris County Sewer System.

(g) The following class codes will be used as a classification system to categorize the food service facilities

Class Codes	Facility Classification
A	Restaurants/Cafeterias
B	Institutions (schools, churches, etc.)
C	Nightclubs/Bar & Grills
D	Deli Stores/Supermarkets
E	Other

7.3 Inspection and Sampling

Harris County may inspect the facility of any user to determine compliance with this ordinance. Facilities where wastewater is created or discharged shall allow Harris County representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection. Unreasonable delays and/or denial of access shall be in direct violation of this ordinance, and be subject to the penalties as set forth in Section 10 of this ordinance.

The applicant for the installation of an approved device shall notify the Harris County Environmental Compliance Department before any backfill, and when the device is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of a representative of Harris County.

7.4 Trap/Interceptor Maintenance

Maintenance and clean-out schedules shall be provided at the request of Harris County. Harris County will evaluate the efficiency of the device during inspections, and may require an increase or decrease in the frequency of clean-outs.

7.41 In-ground Devices

Facilities with these devices shall adhere to a clean-out maintenance schedule as required by Harris County. Schedules will be set using the following criteria: Business' operating hours, seating capacity, types of food service provided, size of device, and inspection results.

7.42 Under-Sink/Compartmental Devices – Facilities that are approved for these type of devices shall be required to:

- (a) Clean-out on an as needed basis, minimum once every month.
- (b) Check devices at a minimum of once per week.
- (c) Maintain accurate records as defined in section 7.6 of this Ordinance.

7.5 Wastehaulers

Wastehaulers must obtain a permit from Harris County. Wastehaulers will be issued a manifest to record clean-out information. A list of permitted wastehaulers will be maintained by Harris County.

7.51 Proper clean-out Procedures

Proper clean-out procedures include, but are not limited to; total pump-out, dewatering, sludge/solids removal, and water replacement. Skimming is not an accepted method of cleaning out grease traps/interceptors.

7.6 Records and Records Retention

Records of FOG removal systems shall be maintained on forms supplied by Harris County and available to Harris County upon request. Records shall be retained for a minimum of 3 years.

7.7 Construction/Sizing Standards

7.71 Capacity

Traps should be sized for a minimum detention period of 5 minutes under peak flow conditions. Two options are shown below to size grease interceptors for restaurants and commercial kitchens. However, the minimum accepted size for a grease interceptor is 1000 gallons.

Restaurants:

Size of Grease Interceptor = (ST)(20)(HR/12)(LF) in Gallons

Where: ST = Number of seats in dining area

HR = Number of hours open

LF = Loading factor - 1.25 for interstates or freeways

1.0 other freeways

1.0 recreational areas

0.8 main highways

0.5 other highways

Hospitals, Nursing Homes, Other types of Commercial Kitchens w/limited seating capacity:
Size of Grease Interceptor = (M)(ST)(5)(LF) in Gallons

Where: M = Number of meals per day
ST = Number of seats in dining area
LF = Loading factor - 1.0 w/dishwashing
0.5 w/o dishwashing

7.72 General Installation Requirements

- (a) Grease traps shall be installed as close to the source of grease as possible, or so installed to allow the wastestream to cool considerably before entering the trap system.
- (b) The grease trap shall either be baffled to retain congealed grease on the surface of the liquid or contain two chambers for primary and secondary settling.
- (c) Influent shall enter the trap a minimum of 6" below the normal liquid level to keep the surface as still as possible.
- (d) Effluent shall be drawn from near the bottom of the trap at a minimum of 18" below the liquid level.
- (e) Inlet and outlet of trap shall be provided with cleanouts for unplugging both sewers and dip pipes.
- (f) Food waste disposers may not be connected through a grease interceptor.
- (g) A large manhole, removable slab, or other cover to suit traffic load shall be installed so that all chambers of the trap are readily accessible for complete cleaning of both floatable and settleable solids.
- (h) Top or cover shall be gas tight.
- (i) Grease collected from an interceptor shall not be introduced into any drainage piping, public or private sewer.
- (j) Sanitary/Domestic waste shall not be allowed to flow in any interceptor/trap system.
- (k) All traps/interceptors shall have installed a means to prevent the introduction of materials into the pretreatment system such as paper, plastics, metals or other materials that which if introduced into the sanitary sewer system or directly into the headworks of the POTW, will cause obstruction, interference or damage to any of the conveyance systems or POTW treatment works.

7.73 New Facilities

All food service establishments applying for water/sewer service shall be required to submit plans and or drawings outlining the plumbing layout and location of trap/interceptor installation.

Facilities will be evaluated using the following criteria to determine trap size:

- (a) Class Code
- (b) Hours of Operation
- (c) Seating Capacity

In-ground Devices – Sizes shall be determined using the criteria listed above, and capacity standards as listed in section 7.71 of this ordinance.

Compartmental/Under-Sink Devices – May be installed in instances where the type of food service presents little or no possibility of the discharge of fats, oils, and grease.

All devices must have approval prior to construction or installation by Harris County, and adhere to any local and/or state plumbing codes that apply.

7.74 Existing Facilities

All existing facilities upon notification, shall install an approved grease handling device within ninety (90) days of such notification.

In situations in which in-ground devices are not feasible to install, facilities will be required to install an approved compartmental device. This variance must be approved by Harris County prior to installation.

When an existing facilities grease handling device is determined to be in non-compliance the responsible person(s) will be notified in writing, of the required improvements which shall be made within ninety (90) days of such notice.

7.8 FOG Enforcement

Harris County will conduct random inspections to insure that proper maintenance and cleanout schedules are being followed.

Cleanout schedules will be set by Harris County using the variables as outlined in Section 7.4 of this Ordinance. Cleanout frequency may increase or decrease depending on the efficiency (prevention of grease entering the sewer system) of the device installed. Failure to comply with these schedules may subject the user/owner to the penalties as outlined in section 10 of this ordinance.

Any facility that is found to be responsible for a sewer line blockage and/or sanitary sewer overflow will be liable for any expenses incurred from the cleanup or unstopping of the sewer line/system.

7.9 Detail shops/ Carwashes

Facilities that are required by the Board of Commissioners of Harris County to discharge their wastestream into the Harris County Sanitary Sewer shall meet the following requirements:

(a) An approved Sandtrap/Interceptor must be installed and maintained for the prevention of sand, oil, and grease from entering the sewer system.

(b) Sandtrap/Interceptors shall be covered with an approved roof and devices in place to prevent storm water run-off from entering the sanitary sewer system.

SECTION 8: ADMINISTRATION

8.1 Permit Application

Significant Industrial Users shall discharge wastewater only in accordance with the conditions of their Wastewater Discharge Permit. All Significant Industrial Users shall apply for and obtain a Wastewater Discharge Permit in the manner hereinafter set forth. Permit application forms will be sent to affected Industrial Users by Harris County following promulgation of a categorical standard or a determination by Harris County that a permit be issued. A permit application shall be submitted by the User, accompanied by a fee set by Harris County, within 180 days after promulgation of a Categorical Standard or a determination by Harris County that a permit be issued.

8.2 Incomplete Application

Harris County will act only on complete applications. Persons who have filed incomplete application will be notified by Harris County that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by Harris County, the application will be denied and the applicant notified in writing of such action.

8.3 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of the Ordinance and all other applicable ordinances, laws and regulations. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics based on applicable pretreatment standards;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) 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 or local law;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for retaining plant records relating to wastewater discharge;

(i) Requirements for notification of Harris County of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges;

(k) Requirements for the installation of facilities or procedures to prevent and control accidental discharge or spills at the User's premises;

(l) Requirement of a spill prevention/contingency plan;

(m) Requirements for notification of any by-passes around pretreatment systems;

(n) Other conditions as deemed appropriate by Harris County to ensure compliance with this Ordinance;

(o) 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.

(p) Statement of permit duration as specified in Section 8.4 of this ordinance;

(q) Statement of non-transferability as specified in Section 8.5 of this ordinance;

Prior to issuing a discharge permit, a draft permit will be sent to the user (certified mail-return receipt requested) which will show the conditions and discharge limitations. The user will be allowed thirty (30) days to show cause why the conditions of this permit should not be required.

8.4 Permit Duration

Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance at least 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit shall expressly provide that they are subject to modifications, new conditions, and changes by the Harris County during the term of the permit as limitations or requirements as identified in Section 5 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Harris County reserves the right to extend or change a permit expiration date for any of the following reasons:

- (a) unanticipated changes in the application or permitting processes;
- (b) unanticipated changes to any Federal rule or regulation concerning industrial pretreatment.

8.5 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new or different owner, new or different User, different premises, or a new, different, or changed operation without the approval of Harris County. Any succeeding owner or User, upon request, shall be provided with a copy of the existing permit by the existing owner.

8.6 Monitoring Facilities

Harris County may require to be provided and operated at an Industrial User's own expense, monitoring facilities to allow inspection, sampling, testing, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall normally be situated on the User's premises, but Harris County, when such a location would be impractical or cause undue hardship to the User, permit the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The facility, sampling, testing, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling, testing, and monitoring facilities shall be provided in accordance with Harris County requirements, this Ordinance and all applicable local building codes, construction standards and specifications. The facility shall be completed within 90 days following written notification of requirement by Harris County.

8.7 Inspection and Sampling

Harris County shall inspect the facilities of any User to ascertain whether the purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow Harris County and its representatives, the Environmental Protection Division (EPD) of the Department of Natural

Resources and the U.S. Environmental Protection Agency (EPA) ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, sampling, records examination or in the performance of any of their duties. Harris County shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, testing, compliance monitoring, and/or metering operations. Where a User has security measures in force, which require proper clearance before entry into their premises, the User shall make necessary arrangements so that personnel from Harris County, EPD, or EPA will be permitted to perform their specific responsibilities and to exercise the rights and authorities herein provided.

8.8 Wastewater Survey

Any commercial or industrial user may be required to complete a wastewater survey questionnaire as requested by Harris County.

8.9 Confidential Information

Information and data on a User and/or its business contained in reports, questionnaires, permit applications, permits and monitoring programs and/or inspections shall be available to the public or other government entities or agency without restriction unless the User specifically requests and demonstrates the release of such information would divulge information, processes or methods of production entitled to protection as a secret, right of privacy or trade secret of the User or that it would substantially injure or damage the User.

When requested by the person furnishing a report, the portions of a report which might disclose rights of privacy, trade secrets, secret processes or contain substantially injuring or damaging information shall not be made available for inspection by the public but shall be made available upon request to governmental entities and agencies for uses related to this Ordinance, Harris County's National Pollutant Discharge Elimination System (NPDES) Permit, or Pretreatment Program; provided, however, that such portions of a report shall be available for use by or any state entities or agency in enforcement proceedings or judicial review involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential; information entitled to any protection from disclosure. Information accepted by Harris County as confidential, as provided above shall not be transmitted to the general public by Harris County until and unless a ten-day advance written notification is given to the User by Harris County.

8.10 Signatory Requirements

All wastewater permit applications and user reports must be signed by an authorized representative of the user, as defined in Section 1.2 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.”

8.11 Public Notification of Violations

Harris County shall at a minimum, annually publish in the Harris County newspaper a list of the Users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty- six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).

(c) Any violation of a pretreatment effluent limit (daily maximum or long-term average) that an IU/Commercial User causes alone or in conjunction with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Board exercising its emergency authority under Section 9.1;

(e) Failure to meet, within 90 days after the schedule date, a compliance milestone contained in a User’s wastewater permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which Harris County determines will adversely affect the operation of the pretreatment program.

8.12 Baseline Monitoring Reports

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical

determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Harris County a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to Harris County a report which contains the information listed in paragraph (b), 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 or pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(1) *Identifying Information* - The name and address of the facility, including the name of the operator and owner.

(2) *Environmental Permits* - A list of any environmental control permits held by or for the facility.

(3) *Description of Operation* - A brief description of the nature, average rate of production, standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow Measurement* - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of Pollutants*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by Harris County, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where require shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.3 of this Ordinance.

(c) Sampling must be performed in accordance with 40 CFR 403.7(C)(iv).

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

(7) *Compliance Schedule* - If additional pretreatment and/or O&M will be required to meet the pretreatment standards, 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.

(8) *Signature and Certification* - All baseline monitoring reports must be signed and certified in accordance with Section 8.10 of this Ordinance.

8.13 Compliance Schedule

The following conditions shall apply to the compliance schedule required by Section 8.12(7) of this Ordinance:

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

(b) No increment referred to above shall exceed nine (9) months;

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

(d) In no event shall more than nine (9) months elapse between such progress reports to Harris County.

8.14 Compliance with Categorical Standards

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 to the POTW, any user subject to such pretreatment standards and requirements shall submit to Harris County a report containing the information described in Section 8.12 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 or production (or other measure or operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.10 of this Ordinance.

8.15 Compliance Reports (Self-Monitoring)

(a) All significant industrial users shall, at a frequency determined by Harris County, 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 Section 8.10 of this Ordinance.

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

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by Harris County, using the procedures prescribed in Section 8.18 of this Ordinance, the results of this monitoring shall be included in the report.

8.16 Changed Conditions

Each user must notify Harris County of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(a) Harris County may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 8.1 of this Ordinance.

(b) Harris County may issue a wastewater discharge permit under Section 8.4 of this Ordinance or modify an existing wastewater discharge permit under Section 8.4 of this Ordinance in response to changed conditions or anticipated changed conditions.

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

8.17 Notice of Violation/Repeat Sampling & Reporting

If sampling performed by a user indicates a violation, the user must notify Harris County within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to Harris County within thirty (30) days after becoming aware of the violation. The user is not required to resample if:

(a) Harris County performs sampling at the Industrial User at a frequency of at least once per month, or

(b) Harris County performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

8.18 Sample Collection

(a) Except as indicated in Section b, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, Harris County may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this provides a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil & grease, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

8.19 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 described in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses not be performed in accordance with procedures approved by the EPA.

8.20 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 if information obtained pursuant to monitoring activities undertaken by the user is 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 Harris County, or where the user has been specifically notified of a longer retention period by Harris County.

SECTION 9: ENFORCEMENT

Harris County reserves the right to administer any of, but not limited to, the following enforcement actions. In addition to the following enforcement actions, Harris County administers a Pretreatment Enforcement Response Plan that specifies a step by step enforcement action program.

9.1 Emergency Termination of Service

In the event of an actual or threatened discharge to the POTW of any pollutant which presents an imminent and substantial danger to the health or safety of persons, or danger of interference with the POTW, Harris County shall immediately notify the Industrial User or other person causing or responsible for the condition and request their assistance in abating the same. Harris County may temporarily terminate service of such User or Users to abate the condition

when such action is reasonably necessary. Such service shall be restored by Harris County as soon as the emergency situation has been abated or corrected.

9.2 Notification of Violation

Any person found to be violating any provision of this Ordinance shall be served by Harris County with written notice stating the nature of the violation and providing reasonable time limit in days, weeks or months, for the satisfactory correction thereof. The User shall, within the period of time stated in such notice, permanently cease and/or remedy all violations.

9.3 Administrative Orders

Administrative Orders (AOs) are enforcement documents that direct non-domestic users to undertake or to cease specified activities. The terms of AOs may or may not be negotiated with non-domestic users. AOs are used as the first formal response to significant noncompliance. Four common types of AOs are:

(a) Consent agreements - A negotiated agreement with the IU in which both parties agree to actions to be taken to return to compliance.

(b) Cease and desist orders - a directive to an IU to discontinue an action that is resulting in noncompliance.

(c) Show cause orders - Formal meeting requiring the IU to appear and demonstrate why Harris County should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

(d) Compliance orders (compliance schedules) - A time schedule of activities to be completed to return an IU to compliance.

Consent Agreements are the first formal response to significant noncompliance in which terms are negotiated with the user. If the Consent Agreement fails to be effective, other AOs without user negotiation will be used.

9.4 Revocation of Permit

Any user who violates the following conditions of this Ordinance and/or applicable State and Federal laws and/or regulations, is subject to revocation of his permit in accordance with the procedures of Section 9 of this Ordinance:

(a) Failure of a User to report factually the wastewater constituents and characteristics of his discharge;

(b) Failure of the User to report material changes in his operation, or wastewater constituents and characteristics;

(c) Refusal of access to the User's premises for the purpose of inspection, sampling, testing or monitoring; or,

(d) Violation of conditions of his permit in accordance with the provisions of this Ordinance.

9.5 Show Cause Hearing

Harris County may issue a notice directing a User to Appear before the Board at a specified date and time to show cause why a proposed enforcement action should not be taken in response to a violation of this Ordinance, other applicable law or regulation, or conditions in the User's Wastewater Discharge Permit.

The Board may itself conduct the hearing and take the evidence, or it may designate any of its members or any officer or employee of the Board to conduct the hearing and transmit a report of the evidence and hearing, with recommendations, to the Board for action thereon.

After the Board has reviewed the evidence, it may take action for violations as authorized under Section 10 of the Ordinance.

9.6 Injunctive Relief

Harris County, Georgia may file in Superior Court of Harris County, Georgia, or any other appropriate forum a suit seeking the issuance of an injunction, damages, and/or other appropriate relief to enforce the provisions of this Ordinance or other applicable law or regulation. Such a suit may include any and all damages suffered by Harris County, Georgia, or the Board as a result of any action, omissions, or inaction of any User or other person who causes or permits damage to occur to the POTW, or for any other expense, cost, loss or damage of any kind or nature suffered by Harris County, Georgia, or any branch, department or agency thereof.

9.7 Damaging Facilities

No person shall maliciously, willfully or negligently break, damage, destroy, remove, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of Harris County or the sewerage work of Harris County, Georgia. Any person violating this provision shall be guilty of a misdemeanor.

9.8 Affirmative Defense for Upsets

(a) For the purpose of this section, an 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, lack of preventative maintenance, or careless or improper operation.

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

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

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

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and,

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

(A) A description of the indirect discharge and cause of noncompliance;

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

(C) Steps being taken and/or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

(F) User 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.

9.7 Affirmative Defense for Prohibited Discharge

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 5 of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Harris County was regularly in compliance

(c) with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

9.8 Affirmative Defense for Bypasses

(a) For the purposes of this section;

(1) A Bypass means the intentional diversion of wastestreams from any portion of an user's treatment facility.

(2) A Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraph (c) and (d) of this section.

(c) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to Harris County, at least ten (10) days before the date of the bypasses, if possible.

(2) A user shall submit oral notice to Harris County 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 be submitted within 5 business days of the bypass as required per CFR 403. 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. Harris County may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) (1) Bypass is prohibited, and Harris County may take an enforcement action against a user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(C) The user submitted notices as required under paragraph (c) of this section.

(2) Harris County may approve an anticipated bypass, after considering its adverse effects, if Harris County determines that it will meet the three conditions listed in paragraph (D)(1) of this section. All decisions on validity of Affirmative Defenses will be made by the Board of Commissioners or its designee and such decisions will be final.

SECTION 10: PENALTIES

10.1 Actions by Harris County

Should water or wastes be discharged to the POTW in violation of any provisions of this Ordinance, the Board may after notifying the offender and providing a hearing before the Board:

(a) Terminate water service and/or the discharge of water and wastes by the violator into the POTW;

(b) Require pretreatment into a condition as authorized and/or required by this Ordinance, or any water or wastes into the POTW;

(c) Require control over the quantities and flow rates of water or wastes entering the POTW as authorized and/or required by this Ordinance;

(d) Require payment by the violator to cover the added capital and operating costs, not covered by existing taxes or sewer charges, of handling and treating otherwise prohibited wastes, which can be documented as reasonable charges for the materials, supplies, labor and other costs actually required.

(e) Revoke the Users permit;

(f) Any person failing to pay any sewer charges authorized by this Ordinance shall be subject to termination of their sewer service.

Any person who violates any provision of this Ordinance shall, upon conviction in the Magistrate Court of Harris County, Georgia, be punished by a fine and/or imprisonment at the discretion of the Magistrate.

Further, any industrial user who violates any provisions of Sections 5.8 of this Ordinance, shall be subject to a civil or criminal action to be brought by Harris County, and if found to be in violation, civil or criminal penalties up to at least \$1,000.00 violation per day may be awarded. 40 CFR.

10.2 Falsifying Information

Any person who knowingly makes any false statements, representation, omission or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance or reports of any such monitoring device or method may be subject to a fine or imprisonment under applicable State or Federal law.

SECTION 11: SEVERABILITY

If any provision, paragraph, work, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 12: POWER OF HARRIS COUNTY

Harris County shall have all authority to deal with, exercise or apply all of the powers and authority of Harris County, Georgia, with respect to the subject matter of this Ordinance; all of the authority and powers contained in the subject of water pollution and control, and the regulations promulgated pursuant thereto, in the Federal Water Pollution Control Act, also known as the Clean Water Act, as presently amended and/or Federal law on the subject of water pollution and control, and the regulations promulgated pursuant thereto.

Harris County is hereby authorized to develop formulas and promulgate regulations to provide, inter alia for the sharing or paying of costs according to benefit or otherwise, or facilities, connections, service charges, discharge fees, pretreatment charges, retainers, interceptors, permit fees, user charges and fees, sampling, testing, measuring and monitoring fees.

SECTION 13: CONFLICT

All other Ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

SECTION 14: UNCONSTITUTIONALITY

If any part of this ordinance shall be deemed to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment and the remainder thereof shall remain in full force and effect.

SECTION 15: REPEALER

All laws, ordinances, resolutions or parts thereof which conflict with this ordinance are hereby repealed.

SECTION 16: EFFECTIVE DATE

This Ordinance after adoption and upon approval by the Board of Commissioners of Harris County shall become effective immediately.

INTRODUCED AND FIRST READING: 12/16/2014

ADOPTED/REJECTED: 12/16/2014

HARRIS COUNTY BOARD OF COMMISSIONERS

/s/ J. Harry Lange, Chairman
/s/ Martha F. M. Chewning, Commissioner
/s/ Becky Langston, Commissioner
/s/ Joey Loudermilk, Commissioner
/s/ Jim Woods, Commissioner

Attest:

/s/ Nancy D. McMichael, County Clerk