

ARTICLE III. - SEWER USE ORDINANCE

- **DIVISION 1. - GENERAL PROVISIONS**

- **Sec. 82-51. - Purpose and policy.**

This article sets forth uniform requirements for Users of the Sewage Works for Forsyth County and enables the County to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the general Pretreatment regulations of the United State Environmental Protection Agency (40 Code of Federal Regulations Part 403 et seq.). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the Sewage Works that will interfere with its operation, and to prevent the introduction into the POTW of any pollutant or hazardous substance which causes personal injury or property damage or, other than in compliance with all local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works;
- (2) To prevent the introduction of pollutants into the Sewage Works that will pass through the Sewage Works inadequately treated into receiving waters or otherwise be incompatible with the Sewage Works;
- (3) To protect human health, safety and the environment, including protection of Sewage Works personnel who may be affected by Wastewater in the course of their employment and the general public;
- (4) To promote reuse and recycling of Industrial Wastewater and biosolids from the Sewage Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Sewage Works; and
- (6) To enable Forsyth County to comply with its National Pollution Discharge Elimination System Permit conditions, re-use permit conditions, biosolids use and disposal requirements, and any other applicable federal or state laws.

This article shall apply to all Users of the Sewage Works within the jurisdictional boundary of Forsyth County, except for those areas within the City of Cumming sewer service area. The ordinance authorizes the issuance of Individual Wastewater Discharge Permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- **Sec. 82-52. - Administration.**

Except as otherwise provided herein, the Forsyth County Water and Sewer Director shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Director may be delegated to other County personnel.

- DIVISION 2. - DEFINITIONS**

- Sec. 82-53. - Abbreviations.**

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

Al ₂ (SO ₄) ₃	Aluminum Sulfate
BAT	Best Available Technology
BMR	Baseline Monitoring Report
BOD ₅	Biochemical Oxygen Demand (five day)
BPT	Best Practicable Technology
CBI	Compliance Biomonitoring Inspection
CERCLA	Comprehensive Environmental Response, Compensation, and Liabilities Act of 1980
CFR	Code of Federal Regulation
Cl ₂	Chlorine
COD	Chemical Oxygen Demand
CSI	Compliance Sampling Inspection
DNR	Department of Natural Resources of the State of Georgia
DMR	Discharge Monitoring Report
D.O.	Dissolved Oxygen
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act of 1986
EPD	Environmental Protection Division of the Department of Natural Resources of the State of Georgia
ERP	Enforcement Response Plan
FeCl ₃	Ferric Chloride
Fe ₂ (SO ₄) ₃	Ferric Sulfate
F/M Ratio	Food to Microorganism Ratio for the County's WPCP
FOG	Fats, Oils, and Grease (and Wax)
GA129	Georgia 129 Priority Pollutants
GAIWQS	Georgia In-stream Water Quality Standards
gpd	gallons per day
gpm	gallons per minute
H ₂ S	Hydrogen Sulfide
H.M.#	Hach Method number for certain laboratory procedures (see Hach Water Analysis Handbook)
IPP	Industrial Pretreatment Permit
IU	Industrial User
MGD	Million Gallons per Day
MPN	Most Probable Number of coliform group organisms
mg/L	milligrams per Liter
<u>MSDSNH₃</u>	<u>Material Data Safety Sheet Ammonia (as N)</u>
<u>NO₃</u>	<u>Nitrate</u>
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
O&M	Manual Operations and Maintenance Manual
OMR	Operations Monitoring Report
PO ₄	Phosphorous (as P)
POTW	Public Owned Treatment Works

ppm	parts per million (same as mg/L)
ppb	parts per billion (same as µg per liter)
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendment Reauthorization Act
SCADA	Supervisory Control and Data Acquisition system
SDS	Safety Data Sheet
SIC	Standard Industrial Classification
SIU	Significant Industrial User
S.M.#	Standard Methods number for certain laboratory procedures (see Standard methods for the Examination of Water and Waste Water)
TKN	Total Kjeldahl Nitrogen
TOMP	Toxic Organic Management Plan
TSCA	Toxic Substance Control Act
TSS	Total Suspended Solids
TTO	Total Toxic Organics
µg/L	micrograms per liter (same as parts per billion)
U.S.C.	United States Code
WPCP	Water Pollution Control Plant (Waste Water Treatment Plant), (Advanced Water Reclamation Facility)
WWTP	Waste Water Treatment Plant (Water Pollution Control Plant), (Advanced Water Reclamation Facility)

• **Sec. 82-54. - Definitions.**

The following words, terms and phrases, when used in this article, and regardless of whether the same are capitalized, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Act or *The Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Aluminum sulfate (Alum) an aluminum salt that is used as a coagulant in water treatment. Also used to remove phosphorous in Wastewater treatment. $Al_2(SO_4)_3 \cdot 14H_2O$

Ammonia (NH₃) shall mean a colorless gaseous alkaline compound of nitrogen and hydrogen that is very soluble in water.

Authorized Representative of the User: or Authorized Representative shall mean:

(1)

If the User is a corporation:

a.

The president, secretary, treasurer, or a vice-president of the corporation in charge of a principle business function, or any other 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 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars), if, provided the manager is~~ authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Individual Wastewater Discharge Permit requirements; and where 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)

The individuals described in subsections (1) through (3) above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.

BOD₅ (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building Drain shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five feet outside the inner face of the building wall.

Building Sewer shall mean the extension from the Building Drain to the Public Sewer or other place of disposal.

Bypass shall mean the intentional diversion of waste streams from any portion of a User's treatment facility.

Categorical Pretreatment Standard or *Categorical Standard* shall mean any regulation containing pollution 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.

Chlorine a chemical used to disinfect water and Wastewater. Cl₂ in gaseous form, chlorine dioxide, sodium hypochlorite (bleach), or calcium hypochlorite (HTH).

County shall mean the governmental body having jurisdiction over the maintenance and operations of the water and Sanitary Sewer system within areas of Forsyth County, Georgia.

County Director shall mean the Director of water and sewer of Forsyth County, Georgia, or his duly authorized representative.

COD (chemical oxygen demand) shall mean a measure of the oxygen consuming capacity of inorganic and organic matter present in water and Wastewater. It is expressed as the amount of oxygen in milligrams per liter by weight consumed from a chemical oxidant in a specific test.

Code of Federal Regulations (CFRs) shall mean those environmental regulations compiled by the federal government and found in 40 CFR.

Combined sewer shall mean a sewer receiving both surface runoff and Sewage.

Composite sample shall mean the accumulation of a number of individual samples over a period of time, during the hours of operation, so taken as to represent the nature of the Wastewater.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Department of Natural Resources (DNR) shall mean the department of state government that is responsible for environmental protection and executes this responsibility through the Environmental Protection Division (EPD).

Director shall mean the Director of Water and Sewer Department of Forsyth County, Georgia, or any person authorized by the Director.

~~*Discharge* shall mean the introduction of pollutants into the county sewer system from any nondomestic source regulated under Section 307 (b) and (c) of the Act.~~

Dissolved oxygen (D.O.) is the molecular (atmospheric) oxygen dissolved in water or Wastewater.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Environmental protection agency (USEPA) shall mean the federal agency responsible for protecting the environment of the United States of America- or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Environmental Protection Division (Georgia EPD) shall mean the division of the Department of Natural Resources of the State of Georgia that is responsible for the protection of the State of Georgia's environment or, where appropriate, a duly authorized official of said agency.

Existing Source shall mean 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 that is thereafter promulgated in accordance with Section 307 of the Act.~~ not a "New Source".

Ferric chloride an iron salt that is used as a coagulant in water and Wastewater treatment. $\text{Fe}(\text{Cl})_3$

Ferric sulfate an iron salt that is used as a coagulant in water and Wastewater treatment. $\text{Fe}_2(\text{SO}_4)_3$

Floatable oil is oil, fat, or grease in a physical state such that it will separate from Wastewater by treatment in an American Petroleum Institute (API) type of oil/water gravity separator. Wastewater shall be considered free of floatable oil if it is properly pretreated and the Wastewater does not interfere with the collection system.

Flush toilet means the common sanitary flush commode in general use for the disposal of human excrement.

Food to microorganism ratio shall mean a measure of food provided to bacteria in an aeration tank.
$$F/M = \frac{[(\text{Biochemical Oxygen Demand in lbs. / day}) \div (\text{Mixed Liquor Volatile Suspended Solids in lbs. / day})]}{1}$$

Fats, Oils and Grease (FOG) ~~and wax~~ shall mean fats, oils, grease, or wax, whether emulsified or not and substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0—65 degrees C).

Food Service Establishment shall mean any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as motels, hotels, prisons, or schools.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and sale of food or produce.

Georgia 129 Priority Pollutants (GA129) ~~or Priority Pollutant~~ shall mean the list of 129 pollutants made up of volatiles, acids, base/neutrals, pesticides, metals, and others that are of concern to the State of Georgia in regard to the environment. <https://www3.epa.gov/region1/npdes/permits/generic/prioritypollutants.pdf>

Georgia In-stream Water Quality Standards (GAIWQS) shall mean a listing of pollutants that may be present in waterways for which the State of Georgia has set concentration limitations.

Grab Sample shall mean a sample which is taken from a waste stream without regard to the flow in the waste stream ~~and over a period of time not to exceed fifteen minutes.~~

Grease and oil shall mean the group of substances with similar physical characteristics, which include fatty acids, soaps, fats, oils and any other material that can be solvent extracted and is not volatilized during evaporation of the solvent.

Grease Trap or *Grease Interceptor* shall mean a device used for removal of oils, greases, and food solids from a process waste stream.

Hach Water Analysis Handbook shall mean a water and Wastewater laboratory analysis handbook that is published by the Hach Company, Loveland Colorado. Many of the specialized Hach analytical methods for the examination of water and Wastewater are approved by the EPA. Hach methods are designated by a Hach Method Number (H.M.#).

Health Officer shall mean the Director of the County Board of Health or other person designated by the board of commissioners and their duly appointed assistants.

Hydrogen Sulfide H₂S a corrosive, explosive, flammable and colorless gas that is formed in anaerobic or septic Wastewater and that occurs to some degree in all sewer systems. This gas is recognized by its "rotten egg" odor and is poisonous to the human respiratory system.

Indirect Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.

Individual Wastewater Discharge Permit shall mean the permit issued by the Director pursuant to Divisions 6 and 7 of this ordinance.

Industrial User shall have the meaning set forth in the definition, "User or Industrial User".

Industrial Wastewater shall mean Wastewater in which the solid, liquid, and gaseous wastes from process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource (as distinct from domestic or sanitary wastes) is found.

Infiltration or *Inflow* shall mean groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.

Instantaneous Maximum Allowable Discharge Limit ~~is~~(or "*Instantaneous Limit*") shall mean the maximum pollutant concentration allowed to be Discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

Local Limits shall mean the limits set by Forsyth County on discharges to the POTW as set forth in this ordinance.

Mass Emissions Rate shall mean the weight of material Discharged to the POTW during a given time interval. Unless otherwise specified, the Mass Emissions Rate shall mean pounds per day of the particular constituent or combination of constituents.

~~*Material safety data sheets (MSDS)* shall mean a document which provides the pertinent chemical makeup and characteristics of a substance or mixture. These documents are required to be made available to personnel that may come into contact with them.~~

May is permissive (see "shall").

Medical Waste ~~is~~shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, cultures and dialysis wastes.

Micrograms per liter (µg/L) shall mean a measurement of concentration (same as parts per billion).

Million gallons per day (MGD) shall mean the quantity of gallons of water used or Wastewater treated divided by 1,000,000 (e.g. 75,000 gallons per day \div 1,000,000 = 0.075 MGD).

Milligrams per Liter (mg/L) shall mean a measurement of concentration (same as parts per million - ppm).

Monthly Average shall mean the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

National Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users.

National Categorical Pretreatment Standards shall mean any National Pretreatment Standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a Water Pollution Control Facility by existing or new Industrial Users in specific industrial subcategories.

NPDES Permit shall mean the National Pollution Discharge Elimination System permit issued to the County authorizing the discharge of Sewage treatment effluent to the land/waters of the state.

Natural Outlet shall mean any outlet including Storm Sewers and combined sewer overflows, into a Watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New Source means:

- (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~~that 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;
 - 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 a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting criteria of subsection (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 on site construction program.
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of New Source facilities or equipment.
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nitrates (NO₃) shall mean a pollutant that is found in water and is a derivative of nitrogen ammonia. This pollutant is harmful to humans and especially to infants. In infants this pollutant can cause methemoglobinemia or "blue baby syndrome."

Normal Strength Discharge or *Normal Wastewater* shall mean Wastewater discharged into the Sanitary Sewer system which has a biochemical oxygen demand (BOD) concentration less than or equal to ~~2500~~ 250 mg/L, an average concentration of total Suspended Solids (TSS) of not more than ~~2200~~ 220 mg/L, a chemical oxygen demand (COD) of not more than 500 mg/L, total phosphorus not more than ~~86~~ 86 mg/L, and Total Kjeldahl Nitrogen (TKN) of not more than ~~4025~~ 402.5 mg/L.

Parts per billion (ppb) shall mean a measurement of concentration (same as micrograms per liter-µg/L). Since a liter of water weighs essentially 1,000,000,000 micrograms, a concentration of 1 µg/L is equal to one part per billion.

Parts per million (ppm) shall mean a measurement of concentration (same as milligrams per liter-mg/L). Since a liter of water weighs essentially 1,000,000 milligrams, a concentration of 1 mg/L is equal to one part per million.

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

Person (~~regardless of whether capitalized~~) shall ~~mean include~~ any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes, without limitation, all federal, state, and local governmental entities, ~~and users and industrial users.~~

~~pH shall mean~~ *pH* shall mean a pH measure of the acidity or alkalinity of a solution, expressed in standard units as follows: the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Phosphorus (PO₄) shall mean total phosphorus, as P, expressed in terms of milligrams per liter.
$$(P_{(mg)}) = PO_{4 (mg)} / 3.06$$

Pollutant (~~regardless of whether capitalized~~) shall ~~mean include~~ dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (including without limitation, pH, temperature, TSS, turbidity, color, BOD, COD, TKN, phosphorous, oil and grease, toxicity, and odor).

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in Wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standard ~~or standards~~ shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

Privy or Pit shall mean a shored, vertical pit in the earth completely covered with a fly-tight slab on which is securely located a fly-tight riser covered with hinged fly-tight seat and lid.

Prohibited Discharge Standards shall mean absolute prohibitions against the discharge of certain substances.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

Publicly Owned Treatment Works, POTW or Sewage Works shall mean a "treatment works" as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292) which is owned ~~by the~~ or operated within Forsyth County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Wastewater, including Sewage or Industrial Wastewater, and any conveyances which convey Wastewater to a Treatment Plant.

Safety Data Sheets (SDS) shall mean a document which provides the pertinent chemical makeup and characteristics of a substance or mixture. These documents are required to be made available to personnel that may come into contact with them.

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

Septic Tank shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

(1)

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

(2)

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

Severe Property Damage shall mean substantial physical damage to property, damage to the treatment facilities which causes them to be 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.

Sewage shall mean human excrement and gray water, or a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and Stormwater as may be inadvertently present; provided further, however, that the term "Sewage" shall not include "Industrial Wastewater" as that term is defined in this Section.

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage (see also "water pollution control facility").

~~Sewer shall mean a pipe or conduit for carrying wastewater.~~

Shall is mandatory (see also "may").

Significant Industrial User (SIU) shall mean:

- (1) Except as provided in subsections (2) ~~or (3)~~ of this Section, below:
 - a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N;
 - b. Any Industrial User that:
 - (i) discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down Wastewater); ~~Any Industrial User that;~~
 - (ii) contributes a process waste-stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; ~~Any industrial user that;~~ or
 - (iii) is designated as such by the County on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon finding that an industrial User meeting the criteria in ~~paragraph (1)~~ paragraphs (a) or (b-) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the County may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User ~~is not a significant industrial user~~ may be issued a Zero Discharge control mechanism (permit).
- (3) Unless otherwise designated by the Director pursuant to one or more of the criteria above, dental practices are not Significant Industrial Users.

Significant noncompliance (SNC) shall mean a violation by an Industrial User ~~which~~that meets one or more of the following criteria:

- (1) Chronic violations of Wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all Wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, ~~fats, oil, and grease~~FOG, and 1.2 for all other pollutants except pH).
- (3) Any other violation of Pretreatment effluent limit (daily maximum or longer-term average) that the County determines has caused, alone or in combination with other discharges, Interference or pass-through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide within ~~30~~45 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.
- (7) Failure to accurately report noncompliance.

- (8) Any other violation or group of violations that, in the opinion of the Director, appear likely to: (i) adversely affect the operation or implementation of the County's Pretreatment program; or (ii) compromise the ability of the POTW to achieve or maintain compliance with applicable state or federal standards or the Director's ability to promote the purposes and policies of this article.

Slug shall mean any discharge of ~~water~~ a non-routine, episodic nature, including but not limited to an accidental spill or wastewater a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times other way violate the average 24-hour concentration of flows during normal operation and which, POTW's regulations, Local Limits or permit conditions, or in the opinion of the Director, adversely affects the collection system and/or performance of the Sewage Works.

Storm Drain or Storm Sewer shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage and industrial wastes or Industrial Wastewater, other than unpolluted cooling water.

Stormwater shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surcharge is a fee associated with the discharge of any of the following which are discharged to the POTW in amounts greater than those established by the director: COD, TSS, TKN, total phosphorous, biochemical oxygen demand, Ammonia Nitrogen, Chloride, or FOG. Fines may be assessed in addition to surcharges as provided in this article.

Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, Wastewater, or other liquids, and that is removable by laboratory filtration as approved by EPA and referred to as nonfilterable residue.

Total Kjeldahl Nitrogen (TKN) shall mean the total nitrogen as measured by the Kjeldahl technique, expressed in milligrams per liter by weight using 40 CFR Part 136 procedures (as amended) or with any other test procedures approved by the EPA Administrator.

Total Toxic Organics (TTO) the list of regulated organic chemicals as specified by the USEPA.

Toxic shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPD under the provision of the Clean Water Act, Section 307 (a) or other Acts.

Unpolluted water shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facility.

User or Industrial User shall mean a source of Indirect Discharge, ~~provided that the term "indirect discharge" as used herein, shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.~~

Waste Hauler shall mean any individual, association, partnership, corporation, municipality, state, federal agency, or any agent or employee thereof that transports waste by truck or other vehicle.

Wastewater shall mean liquid and water carried wastes, including industrial wastes, Industrial Wastewater and/or Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

Water Pollution Control Facility or Wastewater Treatment Plant or Water Reclamation Facility or Sewage Treatment Plant or Treatment Plant shall mean any arrangement of devices and structures used for treating Sewage ~~(see also "sewage treatment plant")~~ and industrial waste.

- **DIVISION 3. - USE OF PUBLIC SEWERS REQUIRED**

- **Sec. 82-55. - Owner must provide toilets in clean, sanitary working conditions.**

All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.

- **Sec. 82-56. - Unlawful deposited human or animal excrement.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within any area under the jurisdiction of the Director, any human or animal excrement, Garbage, or other objectionable wastes; provided, however, that deposit of animal excrement in the course of a farming, livestock, or agricultural operation shall not be a violation of this Section. No person shall dispose of human waste except in an approved toilet.

- **Sec. 82-57. - Unlawful discharge of Wastewater or other polluted waters.**

It shall be unlawful to discharge to any Natural Outlet within Forsyth County, or in any area under the jurisdiction of Forsyth County, any Wastewater or other polluted waters, including Septic Tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with provisions of this article and/or NPDES Permits granted by GAEPD.

- **Sec. 82-58. - Unlawful to construct Privy for disposal of Wastewater.**

Except as otherwise provided in this article, it shall be unlawful to construct or maintain any Privy, privy vault, Septic Tank, cesspool, or other facility intended or used for the disposal of Wastewater.

- **Sec. 82-59. - Connection of toilet facilities.**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within Forsyth County jurisdiction and abutting on any street, alley, or right-of-way, in which there is now located or may in the future be located a public Sanitary Sewer of Forsyth County, is hereby required at the owner(s) expense to install suitable toilet facilities, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within 30 days after date of official notice to do so, provided that said Public Sewer is within 200 feet of the Septic Tank or other on-site sewer holding facility presently serving the house, building or property, or within such other distance as identified or regulated by the County Health Department.

- **Sec. 82-60. - Connection of sinks, dishwashing machines, lavatories, etc.**

The owners described in Section 82-59~~section 82-59~~ are hereby required to connect all sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances to the Public Sewer, within 30 days after date of official notice to do so, provided, that said Public Sewer is within 200 feet of the Septic Tank or other on-site sewer holding facility presently serving the house, building or property, or within such other distance as identified or regulated by the County Health Department.

- **DIVISION 4. - PRIVATE SEWAGE DISPOSAL**

- **Sec. 82-61. - Septic tank regulations.**

(a)

All new construction commenced after the date of this article, shall be connected to the Public Sewer in accordance with the provisions set forth in the unified development code of the County. No on-site system (Septic Tank system) shall be permitted for new construction except as authorized by the unified development code of the County, which ordinance shall be controlling with respect to the utilization of Septic Tanks for new construction in Forsyth County. Existing homes and other existing facilities and properties served by Septic Tank systems at the date of this article, may remain being serviced by Septic Tank as long as it is not causing a public health problem as determined by the Forsyth County Board of Health.

(b)

Any premises that has a Septic Tank, Privy, or any other Sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner, as determined by the County Health Department, shall be corrected within 30 days from the receipt of written notification from the Health Department. The Health Department may, at its discretion, require said facility to be connected to the Public Sewer, in which case, the connection shall be made within 30 days after receiving such notice, provided further that such connection shall be made at the owner(s) expense when the sewer is within the distance identified or regulated by the County Health Department. The Septic Tank must then be cleaned and filled with a suitable material at the owner's expense.

(c)

All private Wastewater disposal systems (including without limitation, septic systems) shall be both permitted and approved by: (i) the Director, except where such systems are otherwise permitted and approved by the County Health Department, and (ii) the GAEPD where required by applicable law.

(d)

The owner(s) shall operate and maintain the private Wastewater disposal facilities in a sanitary manner at all times, and in accordance with all applicable laws and regulations, and at no expense to Forsyth County.

(e)

Discharge of septic ~~tanks in sewer~~ system ~~are~~waste in the Public Sewer is prohibited, except as otherwise set forth in this article.

(f)

Premises with private water systems shall not be connected with the Public ~~sewerage system~~Sewer without the advance written approval of the Director.

(g)

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

- **Sec. 82-62. - Grease Interceptor (Grease Trap) regulations for those facilities on private systems (septic systems).**

See Section 82-69 of this article.

- **DIVISION 5. - DISCHARGES TO THE PUBLIC SEWER**

- **Sec. 82-63. - Wastewater.**

Wastewater shall not be discharged to a Sanitary Sewer, except in accordance with all applicable laws, regulations and permits (including without limitation, NPDES Permits requiring treatment prior to discharge).

- **Sec. 82-64. - Unpolluted water.**

No person shall discharge or cause to be discharged any Stormwater, surface water, groundwater, roof runoff, swimming pool backwash or drain, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer, ~~and wastewaters shall not be discharged to a sanitary sewer, except in accordance with all applicable laws, regulations and permits (including without limitation, NPDES permits requiring treatment prior to discharge).~~

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as Storm Sewers or to a Natural Outlet approved by the Director. The discharge of unpolluted process waters to a Natural Outlet within the County service area requires the issuance of an NPDES Permit by the Georgia Environmental Protection Division.

- **Sec. 82-65. - Prohibited Discharge.**

(a)

No person shall introduce or cause to be introduced into the Sewage Works any pollutant or Wastewater, which causes Pass Through or Interference. These general prohibitions apply to all ~~users of persons using~~ the Sewage Works whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or related requirements.

(b)

No person shall introduce or cause to be introduced into the Sewage Works the following pollutants, substances, or Wastewater:

(1)

Pollutants which create a fire or explosive hazard in the Sewage Works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using test methods specified in 40 CFR 261.21.

(2)

Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the Sewage Works.

(3)

Any water or wastes having a pH lower than 5.5 (or more than 9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Sewage Works.

- (4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or resulting in Interference; but in no case solids greater than one-half inch (1.27 centimeters) in any dimension.
- (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C).
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through; but in no case Wastewater that contains 25 mg/L or more of the above-mentioned oils or products.
- (7) Pollutants which result in the presence of Toxic gases, vapors, or fumes within the Sewage Works in a quantity that may cause acute worker health and safety problems.
- (8) Any septage, chemical toilet contents, industrial sludges or similar matter or materials, unless specifically authorized by the Director through issuance of a permit pursuant to this article.
- (9) Medical Wastes, except as specifically authorized by the Director in a Wastewater discharge permit.
- (10) Any substance that will cause the County POTW to violate its NPDES Permit or cause a violation of the water quality standards of the receiving waters.
- (11) Quantities of flow, concentrations, or both which constitute a "Slug."

~~(e) ——— (12)~~

Any trucked or hauled pollutants, except as specifically permitted by this Article.

(c) Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the Sewage Works.

(d) No person shall discharge or cause to be discharged any Sewage or Wastewater into a Storm Sewer system.

• **Sec. 82-66. - Harmful Discharges.**

No person shall discharge or cause to be discharged any substances, materials, waters or wastes that, in the opinion of the Director appear likely to cause harm or threatened harm, to human health and safety, the environment, the sewers, Sewage treatment process, or equipment, have an actual or threatened adverse effect on the receiving stream, or otherwise endanger life, limb, or public property or constitute a nuisance. In forming his opinion as to the acceptability of the wastes, the Director shall give consideration to relevant factors, including without limitation, the quantities of subject wastes in relation to flows and velocities in the sewers, treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, and other pertinent factors. The prohibited substances are:

(1)

Noxious or malodorous liquids, gases, solids, or other Wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(2)

Any water or waste containing fats, wax, grease, or oils, (FOG) whether emulsified or not in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0—65 degrees C).

(3)

Any Garbage, waste, or refuse that has not been properly shredded. The installation and operation of any ~~garbage~~ grinder/shredder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director.

(4)

Any waters or wastes containing strong acid (with a pH less than 5.5), iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(5)

Any waters or wastes containing iron, other objectionable or Toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage treatment works adversely impacts the treatment works.

(6)

Any waters or wastes containing phenols or other taste or odor-producing substances in concentrations which exceed limits, that may reasonably be established by the Director to protect the treatment works, protect the quality of sludge produced and/or meet the requirements of state, federal, or other public agencies or jurisdictions for such discharge to the receiving waters.

(7)

Any radioactive waste or isotopes of such half-life concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.

(8)

Materials which exert or cause:

a.

Unusual concentrations of inert Suspended Solids (such as, but not limited to, fuller's earth, any textile fibers, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b.

Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(9)

Waters or wastes containing substances which are not amenable to treatment or reduction by the Sewage treatment processes employed or are amenable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of the NPDES Permit.

(10)

Sludges, screens, or other residues from the Pretreatment of industrial wastes.

(11)

Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test.

(12)

Detergents, surface-active agents, or other substances which may cause excessive foaming in the Sewage Works.

(13)

Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted Wastewater, unless specifically authorized by the Director.

(14)

Pollutants, substances, or Wastewater prohibited by sections of this article shall not be processed or stored in such a manner that they could be discharged to the Sewage Works.

- **Sec. 82-67. - National Categorical Pretreatment Standards/Local Limits.**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 403 and 405—471 are hereby incorporated.

(1)

Where a Categorical Pretreatment Standard Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in Wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2)

When Wastewater subject to a Categorical Pretreatment Standard Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Director may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(3)

A User may obtain a variance from a Categorical Pretreatment Standard Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

(4)

A User may obtain a net gross adjustment to a Categorical Standard in accordance with CFR 403.15.

(5)

Upon the promulgation of a national Categorical Pretreatment Standard for a particular Pretreatment Standard for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. All affected Significant Industrial Users shall be subject to applicable reporting requirements under 40 CFR 403.12. Users shall immediately notify the POTW of Slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) and then provide written notification within five days to the POTW according to federal regulations.

(6)

State limits. Users must comply with any applicable State of Georgia Pretreatment Standards.

(7)

Local Limits. The following table lists the Local Limits adopted by Forsyth County. User discharge concentrations apply at the point where the ~~industrial~~-waste is discharged to the Sewage Works. No person shall discharge Wastewater containing in excess of the following maximum allowable discharge limits:

Daily and Monthly Average ~~Maximum Daily~~ Concentrations (mg/L, 24-hour composite sample, unless otherwise noted):

Parameter	<u>Monthly Average</u> <u>Maximum Industrial</u> <u>Discharge Limit</u> <u>(mg/L)</u>	<u>Daily</u> <u>Maximum Discharge</u> <u>Limit (mg/L)</u>
Arsenic	0.111 <u>0.030</u>	<u>0.030</u>
<u>Barium</u>	<u>3.20</u>	<u>3.80</u>
Cadmium	0.008	<u>0.097</u>
Chloride	2025	<u>2100</u>
Chromium (Total)	2.23 <u>0.352</u>	<u>0.414</u>
Copper	0.109	<u>0.109</u>
Cyanide	0.082 <u>(Grab Sample)</u>	<u>0.219 (Grab Sample)</u>
Iodine	112.5	<u>112.5</u>
Lead	0.116	<u>0.116</u>
Mercury	0.002	<u>0.002</u>
Molybdenum	0.035	<u>0.0364</u>
Nickel	<u>0.990</u>	<u>2.47</u>
Selenium	0.10 <u>0.079</u>	<u>0.100</u>
Silver	2.37 <u>0.110</u>	<u>0.110</u>
Zinc	0.212 <u>0</u>	<u>0.210</u>
<u>Ammonia Nitrogen</u>	<u>14</u>	<u>40</u>
Biochemical Oxygen Demand <u>(BOD₅)</u>	500	<u>800</u>
Chemical Oxygen Demand <u>(COD)</u>	<u>500</u>	1500
Phosphorous, <u>Total (as P)</u>	8 <u>5</u>	<u>30</u>
Total Kjeldahl Nitrogen <u>(TKN)</u>	<u>25</u>	100
Total Suspended Solids <u>(TSS)</u>	<u>200</u>	500
Fat, Oils and Grease (FOG)	100 <u>(Grab Sample)</u>	<u>175 (Grab Sample)</u>
<u>pH</u>	<u>(Grab Sample)</u>	<u>6 < S.U. < 9</u>

Upon providing notice to affected persons, the County may impose maximum industrial discharge limitations in addition to, or in place of, the Local Limitations above. The County further reserves: (i) the right to establish, by ordinance or in Wastewater discharge permits, more stringent standards or requirements on discharges to the Sewage Works, and (ii) the right to revoke an Industrial User's discharge permit, where, in the opinion of the Director, such action or actions appear necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article.

~~(7)-8)~~

"Normal" domestic Wastewater concentrations, surcharge ranges, and daily maximum allowable concentrations for conventional pollutants. The following table lists concentrations for "Normal" Wastewater, concentration ranges used by the County for levying surcharges; (where the same value appears in two Ranges, the lower Range will be used), and the daily maximum concentration allowed before a fine is levied by the County:- in addition to the treatment surcharge:

Conventional Pollutant <u>Parameter</u>			Normal Domestic Concentration (mg/L)	Surcharge Range 1 (mg/L)	Surcharge Range 2 (mg/L)	Surcharge Range 3 (mg/L)	Surcharge Range 4 (mg/L) <u>Fineable</u>
<u>Chloride</u>			<u>2025</u>	<u>2026-2050</u>	<u>2050-2075</u>	<u>2075-2100</u>	<u>>2100</u>
<u>Ammonia Nitrogen</u>			<u>14</u>	<u>15-22</u>	<u>22-31</u>	<u>31-40</u>	<u>>40</u>
<u>BOD₅—Biochemical Oxygen Demand (BOD₅)</u>			<u>≤250</u>	<u>201—500</u> <u>251-400</u>	<u>501—700</u> <u>401-550</u>	<u>701—900</u> <u>551-800</u>	<u>Above 900</u> <u>>800</u>
<u>COD—Chemical Oxygen Demand (COD)</u>			<u>≤500</u>	<u>501—800—</u> <u>900</u>	<u>801—1100</u> <u>900-1200</u>	<u>1101—</u> <u>1200-1500</u>	<u>Above</u> <u>>1500</u>
<u>Phosphorous, Total (as P)</u>			<u>6</u>	<u>7-15</u>	<u>15-20</u>	<u>20-30</u>	<u>>30</u>
<u>TKN—Total Kjeldahl Nitrogen (TKN)</u>			<u>≤40</u> <u>25</u>	<u>26-50</u>	<u>41—50</u> <u>75</u>	<u>76—75-</u> <u>100</u>	<u>≥100</u>
<u>P—Total phosphorous</u>	<u>≤8</u>	<u>9—15</u>	<u>16—20</u>	<u>21—30</u>	<u>Above 30</u>	<u>8</u>	
<u>TSS—Total Suspended Solids (TSS)</u>			<u>≤2200</u>	<u>221—420</u> <u>201-300</u>	<u>421—620</u> <u>300-400</u>	<u>621—900</u> <u>400-500</u>	<u>≥500</u>
<u>FOG—Fats, oil</u> <u>Fat, Oils</u> and Grease <u>(FOG) Grab</u>			<u>Below 125</u> <u>75</u>	<u>101—0-</u> <u>125</u>	<u>126—5-</u> <u>150</u>	<u>151—0-</u> <u>175</u>	<u>Above</u> <u>≥175</u>
<u>pH</u>			<u>6< S.U. <9</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6> S.U. >9</u>

Recommended Daily pH Fines

<u>pH</u>	<u>Daily Flow (gpd)</u>				
	<u>1,000</u>	<u>5,000</u>	<u>10,000</u>	<u>20,000</u>	<u>40,000</u>
<u>2</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>3</u>	<u>\$550</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>4</u>	<u>\$100</u>	<u>\$300</u>	<u>\$550</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>5</u>	<u>\$55</u>	<u>\$75</u>	<u>\$100</u>	<u>\$150</u>	<u>\$250</u>
<u>10</u>	<u>\$55</u>	<u>\$75</u>	<u>\$100</u>	<u>\$150</u>	<u>\$250</u>
<u>11</u>	<u>\$100</u>	<u>\$300</u>	<u>\$550</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>12</u>	<u>\$550</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>13</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>

Concentration beyond limit x Daily Flow x \$0.0005 = Recommended Daily Fine

Concentration beyond limit = $10^{(pH-9)}$ if pH > 9, or $10^{(6-pH)}$ if pH < 6

Upon providing notice to affected persons, the County may impose concentration ranges and maximum concentrations in addition to, or in place of, those set forth above. The County reserves the right to establish, by ordinance or in Wastewater discharge permits, more stringent standards or requirements on discharges to the Sewage Works for the above mentioned conventional pollutants or any other pollutant discharged by a User, where, in the opinion of the Director, such action appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article.

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

- **Sec. 82-68. - Authority of the Director.**

The Director is authorized to take actions that, in the opinion of the Director, appear necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article. With regard to discharges into or from the POTW, and without limiting the foregoing, the Director is authorized to take actions that, in the opinion of the Director, appear necessary to avoid (i) harm or threatened harm to human health and safety, the environment, the sewers, Sewage treatment process, or equipment, (ii) actual or threatened adverse effects on receiving streams; (iii) actual or threatened endangerment to life, limb or public property; or (iv) conditions that constitute a nuisance. Such actions may include, without limitation:

- (1) Rejecting the wastes;
- (2) Requiring Pretreatment to an acceptable condition for discharge to the Public Sewers;
- (3) Requiring control over the quantities and rates of discharge;
- (4) Designating that certain Wastewater be discharged only into specific sewers;
- (5) Requiring Industrial Users to relocate and/or consolidate points of discharge;
- (6) Requiring Industrial Users to separate Sewage waste streams from industrial waste streams;
- (7) Requiring any person discharging into the Sewage Works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater discharge permit may be issued solely for flow equalization; and
- (8) Requiring surcharge payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this document and such other conditions as may be necessary to protect the Sewage Works and determine the Industrial User's compliance with the requirements of this article.

If the Director permits the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval by same and shall be subject to the requirements of all applicable codes, ordinances, and laws.

- **Sec. 82-69. - Standards for interceptors (grease, sand and oil) for those facilities on the County sewer system.**

- (a)

Grease Interceptor Required. All Food Service Establishments discharging to the County's sewerage system (or to a private sewer system approved by the County) shall install, operate, and maintain a sufficiently sized Grease Interceptor in order to achieve and maintain compliance with requirements set forth in this article. All Grease Interceptors shall be of a type and capacity approved by the Director and shall be so located as to be readily and easily accessible for cleaning and inspection.

(1)

Sizing: No single gravity type Grease Interceptor shall be smaller than 1,000 gallons or larger than 3,000 gallons. Hydromechanical type Grease Interceptors must be appropriately sized and installed according to the manufacturer's specifications for both normal and at peak flows. The hydromechanical Grease Interceptor must comply with comprehensive performance testing to nationally recognized standards such as PDI-G101, ASME A112.14.3 and CSA B481. All Grease Interceptors shall be designed and installed in accordance with County standards. The User shall submit plans to the County for review and comment. The installation shall be subject to inspection, by the County, prior to placing in service.

(2)

Maintenance: All Grease Interceptors shall be maintained by the User at the User's expense to be in continuously efficient operation. Maintenance shall include the complete removal of all contents, including floating materials, Wastewater, sludges, and solids. Decanting or backflushingback flushing of the Grease Interceptor of its contents for the purpose of reducing the volume to be hauled is prohibited. Practices such as "blow-and-go", "pump-and-dump", skimming, recycling, or other similar practices are also prohibited.

(3)

Frequency of maintenance: All Grease Interceptors must be pumped out completely once every 90 days. Where, in the opinions of the Director, such actions necessary for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article, the Director may, in writing, require the owner or operator of the Grease Interceptor to increase or decrease pumping frequency on a case-by-case basis.

(4)

Additives: The use of any additive, which emulsifies grease, is prohibited. Special permission may be granted by the Director for "in-trap treatment" or addition of bacteria for treatment, but the process must be approved prior to installation.

(5)

Legal disposal: The User shall be responsible for the proper removal and legal disposal of the Grease Interceptor waste. All waste removed from each Grease Interceptor must be disposed of at a facility permitted by the Georgia Environmental Protection Division to receive such waste. Grease Interceptor waste shall not be discharged to the County's sewerage system, WPCP, or in a manner that would endanger the waters of the State of Georgia, or in a manner that would cause any person or the POTW to be in violation of any applicable law, regulation or permit, including without limitation, the POTW's NPDES Permit.

(6)

Manifests: The User shall be responsible for maintaining manifests detailing the dates of service and quantity of waste removed. The manifest shall include the Waste Hauler company name, address, and telephone number and the driver's name. The manifest shall include the ultimate disposal facility company name, address, and telephone number and the person receiving the waste and the quantity of waste received. The User shall acquire a completed copy of the manifest from the disposal facility with the proper signatures and dates within 15 days of the pumping activity. Upon receipt of the completed manifest, the User will email or mail a copy of the manifest to: pretreatmentinspector@forsythco.com

FORSYTH COUNTY WATER AND SEWER DEPT.

110 E. MAIN STREET, SUITE 150

CUMMING, GA 30040

ATTN: ~~OIL/GREASE~~-PRETREATMENT ~~COMPLIANCE OFFICERS~~-INSPECTOR

(7)

Grease Interceptor maintenance company permits: All Grease Trap maintenance and ~~waste~~ hauling companies must obtain a permit from Forsyth County prior to conducting such activities in the County sewer system. A permit fee set by the County must be paid and a background check, on the Grease Interceptor maintenance company, must be conducted before a permit can be issued.

(b)

Grease, ~~oil and sand~~ and ~~oil separators~~separator: Grease, oil, and sand ~~interceptors~~separator shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, or other harmful constituents. The grease, oil and sand separators shall be sized for proper operation at all times and shall be approved by the Director.

(1)

Car washes, equipment washes, and related facilities: All car washes, heavy equipment washing facilities and related facilities are required to install and maintain a sand and oil separator as described above. In addition, all such new facilities shall install a washwater recycling system as approved by the County.

(c)

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

- **Sec. 82-70. - Operation and maintenance of pretreatment or flow equalizing facility.**

(a)

Industrial Users shall provide Wastewater treatment as necessary to comply with this article, and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in this ~~document~~Article within the time limitations specified by EPA, the state, or Forsyth County, whichever is more stringent. All facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Forsyth County for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions contained herein.

(b)

Prohibition of Bypass. Except as otherwise provided in this article, Bypass is prohibited and persons who cause Bypass are subject to enforcement by the County. Upon reduction of efficiency of operation or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, and applicable laws and regulations, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, without limitation, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with permit conditions.

(c)

Exceptions for Bypass. Notwithstanding the foregoing, Bypass is permissible in the following circumstances:

(1)

A User may allow any Bypass to occur which does not cause applicable Pretreatment Standards or requirements to be violated, but only where necessary for essential maintenance to ensure efficient operation. These Bypasses are not subject to the notice provisions contained in subsection (d) below.

(2)

Provided that notice is given by the User to the County in accordance with subsection (d) below, Bypass is permitted where, in the opinion of the Director: (i) the Bypass is unavoidable to prevent loss of life, personal injury, or Severe Property Damage, (ii) allowing the Bypass does not appear likely to result in loss of life, personal injury, or Severe Property Damage, (iii) the Bypass appears unlikely to cause a failure (a) by the POTW to achieve or maintain compliance with applicable state or federal standards, or (b) by the Director to promote the purposes and policies of this article; and (iv) there are or 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 down time. Notwithstanding the foregoing, Bypass is prohibited if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment down time or preventive maintenance.

(d)

Notice of Bypass.

(1)

If an Industrial User knows in advance of the need for a Bypass, the User shall submit written notification to the County at least ten days before the date of the Bypass and receive approval from the County prior to the Bypass. Bypasses are prohibited during periods of Wastewater Treatment Plant upset.

(2)

An Industrial User shall submit oral notice to the County of any unanticipated Bypass that exceeds applicable Pretreatment Standards immediately upon becoming aware of the Bypass.

(3)

A written submission shall also be provided within five days of the time the User becomes aware of the Bypass, including:

a.

The exact dates and times of the Bypass;

b.

The exact cause and a description of the Bypass;

c.

If the Bypass has not been corrected, the anticipated time it is expected to continue; and

d.

Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

- **Sec. 82-71. - Mandatory certification.**

The operator in responsible charge of a Wastewater treatment system and laboratory analysts performing laboratory tests in conjunction with the operation of a Wastewater treatment system, must be certified in accordance with the rules of the Georgia State Board of Examiners for Certification of Water and Wastewater Operators and Laboratory Analysts.

- **Sec. 82-72. - Accidental discharge/Slug control plans.**

At least once every two years, the Director shall evaluate whether each Significant Industrial User needs an accidental discharge/Slug control plan. The Director may require any User to develop, submit for approval, revise and implement such a plan, if in the opinion of the Director, such plan appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article. Alternately, the Director may develop such a plan for any User. An accidental discharge/Slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges.
- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the County of any accidental or Slug discharge, as required by this document.
- (4) Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection of maintenance and storage areas for handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing Toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (5) Posted notices required: Posted notice of procedures to be followed in the event of an accidental discharge or Slug loading shall be provided by the User in the location of potential discharge problem areas, sewer drains, Pretreatment facilities, or other areas required by the County.

- **Sec. 82-73. - Hauled Wastewater.**

- (a) Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the Forsyth County sewer system, or any system connected with and discharging into the sewer system, the contents of any Septic Tank, sludge, Sewage, or other similar matter or material, except as provided in subsection (b) hereof.
- (b) Permits. The Director is hereby authorized to grant permits to discharge the contents of Septic Tanks at locations specified by the Director and under supervision of Forsyth County personnel. Septic Tank pumpage will not be accepted from areas outside the boundaries of Forsyth County. Such permits may be revoked at any time if, in the opinion of the Director, (i) continued dumping of such matter into the sewers appears likely to result in injury or threatened injury to the sewer system, Sewage Works, or treatment processes, or (ii) revocation of the permit appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article. In conjunction with permits, the hauler shall be required to pay an annual hauling permit fee set by Forsyth County.
- (c) Waste Haulers will be required to carry liability insurance, and to provide evidence of same to the County, in such amounts and forms as determined by the County. Such insurance shall afford compensation for taking corrective action and for bodily injury, and for property damage to third persons caused by hauler negligence and/or accidents.

(d)

The Director may prohibit the disposal of hauled waste of unusual strength or character. No hauled waste shall be accepted that violates federal, state, or local regulations or threatens to cause the County's WPCP to violate its NPDES Permit, to violate Georgia water quality standards, or to contaminate its WPCP sludge.

(e)

Samples of hauled waste shall be provided in order to ensure compliance with applicable standards. The Director may require industrial Waste Haulers to provide a waste analysis of any load prior to discharge.

(f)

Waste Haulers must provide a waste tracking form (manifest) for every load. Forms shall include, at a minimum, the name and address of the Waste Hauler, permit number, truck identification, names, addresses, and signature of each waste generator, and volume and characteristics of waste. For hauled industrial or commercial waste, the form shall identify the type of industrial or commercial establishment, known or suspected waste constituents, and whether any wastes are "hazardous wastes" as set forth in the Resource Conservation and Recovery Act ("RCRA") 42 U.S.C. § 6901 et seq., as amended, or as set forth in the Georgia Hazardous Waste Management Act ("GHWMA"), O.C.G.A. § 12-8-60 et seq., as amended.

(g)

Waste Haulers must provide prior notification to the Director of the intent to discharge, and the actual discharge must be performed under the supervision of certified Wastewater Treatment Plant personnel.

(h)

Waste Haulers shall pay a Waste Hauler discharge fee as established by Forsyth County.

- **Sec. 82-74. - Authority to accept industrial wastes.**

This article shall not be construed as preventing the County from authorizing and accepting for treatment, subject to reasonable conditions and limitations, the discharge of an industrial waste of unusual strength or character, where in the opinion of the Director, the acceptance and treatment of such discharge appears unlikely to cause a failure (i) by the POTW to achieve or maintain compliance with applicable state or federal standards, or (ii) by the Director to promote the purposes and policies of this article. Notwithstanding the foregoing, the industrial waste shall be subject to applicable surcharges levied on the industrial concern, and no waiver of National Categorical Pretreatment Standards shall be given for any reason.

- **DIVISION 6. - INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

- **Sec. 82-75. – Wastewater Analysis.**

When requested by the Director, a User must submit information on the nature and characteristics of its Wastewater within 30 days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

- **Sec. 82-76. – Individual Wastewater Discharge Permit Requirement.**

(a) No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining an Individual Wastewater Discharge Permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 82-77 of this ordinance may continue to discharge for the time period specified therein.

(b) The Director may require other Users to obtain Individual Wastewater Discharge Permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of an Individual Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the permittee to the sanctions set out in Divisions 13 through 15 of this ordinance. Obtaining an Individual Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or with any other requirements of federal, state, and local law.

• **Sec. 82-77. – Individual Wastewater Discharge Permitting: Existing Connections.**

Any User required to obtain an Individual Wastewater Discharge Permit who was discharging Wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the Director for an Individual Wastewater Discharge Permit in accordance with Section 82-79 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with an Individual Wastewater Discharge Permit issued by the Director.

• **Sec. 82-78. – Individual Wastewater Discharge Permitting: New Connections.**

Any User required to obtain an Individual Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Individual Wastewater Discharge Permit, in accordance with Section 82-79 of this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

• **Sec. 82-79. – Individual Wastewater Discharge Permit Application Contents.**

(a) All Users required to obtain an Individual Wastewater Discharge Permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

(A) The name and address of the facility, including the name of the operator and owner.

(B) Contact information, description of activities, facilities, and plant production processes on the premises;

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

(3) Description of Operations.

(A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(C) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(D) Type and amount of raw materials processed (average and maximum per day);

- (E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) 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 Section 82-67(2) (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
 - (A) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by a standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - (C) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required.
 - (D) Samples shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 82-99 of this ordinance. Where required to comply with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable standards to determine compliance with the standard.
 - (E) Sampling must be performed in accordance with procedures set out in Section 82-100 of this ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 82-93.
- (9) Any other information as may be deemed necessary by the Director to evaluate the permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

• **Sec. 82-80. – Application Signatories and Certifications**

- (a) All Wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 82-103(a).
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

• **Sec. 82-81. – Individual Wastewater Discharge Permit Decisions.**

The Director will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, the Director will determine whether to issue an Individual Wastewater Discharge Permit. The Director may deny any application for an Individual Wastewater Discharge Permit.

- **DIVISION 7. – INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

- **Sec. 82-82. – Individual Wastewater Discharge Permit Duration.**

An Individual Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Individual Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Director. Each Individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.

- **Sec. 82-83. – Individual Wastewater Discharge Permit Contents.**

An Individual Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment Plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual Wastewater Discharge Permits must contain:

- (1) A statement that indicates the permit issuance date, expiration date and effective date;
- (2) A statement that the permit is nontransferable without prior notification to Forsyth County in accordance with Section 82-86 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing permit;
- (3) Effluent limits, sampling frequency and sample type, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 82-93(b). Section 82-79(a)(8) includes an instruction to include requests for a new (or renewal of an existing) monitoring waiver for a pollutant neither present nor expected to be present in the discharge (See 40 CFR 403.12(e)(2));
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and other 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;

- (7) Requirements to control Slug discharge, if determined by the Director to be necessary; and
- (8) Any grant of the monitoring waiver by the Director (Section 82-93(b)) must be included as a condition in the User's permit.

(b) Individual Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the Individual Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the Individual Wastewater Discharge Permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

• **Sec. 82-84. – Permit Issuance Process.**

- (a) Public Notification. The Director will publish in newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a web page, a notice to issue a Pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (b) Permit Appeals. The Director shall provide public notice of the issuance of an Individual Wastewater Discharge Permit. Any person, including the User, may petition the Director to reconsider the terms of an Individual Wastewater Discharge Permit within 30 days of notice of its issuance.
 - (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

- (2) In its petition, the appealing party must indicate the Individual Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Individual Wastewater Discharge Permit.
- (3) The effectiveness of the Individual Wastewater Discharge Permit shall not be stayed pending the appeal.
- (4) If the Director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Individual Wastewater Discharge Permit, not to issue an Individual Wastewater Discharge Permit, or not to modify an Individual Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.

• **Sec. 82-85. – Permit Modification.**

(a) The Director may modify an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local Pretreatment Standards or related requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the Individual Wastewater Discharge Permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to Forsyth County's WRFs, POTWs, County personnel, land application or the receiving waters;
- (5) Violation of any terms or conditions of the Individual Wastewater Discharge Permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the Individual Wastewater Discharge Permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 82-86.

• **Sec. 82-86. – Individual Wastewater Discharge Permit Transfer.**

Individual Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the Director and the Director approves the Individual Wastewater Discharge Permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing Individual Wastewater Discharge Permit.

Failure to provide advance notice of a transfer renders the Individual Wastewater Discharge Permit void as of the date of facility transfer.

• **Sec. 82-87. – Individual Wastewater Discharge Permit Revocation.**

The Director may revoke an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the Director of significant changes to the Wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Director of changed conditions pursuant to Section 82-94 of this ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Director timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a Wastewater survey or the Wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any Pretreatment Standard or related requirement, or any terms of the Wastewater discharge permit or this ordinance.

Individual Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Wastewater Discharge Permits issued to a User are void upon the issuance of a new Individual Wastewater Discharge Permit to that User.

• **Sec. 82-88. – Individual Wastewater Discharge Permit Reissuance.**

A User with an expiring Individual Wastewater Discharge Permit shall apply for Individual Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 82-79 of this ordinance, a minimum of 90 days prior to the expiration of the User's existing Individual Wastewater Discharge Permit.

• **Sec. 82-89. – Regulation of Waste Received from Other Jurisdictions.**

- (a) If another county or municipality, or User located within another county or municipality, contributes Wastewater to the POTW, the Director shall enter into an intergovernmental agreement with the government having jurisdiction over the source of the contribution (the “contributing government”).
- (b) Prior to entering into an agreement required by paragraph (a), above, the Director shall request the following information from the contributing government:
 - (1) A description of the quality and volume of Wastewater discharged to the POTW by Users in the contributing government’s jurisdiction;
 - (2) An inventory of all Users located within the contributing government’s jurisdiction that are discharging to the POTW; and

(3) Such other information as the Director may deem necessary.

(c) An intergovernmental agreement, as required by paragraph (a), above, shall contain the following conditions:

- (1) A requirement for the contributing government to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 82-67(7) of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Forsyth County's ordinance or Local Limits;
- (2) A requirement for the contributing government to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which Pretreatment implementation activities, including Individual Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing government; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing government and the Director;
- (4) A requirement for the contributing government to provide the Director with access to all information that the contributing government obtains as part of its Pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing government's Wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing government's discharge;
- (7) A provision ensuring the Director access to the facilities of Users located within the contributing government's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
- (8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

• DIVISION 8. – REPORTING REQUIREMENTS

• Sec. 82-90. – 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 category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director 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 Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director 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 of pollutants to be discharged.

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

- (1) All information required in Sections 82-79(a)(1)(A); (a)(2); (a)(3)(A); and (a)(6) (See 40 CFR 403.12(b)(1)-(7)).
- (2) Measurement of pollutants.
 - (A) The User shall provide the information required in Section 82-79(a)(7)(A) through (D).
 - (B) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (C) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the County;
 - (D) Sampling and analysis shall be performed in accordance with Section 82-99;
 - (E) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;
 - (F) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Division 2 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 related requirements.
- (4) 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 must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 82-91 of this ordinance.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 82-103(a) of this ordinance and signed by an Authorized Representative as defined in Division 2.

• **Sec. 82-91. – Compliance Schedule Progress Reports.**

The following conditions shall apply to the compliance schedule required by Section 82-90(b)(4) 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, commencing 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 the Director 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 the Director.

• **Sec. 82-92. – Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and related requirements shall submit to the Director a report containing the information described in Section 82-79(a)(6) and (7) and 82-90(b)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 82-67 (See 40 CFR403.6(c)), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 82-103(a) of this ordinance. All sampling will be done in conformance with Section 82-100.

• **Sec. 82-93. – Periodic Compliance Reports.**

(a) All Significant Industrial Users must, at a frequency determined by the Director submit no less than twice per year (June and December) reports indicating the nature, 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) Forsyth County may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User, (See 40 CFR 403.12(e)(2)). This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary Wastewater discharged from the facility provided that the sanitary Wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process Wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the Individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent Individual Wastewater Discharge Permit (See Section 82-79(a)(8)).

- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with Section 82-103(b), and include the certification statement in Section 82-103(a) (40 CFR 403.6(a)(2)(ii)).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 82-103(b) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 82-93(a), or other more frequent monitoring requirements imposed by the Director, and notify the Director.
- (9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

• **Sec. 82-94. – Reports of Changed Conditions.**

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least 10 days before the change.

- (a) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under Section 82-79 of this ordinance.
- (b) The Director may issue an Individual Wastewater Discharge Permit under Section 82-88 of this ordinance or modify an existing Wastewater discharge permit under Section 82-85 of this ordinance in response to changed conditions or anticipated changed conditions.

• **Sec. 82-95. – Reports of Potential Problems.**

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug discharge or Slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

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

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

(d) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug discharge.

- **Sec. 82-96. – Reports from Unpermitted Users.**

All Users not required to obtain an Individual Wastewater Discharge Permit shall provide appropriate reports to the Director as the Director may require.

- **Sec. 82-97. – Notice of Violation/Repeat Sampling and Reporting.**

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if Forsyth County performs sampling at the User's facility at least once a month, or if Forsyth County performs sampling at the User between the time when the initial sampling was conducted and the time when the User or Forsyth County receives the results of this sampling, or if Forsyth County has performed the sampling and analysis in lieu of the Industrial User.

If Forsyth County performed the sampling and analysis in lieu of the Industrial User, Forsyth County will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis (See 40 CFR 403.12(g) (2)).

- **Sec. 82-98. – Notification of the Discharge of Hazardous Waste.**

(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 also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need

be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 82-94 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 82-90, 82-92, and 82-93 of this ordinance.

- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (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.

• **Sec. 82-99. – Analytical Requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

• **Sec. 82-100. – Sample Collection.**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The County establishes the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and related requirements in the User's Individual Wastewater Discharge Permit.

- (a) Except as indicated in Section (b) and (c) below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or Grab Sampling is authorized by the Director. Where time-proportional composite sampling or Grab Sampling is authorized by Forsyth County, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple

Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Forsyth County, as appropriate. In addition, Grab Samples may be required to characterize batch discharges or Slug discharges or to show compliance with Instantaneous Limits.

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

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 82-90 and 82-92 (See 40 CFR 403.12(b) and (d)), a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs 82-93 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance by with applicable Pretreatment Standards and related requirements.

- **Sec. 82-101. – Date of Receipt of Reports.**

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

- **Sec. 82-102. – Recordkeeping.**

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

- **Sec. 82-103. – Certification Statements.**

40 CFR 403.12 (1) requires that the certification that follows be provided for Industrial User Baseline Monitoring Reports (BMRs) (403.12(b), Industrial User Reports on Compliance with Categorical Pretreatment Standards Deadline (90-day compliance report) (403.12(d), Categorical Industrial User Periodic Reports on Continued Compliance (403.12(e)) and the initial request from Categorical Industrial Users to forego Monitoring for Pollutants Not Present.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 82-80; Users submitting baseline monitoring reports under Section 82-90(b)(5) (See 40 CFR 403.12 (1); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 82-92 (See 40 CFR 403.12(d)); Users submitting periodic compliance reports required by Section 82-93(a)-(b) (See 40 CFR 403.12(e) and (h)), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 82-93(b)(4) (See 40 CFR 403.12(e)(2)(iii)). The following certification statement must be signed by an Authorized Representative as defined in Division 2:

“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.”

(b) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 82-93(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User (See 40 CFR 403.12(e)(2)(v):

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the Wastewaters due to the activities at the facility since filing of the last periodic report under Forsyth County Code of Ordinances, Section 82-93(a).”

- **DIVISION 9. - POWERS AND AUTHORITY OF INSPECTORS**

- **Sec. 82-~~75~~104. - Right-of-entry.**

Duly authorized employees or agents of Forsyth County bearing proper credentials and identification shall have a right-of-entry on, and shall be permitted to enter the properties of Users, Industrial Users, and Significant Industrial Users, and in accord with all pertinent constitutional safeguards regarding entry into private residences, for the purposes of inspection, observation, measurement, independent sampling, testing, record review, and copying pertinent to discharge to the Sewage Works in accordance with the provisions of this article.

- **Sec. 82-~~76~~105. - Safety rules.**

While performing the necessary work on private properties referred to herein, the authorized employees or agents of Forsyth County shall observe all safety rules applicable to the premises reasonably established by the owner or operator (as applicable) of such premises.

- **Sec. 82-~~77~~106. - Easements.**

Duly authorized employees or agents of Forsyth County bearing proper credentials and identification shall be permitted to enter all private properties through which Forsyth County holds an Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater facilities lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in accordance with the terms of the duly negotiated Easement pertaining to the private property involved.

DIVISION ~~7~~10. - COMPLIANCE MONITORING

- **Sec. 82-~~78~~107. - Inspection, monitoring, and entry.**

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this article and any Wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a)

Where a User or person has security measures in force which require proper identification and clearance before entry into its premises, such User or person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director and all other duly authorized County personnel, employees, or agents will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b)

All Significant Industrial Users shall install a suitable control manhole or other suitable structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such structures shall be accessibly and safely located and shall be constructed in accordance with plans approved prior to construction by the Director. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. Plans and/or drawings of this structure shall be approved by the Director. The requirement for this structure may be waived if it is deemed by the Director to be unnecessary.

(c)

The Director shall have the right to install on the User's property, or require installation of, such devices as are necessary to conduct sampling, metering, and/or observation of the User's operations. It shall be a violation of this article for any person or Industrial User to tamper with, remove, adjust, disconnect, or otherwise interfere with the operation of these devices.

(d)

The Director may require the User to install monitoring equipment as necessary to conduct sampling, metering, and/or observation of the User's operations. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated at a frequency deemed necessary by the Director, to ensure accuracy. Records of this calibration must be submitted to the Director upon request.

(e)

Any temporary or permanent obstruction that prevents safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the request of the Director and shall not be replaced. The costs of making the facility accessible to the Director shall be borne by the User.

(f)

Unreasonable delays in allowing the Director access to the premises of any User or person shall be a violation of this article.

(g)

The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and be maintained in such manner so as to enable the Director to perform independent monitoring activities.

- **Sec. 82-~~79~~108. - Search warrants.**

Nothing in this article shall prohibit the Director from seeking the issuance of a search warrant from the courts of Forsyth County. The Director may seek issuance of a search warrant to accomplish, without limitation, any inspection, sampling, testing, monitoring, investigation or enforcement that, in the opinion of the Director, appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article.

- **DIVISION 811. - CONFIDENTIAL INFORMATION**

- **Sec. 82-~~80~~109. - General.**

Except as otherwise provided herein, information and data on a User obtained from reports, surveys, Wastewater discharge permit applications, Wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. Notwithstanding the foregoing, nothing in this article shall be construed as an extension or limitation of the County's duty to comply with, or the right to disclose or not to disclose records pursuant to, the Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq.

- **Sec. 82-~~81~~110. - Portions of report remain confidential.**

When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the person furnishing the report.

- **Sec. 82-~~82~~111. - Wastewater constituents and characteristics available to public.**

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 403.14(b) will not be recognized as confidential information and except as otherwise set forth in this article, will be available to the public without restriction.

- **Sec. 82-~~83~~112. - Other information shall be available to the public.**

Except as otherwise set forth in this article, all other information which is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302.

DIVISION ~~9~~12. - MALICIOUS DAMAGE

- **Sec. 82-~~84~~113. - Damage to Sewage Works.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

- **DIVISION ~~10~~13. - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

- **Sec. 82-~~85~~114. - General.**

The Director ~~may~~shall publish annually in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous 12 months, were in significant noncompliance with applicable Pretreatment Standards and requirements. The term "significant noncompliance" shall have the meaning set forth in division 2 of this article. A copy of this notice will also be included in the annual Pretreatment Program Summary which is required by the Environmental Protection Division of the Georgia Department of Natural Resources. If no significant violation has occurred, no publication will be required.

- **DIVISION ~~11~~14. - ADMINISTRATIVE ENFORCEMENT REMEDIES**

- **Sec. 82-~~86~~115. - Notification of violation.**

When the Director finds that any User or person has violated, or continues to violate, any provision of this ordinance, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may serve upon such User or person a written notice of violation. Within seven days of the receipt of this notice, such User or person shall submit to the Director (i) an explanation of the violation; (ii) a plan for satisfactory corrective action with regard to such violation; and (iii) a plan for prevention of recurrence of such violation. Submission of this plan in no way relieves such User or person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in the Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

- **Sec. 82-~~87~~116. - Consent orders.**

The Director is hereby authorized to enter into consent agreements, consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User or person responsible for noncompliance. Such documents will include specific action to be taken by the User or person to correct the noncompliance with a time period specified by the document. Such documents shall have the force and effect as the administrative orders issued pursuant to Sections 82-118-~~82-89~~ and 82-119-~~82-90~~ of this article and shall be enforceable in a court of law.

- **Sec. 82-~~88~~117. - Show cause hearing.**

The Director may order any User or person which has violated, or continues to violate, any provision of this ordinance, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on such User or person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that such User or person show cause why the proposed enforcement should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any Authorized Representative of such User or person. A show cause hearing shall not be a bar against, or prerequisite for, taking other action against such User or person.

- **Sec. 82-~~89~~118. - Compliance orders.**

When the Director determines that any User or person has violated, or continues to violate, any provision of this article, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may issue an order to such User or person responsible for the discharge directing that such User or person come into compliance within a specified time. If such User or person does not come into compliance within the time provided, the Director may discontinue sewer service. Compliance orders also may contain other requirements to address noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, nor does a compliance order relieve any User or person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, the Director taking any other action against such User or person.

- **Sec. 82-~~90~~119. - Cease and desist order.**

(a)

When the Director determines that any User or person has violated, or continues to violate, any provision of this ordinance, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, or that the past violations of such User or person are likely to recur, the Director may issue an order to such User or person directing it to cease and desist all such violations and to:

(1)

Immediately comply with all applicable requirements; and

(2)

Take such appropriate corrective, remedial or preventive action as may be needed to properly address any violation (including without limitation, any continuing or threatened violation), including halting operations and/or terminating the discharge.

(b)

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

- **Sec. 82-~~91~~120. - Administrative fines.**

(a)

When the County finds that any User or person has violated, or continues to violate, any provision of this article, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the County may fine such User or person in an amount not to exceed \$1,000.00, per violation, and in the case of an Industrial User, \$1,000.00, per violation, per day. In the case of monthly

or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b)

Unpaid charges, fines, and penalties shall, after 15 days be assessed an additional penalty of twelve (12) percent of the unpaid balance, and interest shall accrue thereafter at a rate of the greater of two percent per month or the rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507 (and set forth at:

http://www.epa.gov/ocfo/finstatement/superfund/int_rate.htm). A lien against the property of such User or person will be sought for unpaid charges, fines, and penalties.

(c)

The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d)

To the extent permitted by state statute, issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against such User or person.

• **Sec. 82-~~92~~121. - Emergency suspensions.**

(a)

The Director may immediately suspend~~a~~ the discharge of any User or person, after informal notice to such User or person, whenever such suspension appears necessary, in the opinion of the Director, to abate an actual or threatened discharge, which reasonably appears to present, cause, or contribute to an imminent or substantial endangerment to human health and safety or the environment.

(1)

Any User or person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a failure by such User or person to immediately comply with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize harm or threatened harm or endangerment to the POTW, its receiving stream, or to human health and safety or the environment. The County may allow such User or person to recommence its discharge when such User or person has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 82-112~~-section 82-93~~ are initiated against such User or person.

(2)

Any User or person responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrences, to the Director prior to the date of any show cause or termination hearing under Sections 82-117~~-82-88~~ and 82-122~~-82-93~~ of this article.

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

• **Sec. 82-~~93~~122. - Termination of discharge and/or potable water supply.**

Any User or person who violates any of the following conditions is subject to termination of discharge and/or potable water supply:

(1)

Violation of Wastewater discharge permit conditions;

- (2) Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the premises of such User or person for lawful purposes, including without limitation, inspection, monitoring, or sampling;
- (5) Violation of the Pretreatment Standards in division 5 of this article;
- (6) Discharges Wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the Wastewater treatment process;
- (7) Fails to pay monthly bills for Sanitary Sewer service when due;
- (8) Repeats a discharge of prohibited wastes into Public Sewers;
- (9) Acids or chemicals damaging to sewer lines or treatment process are released into the Public Sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of Wastewater; or
- (10) A governmental agency informs Forsyth County that the effluent from the County's Wastewater Treatment Plant is no longer of a quality permitted for discharge into a Watercourse, and it is found that the customer, User or person is discharging such Wastewater effluent into the Public Sewer in a manner that cannot be sufficiently treated or requires treatment that is not provided by Forsyth County as normal domestic treatment.

Such User or person will be notified of the proposed termination of its discharge and/or potable water supply and be offered an opportunity to show cause under Section 82-117-~~section 82-88~~ of this article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or prerequisite for, taking any other action against such User or person.

- **Sec. 82-~~94~~123. - Recovery of costs incurred.**

In addition to civil and criminal liability, any User or person violating any permit provision or any provision of the Forsyth County Sewer Use Ordinance, or causing damage to or otherwise inhibiting the County's Wastewater disposal system, shall be liable to the County for any expense, loss, or damage caused by such violation or discharge. Forsyth County shall bill such User or person for the costs incurred by the County for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a separate violation of Section 82-120-~~section 82-91~~(b) of this article. All costs of any additional or supplemental sampling or analyses required as a result of any excessive pollutant loadings (such as BOD, Suspended Solids, floating oil and grease, heavy metals, or Priority Pollutants) of any User or person, as determined by the Director, or otherwise resulting from any suspected or actual permit violation of any User or person shall be paid for by such User or person.

- **Sec. 82-~~95~~124. - Appeal of certain actions of the Director.**

- (a)

Any User or person aggrieved by any order or action of the Director made pursuant to Sections 82-118 ~~82-89, through 82-90, 82-91, 82-92, or 82-93, 122~~ of this article, may appeal the decision by filing a written notice of appeal with the Director within seven days of the issuance of such decision. A notice of appeal shall state the specific reason why the order or action of the Director is alleged to be in error.

(b)

If the Director does not reverse his or her decision within 30 days of receiving a timely written notice of appeal, then such User or person may within seven days, appeal to the Forsyth County Board of Commissioners (the "board"). The hearing shall be held within the next two meetings of the board or a date mutually agreed upon in writing by the appellant and the chair of the board. The board shall then make its findings within 30 days of the appeal hearing. The appellant shall not be relieved of his obligations during the appeal process.

(c)

If the appellant is dissatisfied with the board's decision, the appellant may then appeal the decision to the County superior court.

- **DIVISION ~~1215~~. - JUDICIAL ENFORCEMENT REMEDIES**
- **Sec. ~~82-96~~125. - Authority to bring action in courts of Forsyth County.**

The County is authorized to bring any action in the courts of Forsyth County necessary to enforce the administrative enforcement remedies set forth in division 1-~~division 134~~. The County is further authorized to bring any action in the courts of Forsyth County necessary to obtain the judicial enforcement remedies set forth in this division 1-~~division 125~~.

- **Sec. ~~82-97~~126. - Injunctive relief.**

When the County finds that any User or person has violated, or continues to violate, any provision of this ordinance, a Wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may petition one or more courts of Forsyth County through the County attorney for the issuance of temporary or permanent injunction, as appropriate. Said temporary or permanent injunction shall, as appropriate, restrain the violation and/or compel the specific performance of the Wastewater discharge permit, order, or other applicable requirement. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against any User or person. The Georgia EPD shall have authority to seek judicial relief and may also use administrative penalty authority to enforce these ordinances or any other applicable provision of law when the POTW has sought a relief which the Georgia EPD believes to be insufficient.

- **Sec. ~~82-98~~127. - Civil penalties- and claims for restitution.**

(a)

Any User or person who has violated, or continues to violate, any provision of this ordinance, a Wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall be liable to the County for a maximum civil penalty of \$1,000.00 per violation-~~per day-, or in the case of an Industrial User, a maximum civil penalty of \$1,000.00 per violation, per day.~~ In the case of monthly or other long-term average discharge limit violations, penalties shall accrue for each day during the period of the violation. Notwithstanding the foregoing, civil penalties may be in addition to, but shall not be duplicative of, administrative fines assessed under Section 82-120-~~section 82-91,~~ and the County is authorized to bring an action for civil penalties regardless of whether such administrative fines have been assessed.

(b)

To the extent otherwise consistent with law, including O.C.G.A. § 15-10-81, the County may recover reasonable attorney's fees, court costs, court recorder fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County and other expenses of litigation by appropriate suit at law against the User or person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

(c)

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

(d)

Filing a suit for civil penalties and/or restitution shall not be a bar against, or a prerequisite for, taking any other action against any User or person.

(e)

All ordinance violations inside the County limits will be prosecuted in the courts of Forsyth County.

• **Sec. 82-~~99~~128. - Criminal prosecution.**

(a)

Any User or person who willfully or negligently violates any provision of this article, a Wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 per violation per day, or imprisonment for not more than ~~12 months~~60 days per violation per day, or both.

(b)

Any User or person who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00 per violation per day, or be subject to imprisonment for not more than ~~12 months~~60 days per violation per day, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under any applicable federal, state or local law.

(c)

Any User or person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, Wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$1,000.00 per ~~day~~violation, or imprisonment for not more than ~~12 months~~60 days, or both.

~~(d) In the event of a second conviction, any such user or person shall be punished by a fine of not more than \$2,000.00 per day, or imprisonment for not more than 24 months per violation per day, or both.~~

~~(e)~~ ~~(d)~~

All ordinance violations inside the County limits will be prosecuted in the courts of Forsyth County.

• **DIVISION ~~13~~16. - SERVICE CHARGES**

• **Sec. 82-~~100~~129. - Sewer service charge.**

(a)

Established. It is hereby determined to be necessary, in order to provide facilities for the protection of the public health, safety, welfare, and to comply with applicable water quality laws and regulations for the protection of the quality of the waters of the state, to fix and collect charges upon all premises or facilities served by the water pollution control facilities of the County.

(b)

Determination of amounts. There is hereby charged and assessed to each property, premises or facility served by the water pollution control facilities of the County, or otherwise discharging Wastewater, industrial wastes, water or liquids, either directly or indirectly into the water pollution control facilities, a sewer service charge and assessment payable as hereinafter provided, and in the amount determinable as follows:

(1)

The sewer service charge shall be based upon the quantity of water used by the premises or facility therein or thereon as measured by a water meter or meters there in use, or as otherwise currently established.

(2)

The sewer service charge shall consist of a charge per thousand gallons of water consumed, including adjustments thereto, plus the fixed costs. Rates shall be established for each customer class.

(3)

Reserved.

(4)

Any customer that discharges Wastewater that is produced on site, including without limitation, landfill leachate, shall meter all Wastewater at the point of discharge to the sewer collection system, and the sewer service charge will be calculated from that metered flow.

(c)

Reserved.

(d)

Additional meters. Where it can be shown to the satisfaction of the Director that a significant portion of the water used by customers, as measured by the water meter or meters does not enter the water pollution control facilities, then that portion of water shall not be used for billing of the sewer service charge. The Director may require or permit the installation of additional meters or other devices as may be deemed necessary to establish that portion which does not enter the system.

• **Sec. 82-130~~1~~. - Industrial waste surcharges.**

(a)

Established. All persons discharging industrial wastes into the Public Sewers shall be charged and assessed a surcharge, in addition to any sewer service charges, if these wastes have a daily maximum concentration greater than the following:

(1)

A COD content of 500 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b).

(2)

A TSS content of ~~2200~~ mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b).

(3)

A TKN content of ~~40~~25 mg/l as determined by laboratory analysis in accordance with procedures

prescribed in subsection (b).

~~(4)~~

A total phosphorous concentration of 5 mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b).

~~(3) A total phosphorous concentration of eight mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b).~~

~~(4)~~ ~~(5)~~

A biochemical oxygen demand (BOD₅) concentration of ~~2500~~ mg/L as determined by laboratory analysis in accordance with procedures prescribed in subsection (b). (This parameter may be used in lieu of COD as determined by the superintendent.)

~~(5)~~ ~~(6)~~

A Fats, Oils and Grease (FOG) concentration of 100 mg/l as determined by laboratory analysis in accordance with procedures prescribed in subsection (b).

~~(7)~~

Ammonia Nitrogen concentration of 14 mg/l as determined by a laboratory analysis with procedures in accordance with procedures prescribed in subsection (b).

(8) Chloride concentration of 2025 mg/l as determined by a laboratory analysis with procedures in accordance with procedures prescribed in subsection (b).

The amount of the surcharge, which is hereby charged and assessed against all persons discharging Industrial Wastewater into the Public Sewers, shall reflect the cost incurred by the County in handling the excess COD, TSS, TKN, phosphorous, BOD₅, FOG, Ammonia Nitrogen and ~~FOG~~Chloride. This surcharge shall include a proportionate share of charges for maintenance and operation of the water pollution control facilities including depreciation and other incidental expenses. There shall be a surcharge range (as applied to a given pollutant concentration) as set forth in Section 82-67 ~~section 82-67~~(7) of this article.

(b)

Formula determining surcharge: When any or all the COD, TSS, TKN, phosphorous, BOD₅, FOG, Chloride, Ammonia Nitrogen and ~~FOG~~pH concentrations of Wastewater or waste accepted for admission to the County water pollution control facilities exceed the values of these constituents set forth in subsection (a) hereof, the excess concentrations of any or all, as the case may be, shall be evaluated in terms of these values and be subject to a surcharge on the amount derived in accordance with the following formula:

Amount of surcharge = (COD1 + COD2 + COD3 + COD4 + TSS1 + TSS2 + TSS3 + TSS4 + TKN1 + TKN2 + TKN3 + TKN4 + PHOS1 + PHOS2 + PHOS3 + PHOS4 + BOD1 + BOD2 + BOD3 + BOD4 + FOG1 + FOG2 + FOG3 + FOG4) ~~+~~ + CL1 + CL2 + CL3 + CL4 + AN1 + AN2 + AN3 + AN4 + pH).

Where:

"COD1" = (8.34) × (Flow in MGD) × (Cost "A") × (mg/L of COD above 500 mg/L ~~but below 801~~ and up to 900 mg/L).

"COD2" = (8.34) × (Flow in MGD) × (Cost "B") × (mg/L of COD above ~~8900~~ 900 mg/L ~~but below 1101~~ and up to 1200 mg/L).

"COD3" = (8.34) × (Flow in MGD) × (Cost "C") × (mg/L of COD above ~~1,100~~ 1200 mg/L ~~but below 1501~~ and up to 1500 mg/L).

"COD4" = (8.34) × (Flow in MGD) × (Cost "D") × (mg/L of COD above 1500 mg/L).

"TSS1" = (8.34) × (Flow in MGD) × (Cost "E") × (mg/L of TSS above ~~2200~~ 200 mg/L ~~but below 421~~ and up to 300 mg/L).

"TSS2" = (8.34) × (Flow in MGD) × (Cost "F") × (mg/L of TSS above ~~420~~ 300 mg/L ~~but below 621~~ and up to 400 mg/L).

"TSS3" = (8.34) × (Flow in MGD) × (Cost "G") × (mg/L of TSS above ~~620~~ 400 mg/L ~~but below 901~~ and up to 500 mg/L).

"TSS4" = (8.34) × (Flow in MGD) × (Cost "H") × (mg/L of TSS above ~~9500~~ 500 mg/L).

"TKN1" = (8.34) × (Flow in MGD) × (Cost "I") × (mg/L of TKN above ~~4025~~ 75 mg/L ~~but below 76~~ and up to 50 mg/L).

"TKN2" = (8.34) × (Flow in MGD) × (Cost "J") × (mg/L of TKN above 50 mg/L and up to 75 mg/L ~~but below 101 mg/L~~).

$\text{"TKN3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "K"}) \times (\text{mg/L of TKN above } \underline{75 \text{ mg/L and up to } 100 \text{ mg/L}} \text{ but below } \underline{136 \text{ mg/L}})$
 $\text{"TKN4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "L"}) \times (\text{mg/L of TKN above } \underline{135} \underline{100} \text{ mg/L})$
 $\text{"PHOS1"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "M"}) \times (\text{mg/L of PHOS above } \underline{85} \text{ mg/L but below } \underline{16} \text{ and up to } \underline{15} \text{ mg/L})$
 $\text{"PHOS2PHOS2"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "N"}) \times (\text{mg/L of PHOS above } \underline{15} \text{ mg/L but below } \underline{21} \text{ and up to } \underline{20} \text{ mg/L})$
 $\text{"PHOS3PHOS3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "O"}) \times (\text{mg/L of PHOS above } \underline{20} \text{ mg/L but below } \underline{31} \text{ and up to } \underline{30} \text{ mg/L})$
 $\text{"PHOS4PHOS4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "P"}) \times (\text{mg/L of PHOS above } \underline{30} \text{ mg/L})$
 $\text{"BOD1"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Q"}) \times (\text{mg/L of BOD above } \underline{2500} \text{ mg/L but below } \underline{501} \text{ and up to } \underline{400} \text{ mg/L})$
 $\text{"BOD2"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "R"}) \times (\text{mg/L of BOD above } \underline{5400} \text{ mg/L but below } \underline{701} \text{ and up to } \underline{550} \text{ mg/L})$
 $\text{"BOD3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "S"}) \times (\text{mg/L of BOD above } \underline{700550} \text{ mg/L but below } \underline{901} \text{ and up to } \underline{800} \text{ mg/L})$
 $\text{"BOD4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "T"}) \times (\text{mg/L of BOD above } \underline{9800} \text{ mg/L})$
 $\text{"FOG1"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "U"}) \times (\text{mg/L of FOG above } \underline{100} \text{ mg/L but below } \underline{126} \text{ and up to } \underline{125} \text{ mg/L})$
 $\text{"FOG 2"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "V"}) \times (\text{mg/L of FOG above } \underline{125} \text{ mg/L but below } \underline{151} \text{ and up to } \underline{150} \text{ mg/L})$
 $\text{"FOG 3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "W"}) \times (\text{mg/L of FOG above } \underline{150} \text{ mg/L but below } \underline{176} \text{ and up to } \underline{175} \text{ mg/L})$
 $\text{"FOG 4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "X"}) \times (\text{mg/L of FOG above } \underline{175} \text{ mg/L})$
 $\text{"CL1"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Y"}) \times (\text{mg/L of CL above } \underline{2025} \text{ mg/L and up to } \underline{2050} \text{ mg/L})$
 $\text{"CL2"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "Z"}) \times (\text{mg/L of CL above } \underline{2050} \text{ mg/L and up to } \underline{2075} \text{ mg/L})$
 $\text{"CL3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AA"}) \times (\text{mg/L of CL above } \underline{2075} \text{ mg/L and up to } \underline{2100} \text{ mg/L})$
 $\text{"CL4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AB"}) \times (\text{mg/L of CL above } \underline{2100} \text{ mg/L})$
 $\text{"AN1"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AC"}) \times (\text{mg/L of AN above } \underline{14} \text{ mg/L and up to } \underline{22} \text{ mg/L})$
 $\text{"AN2"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AD"}) \times (\text{mg/L of AN above } \underline{22} \text{ mg/L and up to } \underline{31} \text{ mg/L})$
 $\text{"AN3"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AE"}) \times (\text{mg/L of AN above } \underline{31} \text{ mg/L and up to } \underline{40} \text{ mg/L})$
 $\text{"AN4"} = (8.34) \times (\text{Flow in MGD}) \times (\text{Cost "AF"}) \times (\text{mg/L of AN above } \underline{40} \text{ mg/L})$
 $\text{"pH"} = \text{Concentration beyond limit} = 10^{(\text{pH}-9)} \text{ if pH} > 9, \text{ or } 10^{(6-\text{pH})} \text{ if pH} < 6$

Where cost factors are as follows:

$\text{"A"} = \text{The annual average cost of removal of one pound of COD at a concentration between } \underline{201500} \text{ and } \underline{5900} \text{ mg/L}$
 $\text{"B"} = \text{The annual average cost of removal of one pound of COD at a concentration between } \underline{501900} \text{ and } \underline{71200} \text{ mg/L}$
 $\text{"C"} = \text{The annual average cost of removal of one pound of COD at a concentration between } \underline{7011200} \text{ and } \underline{91500} \text{ mg/L}$
 $\text{"D"} = \text{The annual average cost of removal of one pound of COD at a concentration above } \underline{91500} \text{ mg/L}$
 $\text{"E"} = \text{The annual average cost of removal of one pound of TSS at a concentration between } \underline{221200} \text{ and } \underline{420300} \text{ mg/L}$
 $\text{"F"} = \text{The annual average cost of removal of one pound of TSS at a concentration between } \underline{421300} \text{ and } \underline{620400} \text{ mg/L}$
 $\text{"G"} = \text{The annual average cost of removal of one pound of TSS at a concentration between } \underline{621400} \text{ and } \underline{9500} \text{ mg/L}$
 $\text{"H"} = \text{The annual average cost of removal of one pound of TSS at a concentration above } \underline{9500} \text{ mg/L}$
 $\text{"I"} = \text{The annual average cost of removal of one pound of TKN at a concentration between } \underline{4125} \text{ and } \underline{7550} \text{ mg/L}$
 $\text{"J"} = \text{The annual average cost of removal of one pound of TKN at a concentration between } \underline{7650} \text{ and } \underline{10075} \text{ mg/L}$
 $\text{"K"} = \text{The annual average cost of removal of one pound of TKN at a concentration between } \underline{10175} \text{ and } \underline{135100} \text{ mg/L}$
 $\text{"L"} = \text{The annual average cost of removal of one pound of TKN at a concentration above } \underline{135100} \text{ mg/L}$
 $\text{"M"} = \text{The annual average cost of removal of one pound of total phosphorous (P) at a concentration between } \underline{96} \text{ and } \underline{15} \text{ mg/L}$
 $\text{"N"} = \text{The annual average cost of removal of one pound of total phosphorous (P) at a concentration between } \underline{1615} \text{ and } \underline{20} \text{ mg/L}$
 $\text{"O"} = \text{The annual average cost of removal of one pound of total phosphorous (P) at a concentration between } \underline{2120} \text{ and } \underline{30} \text{ mg/L}$
 $\text{"P"} = \text{The annual average cost of removal of one pound of total phosphorous (P) at a concentration above } \underline{30} \text{ mg/L}$
 $\text{"Q"} = \text{The annual average cost of removal of one pound of (BOD) at a concentration between } \underline{2501} \text{ and } \underline{5400} \text{ mg/L}$
 $\text{"R"} = \text{The annual average cost of removal of one pound of (BOD) at a concentration between } \underline{501400} \text{ and } \underline{700550} \text{ mg/L}$
 $\text{"S"} = \text{The annual average cost of removal of one pound of (BOD) at a concentration between } \underline{701550} \text{ and } \underline{9800} \text{ mg/L}$
 $\text{"T"} = \text{The annual average cost of removal of one pound of (BOD) at a concentration above } \underline{9800} \text{ mg/L}$
 $\text{"U"} = \text{The annual average cost of removal of one pound of (FOG) at a concentration between } \underline{100} \text{ and } \underline{125} \text{ mg/L}$
 $\text{"V"} = \text{The annual average cost of removal of one pound of (FOG) at a concentration between } \underline{1265} \text{ and } \underline{150} \text{ mg/L}$
 $\text{"W"} = \text{The annual average cost of removal of one pound of (FOG) at a concentration between } \underline{1510} \text{ and } \underline{175} \text{ mg/L}$

"X" = The annual average cost of removal of one pound of (FOG) at a concentration above 175 mg/L.

"Y" = The annual average cost of removal of one pound of (CL) at a concentration between 2025 and 2050 mg/L.

"Z" = The annual average cost of removal of one pound of (CL) at a concentration between 2050 and 2075 mg/L.

"AA" = The annual average cost of removal of one pound of (CL) at a concentration between 2075 and 2100 mg/L.

"AB" = The annual average cost of removal of one pound of (CL) at a concentration above 2100 mg/L.

"AC" = The annual average cost of removal of one pound of (AN) at a concentration between 14 and 22 mg/L.

"AD" = The annual average cost of removal of one pound of (AN) at a concentration between 22 and 31 mg/L.

"AE" = The annual average cost of removal of one pound of (AN) at a concentration between 31 and 40 mg/L.

"AF" = The annual average cost of removal of one pound of (AN) at a concentration above 40 mg/L.

"pH" = Concentration beyond limit x Daily Flow (gpd) x \$0.0005 = Recommended Daily Fine

_(c)

Determination of amounts: The rates of surcharge for each of the aforementioned constituents shall be determined annually by the Director in order that the above factors may correctly represent current treatment costs. A schedule of the surcharges shall be determined by the County.

(d)

Changing industrial waste surcharge: The industrial waste surcharge cost factors (cost per pound of removal) shall not be increased in any year by more than 20 percent of the charges for the preceding year without written approval of the County.

(e)

Schedule of fees, surcharges, and fines: A schedule of fees, surcharges, and fines for the water and Wastewater department shall be available at the County administration building. This schedule shall include but will not be limited to: Waste Hauler permit fees, grease hauler permit fees, Industrial User permit fees, and Wastewater surcharges and fines. Notwithstanding any other provision contained in this article, nothing shall prohibit the Director from assessing administrative fines, or civil or criminal penalties, in addition to the surcharges established herein whenever, in the opinion of the Director, such action appears necessary in order for the POTW to achieve or maintain compliance with applicable state or federal standards, or in order for the Director to promote the purposes and policies of this article.

- **Sec. 82-~~102~~131. - Billing procedure.**

Industrial wastes surcharges provided for in this article shall be prepared and rendered to the address supplied by the Director. The volume of flow used in billing the industrial waste surcharges shall be based upon metered, estimated, or prorated water consumption as shown in the records of meter reading maintained by the County.

- **Sec. 82-~~103~~2. - Payment of bills.**

Sewer service charges and surcharges provided in this article shall be payable at the County administration building or at other authorized locations, at the same time as the water bills for a lot, parcel of land, building, premise or facility are payable. Payments for water shall not be accepted unless payment of any applicable sewer service charge or surcharge is made at the same time.

- **Sec. 82-~~104~~133. - Annual analysis.**

(a)

Frequency of analysis. The Industrial Wastewater of each Industrial User subject to the industrial waste surcharge, and discharging into the County sewers shall be subject to periodic inspection by the Director, and a determination of character and concentration of the Wastewater shall be made annually by the Industrial User, or more often, as may be deemed necessary by the Director.

(b)

Sampling and analysis procedures. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 as amended. ~~The Composite~~ samples shall be ~~24-hour composite samples. A representative of discharge due to normal operations. To determine the characteristics of a representative sample used in the calculation of an annual surcharge,~~ a minimum, three ~~24-hour representative~~ composite samples shall be made. Sample results shall be averaged using a flow-weighted average to determine the overall average concentration for use in billing the industrial surcharge. Grab Samples ~~(of Slug, batch, Bypass, accidental or other episodic discharges)~~ taken in accordance with 40 CFR 136 shall be taken to measure such constituents and characteristics as may be required by applicable law or ~~as~~ reasonably required by the Director. ~~Analysis of parameters, including without limitation, total toxic organics but not limited to COD, TSS, TKN, Total Phosphorus (as P), BOD₅, COD, Ammonia Nitrogen, Chloride, pH, oil and grease, hexavalent chromium, phenol, Priority Pollutants (Appendix A to 40 CFR, Part 423-126, as amended) may be performed on Grab Samples to characterize the discharge. Analytical results from a certified laboratory, of a properly preserved Grab Sample, may be used to determine surcharges, fines and cyanide.~~ enforcement actions related to, but not limited to, Slug discharges or batch discharges, including analytes that are typically composite sampled. The discharger may request split samples for their own independent analysis by a certified lab.

(c) Reporting Requirements. The timely submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and related requirements, or as required in the discharge permit, including but not limited to the reports required in §403.12 are the responsibility of the User.

- **Sec. 82-~~105~~134. - Permit fees.**

The County may establish a fee for industrial Pretreatment permits. This fee will be collected prior to the issuance or re-issuance of an industrial Pretreatment permit. These fees will be used to offset the costs of implementing the County's Pretreatment program. The County may establish other permit and permit fees associated with Waste Haulers (including without limitation, septic or port-a-john Waste Haulers), Grease Trap maintenance companies, and port-a-john haulers. These permits and permit fees will be issued by the Director to each company doing business in the County's service area. In addition, a dollar amount per thousand gallons of waste discharged to the County's sewer system by Waste Haulers (including without limitation, septic or port-a-john Waste Haulers) will also be assessed. This fee will be set by the County and will be used to offset the costs of treatment at the POTW.

- **DIVISION ~~14~~17. - COMPLIANCE WITH REGULATORY REQUIREMENTS**

- **Sec. 82-~~106~~135. - State and federal.**

(a) The provisions of this article shall not be deemed as alleviating compliance with applicable state and federal laws and regulations. Specific User charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of this article upon official adoption. All nonresidential Users are required to comply with Pretreatment Standards as outlined in Title 40 of the Code of Federal Regulation, Part 403-~~, The Act and the Forsyth County Sewer Use Ordinance. Each Industrial User is required to develop a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and related requirements.~~

- **DIVISION ~~15~~18. - SPECIAL REQUIREMENTS FOR DENTAL PRACTICES**

- **Secs. 82-136. – Requirements for Dental Practices.**

(a) Adoption of Federal Regulations. The County adopts and incorporates herein by reference 40 CFR PART 441—DENTAL OFFICE POINT SOURCE CATEGORY as amended, which contains amalgam separation and wastewater pretreatment standards and reporting requirements for dental practices.

(b) Compliance with Federal Regulations Required. Any facility where the practice of dentistry is performed that is subject to this Article and is regulated under 40 CFR Part 441 shall comply with the following requirements:

(1) Users shall achieve compliance with applicable pretreatment standards for existing and new sources as required by 40 CFR § 441.30 and § 441.40.

(2) Users shall prepare, maintain, and submit to the Director their One-Time Compliance Reports as required by 40 CFR § 441.50.

(3) Users shall record, retain and make available for inspection by the Director the information specified in 40 CFR § 441.50.

(c) Remedies. The Director may enforce this Section using any of the remedies permitted under this Article. The Director may also deem a User that is not in compliance with this Section to be a Significant Industrial User, and impose permitting and monitoring requirements applicable to SIUs.

- **Secs. 82-137 through 82-146. - Reserved.**

- **DIVISION 19. - CONFLICT WITH OTHER ORDINANCES**

- **Sec. 82-147. - Conflict with other ordinances.**

(a)

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b)

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

(c)

In the event a Wastewater discharge is made to a Publicly Owned Treatment Works (POTW) under the jurisdiction of an approved sewer use ordinance for another governing authority, the more restrictive requirement shall prevail. Nothing contained herein shall prevent the County from entering into any multijurisdictional agreement, memorandum of understanding, or similar arrangement that allows the County to enforce the laws, regulations, or ordinances of another governing authority or which allows another governing authority to enforce the laws, regulations, or ordinances of the County.

- **DIVISION 1620. - DISPOSITION AND USE OF MONIES COLLECTED**

- **Sec. 82-148. - Forsyth County Water and Sewer Trust Fund.**

An amount equal to the amount collected by the Water and Sewer Department of Forsyth County pursuant to this article (including without limitation, monies collected from fines, penalties, surcharges, licenses or permits, ~~or otherwise collected pursuant to divisions 11, 12 and 13 of this article~~) shall be credited to a special fund hereby created in the County treasury to be known as the "Forsyth County Water and Sewer ~~Trust~~ Fund", hereinafter referred to as "the fund". The monies in the fund shall be subject to annual appropriation and shall be used solely for the operation of the Water and Sewer Department of Forsyth County (including without limitation, operation and maintenance of POTW, and the Director's administration of and enforcement of this article). The monies in the fund shall be invested by the County in the same manner as the monies in the general fund of the County, and all interest earned from the investment of monies in the fund shall be deposited in and remain to the credit of the fund. All unexpended and unencumbered monies remaining in the fund at the close of the fiscal year shall remain in the fund, unless otherwise directed by the Forsyth County Board of Commissioners.

- Secs. 82-~~109~~, 149 through 82-160. - Reserved.