

AN ORDINANCE  
TO BE ENTITLED

AN ORDINANCE TO AMEND THE MUNICIPAL UTILITIES  
ORDINANCE CHAPTER 2., SEWAGE COLLECTION AND  
DISPOSAL, OF PART 5 OF THE CODE OF THE CITY OF  
SAVANNAH, GEORGIA (2003); TO REPEAL ALL ORDINANCES  
IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Chapter 2, Sewage Collection and Disposal, of Part 5, Municipal Utilities, of the Code of the City of Savannah, Georgia (2003) be amended by deleting Chapter 2, Sewage Collection and Disposal, and inserting a new Chapter 2 entitled “Sewage Collection and Disposal” as follows:

CHAPTER 2. - SEWAGE COLLECTION AND DISPOSAL

ARTICLE A. - IN GENERAL

Sec. 5-2001. - Purpose.

The purpose of this chapter is to establish rules and regulations for the use of public sewers, private sewage disposal, building sewers and connections, and the disposal of wastewater into the wastewater systems of the City of Savannah.

Sec. 5-2002. - Abbreviations.

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

|      |                                      |
|------|--------------------------------------|
| BOD  | Biochemical oxygen demand            |
| CFR  | Code of Federal Regulations          |
| COD  | Chemical oxygen demand               |
| EPA  | U.S. Environmental Protection Agency |
| FOG  | Fats, oil, and grease                |
| gpd  | Gallons per day                      |
| mg/l | milligrams per liter                 |

|                    |   |
|--------------------|---|
| NH <sub>3</sub> -N | Ammonia-nitrogen                                |
| NPDES              | National Pollutant Discharge Elimination System |
| POTW               | Publicly owned treatment works                  |
| RCRA               | Resource Conservation and Recovery Act          |
| SIC                | Standard industrial classification              |
| TSS                | Total suspended solids                          |
| TTO                | Total toxic organics                            |
| USC                | United States Code                              |

Sec. 5-2003. - Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in this chapter, shall have the meanings hereinafter designated:

- (a) *Act* or *the act* means the Federal Water Pollution Control Act, Public Law 92-500, as now or hereafter amended, also known as the Clean Water Act, 33 USC 1251 et seq.
- (b) *Administrator* means the water and sewer director of this city or his duly appointed deputy, agent or representative.
- (c) *Approval authority* means the State of Georgia, department of natural resources, environmental protection division (EPD).
- (d) *Authorized representative of the user* means:
  - (1) A responsible corporate officer, if the industrial user is a corporation. For the purpose of this definition, a responsible corporate officer means: a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or 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 authority has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) By a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

- (3) By a duly authorized representative of the individual in paragraph (d)(1) or (2) of this definition if:
- (A) The authorization is made in writing by the individual described in paragraph (d)(1) or (2);
  - (B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial wastewater originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (C) The written authorization is submitted to the control authority.
- (4) If an authorization under paragraph (d)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d)(3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.
- (e) *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° C. Expressed in terms of weight (pounds per day) and/or concentration (milligrams per liter).
- (f) *Building drain* means that part of a building storm drainage system which receives the discharge from soil and other drainage pipes inside the walls of the building and conveys it to the appropriate location off site.
- (g) *Building sanitary sewer* means that part of the horizontal piping of the building sanitary sewer lateral gravity line or force main which extends from the building and conveys it to a public sewer disposal system, or other point of disposal even where the piping extends beyond that property owner's property line.
- (h) *Chemical oxygen demand* means the measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong oxidant under standard laboratory procedures.
- (i) *City* means the area within the city limits or any other area within jurisdiction of the City of Savannah as specified by statute, ordinance or other valid authority.
- (j) *Combined sewer* means a sewer receiving both surface runoff and sewage.
- (k) *Control authority* means the City of Savannah, or the administrator of the pretreatment program under the provisions of 40 CFR 403.12(a).
- (l) *Control manhole* means a sanitary sewer access, located to allow for the proper sampling, monitoring, and observation of an industrial wastewater discharge.
- (m) *Conventional pollutant* means BOD, TSS, pH, fecal coliform bacteria, oil and grease and such additional pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater systems where said systems have been designed and used to reduce or remove such pollutants.

- (n) *Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.
- (o) *Domestic wastes* means liquid wastes; (a) from the noncommercial preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- (p) *Environmental Protection Agency* means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.
- (q) *Equalization* means a process whereby varying (nonuniform) wastewater discharge flows are balanced off into a uniform wastewater discharge flow.
- (r) *Existing source* means any source of discharge, the construction of which commenced prior to the publication by EPA of proposed national categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.
- (s) *Fats, oil, and grease* means any material recovered as a substance soluble in a solvent using an EPA-approved method for analysis for oil and grease from animal, vegetable, and hydrocarbons of petroleum origin to include any food disposal down the drain.
- (t) *Garbage* means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food.
- (u) *Grab sample* means 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 15 minutes.
- (v) *Industrial user* means any person who discharges, causes or permits the discharge of industrial wastewater(s) into the city's wastewater system either directly or indirectly through a wastewater system of others.
- (w) *Industrial wastewater* means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.
- (x) *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the "Resource Conservation and Recovery Act (RCRA)," and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA); the Clean Water Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (y) *Maximum daily limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite (as

appropriate) sample collected, independent of the flow rate and the duration of the sampling event.

- (z) *Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (aa) *Monthly average limit* means the arithmetic average of all samples collected during a month at a specific sample point that are tested using methods listed in 40 CFR 136 or other EPA-approved methods.
- (bb) *National categorical pretreatment standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users.
- (cc) *National Pollutant Discharge Elimination System (NPDES)* means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Act.
- (dd) *National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.
- (ee) *Natural outlet* means any outlet into any watercourse, canal, pond, ditch, lake, or other body of surface water or groundwater.
- (ff) *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 will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - (A) The building structure, facility or installation is constructed at a site at which no other source is located; or
    - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - (C) The production of 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. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (ff)(1)(B), or (1)(C) of this

definition but otherwise alters, replaces, or adds to existing process or production equipment.

- (2) Construction of a new source as defined under this subparagraph has commenced if the owner or operator has:
  - (A) Begun, or caused to begin as part of a continuous on-site construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment; or
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within 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 subparagraph.
- (gg) *Noncontact cooling water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste products, or finished product.
- (hh) *Pass through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (ii) *Person or persons* means any individual, firm, company, partnership, corporation, association, group, or society, and includes the State of Georgia, and agencies, districts, commissions and political subdivisions created by or pursuant to state or federal law.
- (jj) *pH* means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution, expressed in a scale of zero to 14 (7 being neutral, less than 7 acidic, greater than 7 alkaline).
- (kk) *Pollutant* means dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munitions; medical wastes; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial wastes; and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (ll) *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes; process changes; or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization

tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

- (mm) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- (nn) *Private sewage disposal system* means an individual septic system as approved by the City of Savannah and the Chatham County Health Department.
- (oo) *Properly shredded garbage* means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle greater than one-half inch in any dimension.
- (pp) *Public sanitary sewer* means a common sewer directly controlled by a public authority or entity.
- (qq) *Publicly owned treatment works* or *POTW* means a treatment works, as defined by Section 212 of the Act (33 USC 1292) which is owned by the City of Savannah. This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.
- (rr) *POTW treatment plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- (ss) *Sanitary sewage* means the solid and liquid wastes generated in the typical day-to-day domestic household.
- (tt) *Sanitary sewer* means a pipe which carries sewage and excludes stormwater, surface water, and groundwater.
- (uu) *Septage* means waste discharged from an individual septic tank system (private sewage disposal system) approved by the City of Savannah and the Chatham County Health Department.
- (vv) *Sewage* means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
- (ww) *Sanitary sewer* means a pipe or conduit for carrying sewage.
- (xx) *Shall* is mandatory; *may* is permissive.
- (yy) *Significant industrial user* means:
  - (1) Except as provided in subsection (2) of this definition, the term "significant industrial users" means:

- (A) All industrial users subject to national categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
  - (B) Any other industrial user that: discharges an average of 25,000 gpd or more of wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority 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 pretreatment requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon a finding that an industrial user meeting the criteria in subsection (1)(B) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or pretreatment requirement, the control authority 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.
- (zz) *Significant noncompliance* means an industrial user's violation(s) meets one or more of the following:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of 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 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, and FOG; 1.2 for all other pollutants except pH);
  - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the city 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 city's exercise of its authority under section 5-2043 of this chapter to halt or prevent such a discharge;
  - (5) Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in written notification for starting construction, completing construction or attaining final compliance;
  - (6) Failure to provide, within 30 days after the due date, any required reports;
  - (7) Failure to accurately report noncompliance;
  - (8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the industrial pretreatment program.



- (aaa) *Slug load or slug* means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.
- (bbb) *Storm drain* means a pipe which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (ccc) *Stormwater* means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
- (ddd) *Total suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (eee) *Unpolluted water* means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.
- (fff) *User classification* means a classification of users based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.
- (ggg) *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's treatment works.
- (hhh) *Wastewater discharge permit* means a permit to discharge wastewater issued in compliance with the city's own NPDES permits as authorized under 40 CFR 403.
- (iii) *Wastewater system* means any devices, facilities, structures, equipment or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alternations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
- (jjj) *Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

Terms not otherwise defined in this section shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Sec. 5-2004. - Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the

wastewater system. This equipment shall include, but not be limited to, sampling equipment and measuring devices.

Sec. 5-2005. - Use of public sewers required.

- (a) 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 the City of Savannah, or in any area under the jurisdiction of the City of Savannah, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City of Savannah, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank, private sewage disposal system, or other facility intended or used for the disposal of sewage unless approved by the city and the Chatham County Health Department.
- (d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city 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 the city shall be required at the owner's expense to install, in accordance with the plumbing code of the city, suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after official notice to do so, provided that said public sewer is within 200 feet of the dwelling, and the property can be served by gravity flow. The owner shall be responsible for all maintenance of the sanitary sewer lateral from the sanitary sewer main to the house, building, etc.
- (e) All private properties having access to a city sanitary sewer shall be required to pay sewer service fees. Upon installation, acceptance or placement into operation of a sanitary sewer line, the engineering administrator shall provide the finance and administrative services department with a listing of private properties which have access to the line. The finance and administrative services department shall bill sewer service charges to the properties as connections are made to the city line or 90 days after receiving the notification from the engineering administrator, whichever occurs first.

Sec. 5-2006. - Private sewage disposal.

- (a) Where a public sewer is not available under the provisions of section 5-2005(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain approval from the administrator and the Chatham County Health Department. Construction of private sewage disposal systems shall be in accordance with rules and regulations for individual sewage disposal systems, Georgia Department of Human Resources, as effective at time of application pursuant to this subsection.

- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the administrator and the Chatham County Health Department. The Chatham County Health Department shall be allowed to inspect the work at any stage of construction, and the applicant for the permit shall notify the Chatham County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within five working days of the receipt of notice by the Chatham County Health Department.
- (d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all regulations of the Chatham County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the lot size and soil conditions do not meet the requirements of the Chatham County Health Department. No such system shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer becomes available (within 200 feet) to a dwelling served by a private sewage disposal system, as provided in subsection d, the dwelling owner, at his expense, shall have a direct connection made to the public sewer in compliance with this chapter within 90 days of notice to the owner by the city of the availability of such service, and any private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with bank run gravel or soil.
- (f) The owner shall operate and maintain in good working order private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Sec. 5-2007. - Building sanitary sewer and connections.

- (a) No person shall uncover, make any connections with or opening into, use, or alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a permit from the administrator. Permits shall only be granted to persons authorized by the plumbing code to do such work.
- (b) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.
- (c) A separate and independent building sanitary sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, and both buildings remain under one property owner, the building sanitary sewer from the front building may be extended to the rear building and the whole considered as one building sanitary sewer. Should the property owner ever decide to subdivide and sell a portion of the property, a separate building sanitary sewer shall be installed at no additional cost to the city.
- (d) Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination and test by the administrator, to meet all requirements of this chapter.

- (e) The size, slope, alignment, materials of construction of a building sanitary sewer, and the methods to be used in excavating, placing of the pipe, pointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code of the City of Savannah or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in latest approved specifications of the ASTM and W.E.F. Manual of Practice No. 9 shall apply. A copy of these specifications shall be available in the administrator's office.
- (f) In all buildings in which any building sanitary sewer piping is at an elevation too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sanitary sewer piping shall be lifted by an approved means and discharged to the building sanitary sewer, and the maintenance of the mechanisms for the lifting shall be the responsibility of the property owner.
- (g) The connection of the building sanitary sewer into the public sewer shall conform to the requirements of the building and plumbing code of the City of Savannah or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the W.E.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the administrator before installation.
- (h) The applicant for the building sanitary sewer permit shall notify the administrator when the building sanitary sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the administrator.
- (i) All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard in accordance with the Georgia Manual on Uniform Traffic Control Devices, and as prescribed by the city traffic engineer. No streets, sidewalks, parkways, and other public property shall be excavated or disturbed until a permit for this, as prescribed by this Code, has been obtained. Restoration of public property shall be in a manner acceptable to the city.

Sec. 5-2008. - Prohibited discharges.

A user shall not introduce into a POTW any pollutants(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in subsection (b) of this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements. In addition, the following pollutants shall not be introduced into a wastewater system:

- (a) *Federal prohibitions on wastewater discharges.* Federal regulations prohibit the following materials from being discharged:
  - (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.

- (2) Pollutants which will cause corrosive structural damage to the wastewater system, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges.
  - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the wastewater system resulting in interference.
  - (4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the wastewater system.
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the approval authority, upon request of the POTW, approves alternate temperature limits.
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems.
  - (8) Any trucked or hauled pollutants, except at discharge points designated by the administrator.
- (b) *Local prohibitions on wastewater discharges.* The following materials are prohibited from discharge to the wastewater system:
- (1) *Oils and grease.* Any water or waste to include food residuals containing fats, wax, grease, or oils, 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° F (0° C and 65° C).
  - (2) *Explosive substances.* Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (L.E.L.) of the meter. These materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
  - (3) *Noxious material.* Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or may be sufficient to prevent entry into a sewer for its maintenance and repair.
  - (4) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

- (5) *Temperature.* Any liquid or vapor having a temperature higher than 120° F (49° C).
  - (6) *Radioactive wastes.* Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the administrator in compliance with applicable state or federal regulations.
  - (7) *Toxic substances.* Any toxic substances in amounts exceeding standards promulgated by the administrator and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that may pass through the system.
  - (8) *Unpolluted waters.* Any unpolluted water, including, but not limited to, water from cooling systems or of stormwater origin.
  - (9) *Discolored material.* Wastes with objectionable color not removable by the treatment process.
  - (10) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the wastewater system. Prohibited corrosive materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products. All wastes discharged, directly or indirectly through wastewater systems owned by others, to the city wastewater system must have a pH value in the range of 6.0 to 9.0 standard units.
  - (11) *Surfactants.* Detergents, surface active agents or other substances which may cause excessive foaming at the wastewater treatment plant.
  - (12) *Slug loading.* Unusual volume of flow or concentration of pollutants constituting a slug load as defined in this chapter.
- (c) *Limitations on wastewater discharges.* No person shall discharge or convey, or permit or allow to be discharged or conveyed, to city wastewater system directly or indirectly through wastewater system owned by others, any wastewater containing pollutants of such character or quantity that will:
- (1) Not be susceptible to treatment or interfere with the process or efficiency of the treatment system. Not susceptible shall mean an absence of any change in the quantity, nature, or composition of the pollutant(s);
  - (2) Constitute a hazard to human or animal life, or to the stream or watercourse receiving the treatment plant effluent. Hazard shall mean toxicity, fire, or explosiveness, or any other danger to a person or property by reason of the quantity, nature, or composition of the pollutant(s);
  - (3) Violate pretreatment standards; and/or
  - (4) Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- (d) *Special agreements.* Nothing in this section shall be construed as preventing any special agreement or arrangement between the city and any user of the wastewater system whereby wastewater of unusual strength or character is accepted into the system

and especially treated subject to any payments or user charges as may be applicable. However, it must be understood that no categorical pretreatment standards will be relaxed.

- (e) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the wastewater system.
- (f) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the administrator may:
  - (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition;
  - (3) Require control over the quantities and rates of discharge;
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by standard sewer service charges; and/or
  - (5) Take other such actions as may be deemed to be desirable or as necessary to achieve the purpose of this chapter.
- (g) Grease, oil, and sand interceptors shall be provided when determined by the administrator and/or the Chatham County Health Department to be necessary for the proper handling of liquid wastes containing FOG or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residential living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall no longer be serviced by staff, but with an approved commercial waste hauler. Grease and oil interceptors shall conform to the City of Savannah grease interceptor standards.
- (h) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (i) All sample collection, preservation measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- (j) *Authority to establish discharge limits.* Nothing in this section shall be construed as preventing the city from establishing discharge limits as necessary to meet federal standards and/or state water quality standards.

Sec. 5-2008A. Enforcement of grease interceptor standards.

(a) Without limiting any other remedy available to the City, any person found to be in violation of the grease interceptor standards set forth in this chapter may be subject to the penalties set forth in code Section 1-1013.

(b) For purposes of enforcement, Water Reclamation personnel shall be deputized as deputy city marshals and are hereby empowered to issue citations to violators. They are further empowered to issue subpoenas to, and offer testimony in, Recorder's Court to any person found to be in violation of the grease interceptor standards.

#### Sec. 5-2009. - Wastewater treatment rates.

Rates for water and sewer charges, surcharges for excessive concentration of pollutants, and industrial and domestic waste haulers' charges shall be included in the city's revenue ordinance.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the city may deem necessary to carry out the requirements contained in this chapter.

These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

#### Secs. 5-2010—5-2020. - Reserved.

### ARTICLE B. - ADMINISTRATION<sup>[5]</sup>

#### Sec. 5-2021. - Powers and authority of inspectors.

- (a) The administrator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, recording, measurement, sampling, and testing in accordance with the provisions of this chapter.
- (b) The administrator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, recording, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent



work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved and general law.

Sec. 5-2022. - Administration.

Except as otherwise provided in this chapter, the administrator shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the administrator may be delegated by the administrator to other city personnel.

Sec. 5-2023. - Administrative enforcement remedies.

- (a) *Informal responses.* If a problem is isolated and does not involve a suspicion that the industrial user is violating an applicable limit, then the city may respond informally. Informal responses include a telephone call, a facility visit, or a letter from the administrator. Conversations during a telephone call or during a facility visit will be summarized in writing to ensure that city records include a discussion of the problem and the city's recommendations.
- (b) *Notice of noncompliance.* The city's first response to most violations is the notice of noncompliance (NON). The NON discusses the circumstances of the violation and the consequences of continued violation. In most cases the NON will require the user receiving the NON to respond in writing within 15 days from the date of receipt. The response must discuss the actions that the user has taken to identify the cause of the violation and the actions that the user has taken to prevent similar violations in the future. The NON will also specify a date by which the user must show a return to compliance to prevent escalated enforcement action. This deadline will usually be 45 days after the city has identified the violation.
- (c) *Notice of violation.* When the administrator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or pretreatment requirement, the administrator may serve upon that [user] a written notice of violation (NOV). Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the administrator to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.
- (d) *Show cause hearing.* The administrator may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or pretreatment requirement, to appear before the administrator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on

any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- (e) *Compliance orders.* When the administrator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or pretreatment requirement, the administrator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or pretreatment requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (f) *Cease and desist orders.* When the administrator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or pretreatment requirement, or that the user's past violations are likely to recur, the administrator may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (1) Immediately comply with all requirements; and
  - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

- (g) *Administrative fines.*
- (1) When the administrator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement, the administrator may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation.
  - (2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at a rate of 1½ percent per month. A lien against the user's property may be sought for unpaid charges, fines, and penalties.
  - (3) Users desiring to dispute such fines must file a written request for the administrator to reconsider the fine along with full payment of the fine amount within 30 days of

being notified of the fine. Where a request has merit, the administrator may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (h) *Emergency suspensions.* The administrator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The administrator may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
  - (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of the user's failure to immediately comply voluntarily with the suspension order, the administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the administrator that the period of endangerment has passed, unless the termination proceedings in subsection (i) of this section are initiated against the user.
  - (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the administrator prior to the date of any show cause or termination hearing under subsection (e) or (j) of this section.
  - (3) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- (i) *Termination of discharge.* In addition to the provisions in section 5-2044(b) through (f) of this chapter, any user who violates the following conditions is subject to termination of discharge:
  - (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 user's premises for the purpose of inspection, monitoring, or sampling; or
  - (5) Violation of the pretreatment standards in section 5-2008 or 5-2042 of this chapter. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (e) of this section why the proposed action

should not be taken. Exercise of this option by the administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

- (j) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reasons of the violation.

Sec. 5-2024. - Judicial enforcement remedies.

(a) *Injunctive relief.* When the administrator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement, the administrator may petition the superior court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties.*

- (1) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement shall be liable to the city for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The administrator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

(c) *Criminal prosecution.*

- (1) A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment 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 one year, or both.

- (2) A user 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 not more than \$1,000.00, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
  - (3) A user 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 chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one year, or both.
  - (4) In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than three years, or both.
- (d) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The administrator may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the administrator may take other action against any user when the circumstances warrant. Further, the administrator is empowered to take more than one enforcement action against any noncompliant user.

Sec. 5-2025. - Supplemental enforcement action.

- (a) *Performance bonds.* The administrator may decline to issue or reissue a wastewater discharge permit to any industrial user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement, unless such industrial user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the administrator to be necessary to achieve consistent compliance.
- (b) *Liability insurance.* The administrator may decline to issue or reissue a wastewater discharge permit to any industrial user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (c) *Water supply severance.* Whenever an industrial user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or pretreatment requirement, water service to the industrial user may be severed. Service will only recommence, at the industrial user's expense, after it has satisfactorily demonstrated its ability to comply.
- (d) *Informant rewards.* The administrator may pay up to \$500.00 for information leading to the discovery of noncompliance by an industrial user. In the event that the

information provided results in a civil penalty or an administrative fine levied against the industrial user, the administrator may disperse up to five percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000.00.

- (e) *Contractor listing.* Industrial users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by an industrial user found to be in significant noncompliance with pretreatment standards or pretreatment requirements may be terminated at the discretion of the administrator.

Sec. 5-2026. - Affirmative defenses to discharge violations.

- (a) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3), below, are met.
- (3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (A) An upset occurred and the industrial user can identify the cause(s) of the upset;
  - (B) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - (C) The industrial user has submitted the following information to the administrator within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
    - (i) A description of the indirect discharge and cause of noncompliance;
    - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof, which shall be by a preponderance of evidence.

- (5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - (6) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (b) *Prohibited discharge standards.* An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 5-2008 or 5-2042 of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or
  - (2) No local limit exists, and the discharge did not change substantially in nature or constituents from the industrial user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) *Bypass.*
- (1) For the purposes of this section:
    - (A) "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
    - (B) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (2) An industrial user may allow any bypass to occur which does not cause pretreatment standards to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (3) and (4) of this section.
  - (3) (A) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the administrator, at least ten days before the date of the bypass, if possible.
    - (B) An industrial user shall submit oral notice to the administrator of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not

been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours after the bypass occurred.

- (4) (A) Bypass is prohibited, and the administrator may take an enforcement action against an industrial user for a bypass, unless:
- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (iii) The industrial user submitted notices as required under subsection (3) of this section.
- (B) The administrator may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the conditions listed in subsection 4(A)(i) of this section.

Secs. 5-2027—5-2040. - Reserved.

## ARTICLE C. - INDUSTRIAL PRETREATMENT

Sec. 5-2041. - General provisions; purpose.

The purpose of this article is to establish additional rules and regulations for the direct or indirect discharge of nondomestic wastewaters into the wastewater systems of the City of Savannah:

- (a) Implement the national pretreatment standards;
- (b) Prevent the introduction of pollutants into the wastewater system which will pass through or interfere with the treatment processes of city's wastewater treatment plants or which may contaminate sewage sludge;
- (c) Prevent the introduction of pollutants into the wastewater treatment system which will not be compatible with the treatment process and cause city's treatment plant facility(s) violation under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with the jurisdiction over such discharges;
- (d) Protect health and safety of the personnel and the general public;
- (e) Authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; and require industrial user reporting.

Sec. 5-2042. - Limitations on wastewater discharges.



(a) *Local limits.* The following pollutant limits are established to protect against pass through and interference at each of the city facilities. No user shall discharge wastewater in excess of the concentrations set forth in column A below, unless alternative limits are granted in a valid permit to discharge industrial wastewater. Tabulated in column B are the maximum headworks concentrations. Should the concentrations in column B be exceeded, the discharge limits of the industrial users may be reduced to alternative limits, to be set by the administrator, to ensure that the concentration levels in column B are not exceeded.

|                         | Column A<br>Maximum Daily Limit (mg/l) | Column B<br>Maximum Headworks Limit (mg/l) |
|-------------------------|--|--|
| <i>President Street</i> |  |  |
| Ammonia                 | 129                                    | 52   |
| BOD <sub>5</sub>        | 1,350                                  | 340  |
| COD                     | 2,700                                  | 760  |
| FOG                     | 100                                    |  |
| TSS                     | 750                                    | 1600                                       |
| Cyanide (T)             | 0.49                                   | 0.137                                      |
| Arsenic                 | 0.26                                   | 0.036                                      |
| Cadmium                 | 0.17                                   | 0.027                                      |
| Copper                  | 1.94                                   | 0.357                                      |
| Lead                    | 1.44                                   | 0.298                                      |
| Mercury                 | 0.14                                   | 0.018                                      |
| Molybdenum              | 0.03                                   | 0.032                                      |
| Nickel                  | 1.52                                   | 0.216                                      |

|                            |       |         |
|----------------------------|-------|---------|
| Selenium                   | 0.04  | 0.043   |
| Zinc                       | 1.34  | 0.381   |
| <i>Regional Plants</i>     |       |         |
| Ammonia                    | 32    | 34      |
| BOD <sub>5</sub>           | 850   | 320     |
| COD                        | 1,300 | 730     |
| FOG                        | 100   |         |
| TSS                        | 280   | 300     |
| Bis(2-Chloroethyl)Ether    | 0.003 | 0.001   |
| Bis(2-Ethylhexyl)Phthalate | 0.013 | 0.008   |
| Cyanide (T)                | 0.082 | 0.017   |
| Arsenic                    | 0.15  | 0.045   |
| Cadmium                    | 0.008 | 0.001   |
| Chromium                   | 2.37  | 0.412   |
| Copper                     | 0.14  | 0.064   |
| Lead                       | 0.058 | 0.006   |
| Mercury                    | 0.002 | 0.00003 |
| Molybdenum                 | 0.08  | 0.041   |
| Nickel                     | 1.42  | 0.273   |
| Selenium                   | 0.06  | 0.010   |

|        |      |       |
|--------|------|-------|
| Silver | 0.11 | 0.036 |
| Zinc   | 0.88 | 0.381 |

In addition, the administrator may limit the discharge of other specific substances not listed above on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or would violate any receiving stream water quality standards upon discharge. All concentrations for metallic substances are for "total" metals. The administrator may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- 
- (b) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the wastewater system.
  - (c) *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 pretreatment requirement. The administrator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or pretreatment requirements, or in other cases when the imposition of mass limitations is appropriate.
  - (d) When required by the administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with the plans approved by the city engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
  - (e) *State pretreatment standards.* State pretreatment standards located in the Rules of Georgia Department of Natural Resources, Environmental Protection Division, chapter 391-3-6 are hereby incorporated.
  - (f) *National categorical standards.* Nothing in this article shall be construed as preventing the city from imposing on industries national categorical standards, as they are promulgated. The national categorical pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405—471, are hereby incorporated by reference.
  - (g) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the administrator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (h) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the administrator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (i) An industrial user may obtain a variance from a categorical pretreatment standard if the industrial 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.
- (j) An industrial user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Sec. 5-2043. - Control of industrial wastewater discharges.

- (a) *Submission of plans.* Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater system is required, plans, specifications, schedules for completion and compliance, and any other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the administrator for review. The review of these documents does not relieve and/or exempt the industry, designer(s) and contractor(s) nor their representative from their individual or collective responsibility to comply with the applicable provisions of the local, state and/or federal regulations. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to and prior review by the administrator.
- (b) *Pretreatment facilities operations.* If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.
- (c) *Protection from accidental discharge/slug control; accidental discharge/slug control plan.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the administrator, for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter. The accidental discharge/slug control plan shall be updated at a minimum of every two years. The 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 administrator of any accidental or slug discharge, as required by section 5-2045(f) of this chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment.

(d) *Hauled wastewater.*

(1) *Septage.* Septic tank waste may be introduced into the wastewater system only at locations designated by the administrator and at such times as are established by the administrator. Such waste shall not violate section 5-2008(a) of this chapter or any other requirements established by the city. The administrator may require septic tank waste haulers to obtain wastewater discharge permits.

(2) *Hauled industrial wastewater.*

(A) The administrator may require haulers of industrial waste to obtain wastewater discharge permits.

(B) Generators of hauled industrial waste may be required to obtain wastewater discharge permits.

(C) Hauled wastewater shall be discharged only at the designated locations.

(D) The industrial waste hauler may be required to provide a wastewater analysis of any load prior to discharge.

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

Sec. 5-2044. - Industrial wastewater discharge monitoring.

(a) *Wastewater discharge permit application.*

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

(2) *Wastewater discharge permit requirement.*

(A) No significant industrial user shall discharge wastewater into the wastewater system without first obtaining a wastewater discharge permit from the administrator, except that a significant industrial user that has filed a timely application pursuant to subsection (a)(3) of this section may continue to discharge for the time period specified therein.

(B) The administrator may require other industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or pretreatment requirements or with any other requirements of federal, state, and local law.

- (3) *Wastewater discharge permitting; existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter [December 8, 1998] and who wishes to continue such discharges in the future shall, within 30 days after said date, apply to the administrator for a wastewater discharge permit in accordance with subsection (a)(5) of this section, and shall not cause or allow discharges to the POTW to continue after 60 days of the effective date of this chapter [December 8, 1998] except in accordance with a wastewater discharge permit issued by the administrator. Those industrial users holding a valid wastewater discharge permit shall, within 60 days after said date, apply to the administrator for a wastewater discharge permit in accordance with subsection (a)(5) of this section, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this chapter [December 8, 1998].
- (4) *Wastewater discharge permitting; new connections.* Any user required to obtain a 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 wastewater discharge permit, in accordance with subsection (a)(2) of this section, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.
- (5) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The administrator may require all users to submit as part of an application the following information:
- (A) All information required by section 5-2045(a) of this chapter;
  - (B) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (D) Each product produced by type, amount, process or processes, and rate of production;
  - (E) Type and amount of raw materials processed (average and maximum per day);
  - (F) 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;
  - (G) Time and duration of discharges; and
  - (H) Any other information as may be deemed necessary by the administrator to evaluate the wastewater discharge permit application.

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

- (6) *Application signatories and certification.* All wastewater discharge permit applications and industrial user reports must be signed by an authorized representative of the industrial user and contain the following certification statement:

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

- (7) *Wastewater discharge permit decisions.* The administrator will evaluate the data furnished by the industrial user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the administrator will determine whether or not to issue a wastewater discharge permit. The administrator may deny any application for a wastewater discharge permit.

- (b) *Wastewater discharge permit issuance process.*

- (1) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the administrator 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) A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the administrator. Each wastewater discharge permit will indicate a specific date upon which it will expire. Each permit shall expire at 12:00 midnight on the date of expiration;

(B) Effluent limits based on applicable pretreatment standards;

(C) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. Including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

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

(E) A statement of nontransferability without prior notification to the city in accordance with subsection (e) of this section.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (A) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (B) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (C) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (E) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW;
- (F) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (G) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (H) Other conditions as deemed appropriate by the administrator to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(c) *Wastewater discharge permit appeals.* The administrator shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the industrial user, may petition the administrator to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the administrator fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing an action with the Superior Court of Chatham County within 30 days.



(d) *Wastewater discharge permit modification.* The administrator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or pretreatment requirements;
- (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

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

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

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

(f) *Wastewater discharge permit revocation.* The administrator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the administrator of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the administrator of changed conditions pursuant to section 5-2045(e) of this chapter;

- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the administrator timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or pretreatment requirement, or any terms of the wastewater discharge permit or this chapter.

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

(g) *Wastewater discharge permit reissuance.* An industrial user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection (a)(5) of this section, a minimum of 90 days prior to the expiration of the industrial user's existing wastewater discharge permit.

(h) *Regulation of waste received from other jurisdictions.*

- (1) If another municipality, or industrial user located within another municipality, contributes wastewater to the POTW, the administrator shall enter into an intergovernmental agreement with the contributing municipality.
- (2) Prior to entering into an agreement required by subsection (h)(1), above, the administrator shall request the following information from the contributing municipality:
  - (A) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (B) An inventory of all industrial users located within the contributing municipality that are discharging to the POTW; and
  - (C) Such other information as the administrator may deem necessary.
- (3) An intergovernmental agreement, as required by subsection (h)(1), above, shall contain the following conditions:

- (A) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in section 5-2008 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;
- (B) A requirement for the contributing municipality to submit to the administrator a revised industrial user inventory on at least an annual basis;
- (C) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the administrator;
- (D) A requirement for the contributing municipality to provide the administrator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (E) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (F) Requirements for monitoring the contributing municipality's discharge;
- (G) A provision ensuring the administrator access to the facilities of industrial users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the administrator; and
- (H) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

Sec. 5-2045. - Industrial wastewater discharge reports.

(a) *Baseline monitoring reports.*

- (1) Within either 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 administrator a report which contains the information listed in subsection (a)(2) below. At least 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 administrator a report which contains the information listed in subsection (a)(2)(A—E), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (2) Industrial users described above shall submit the information set forth below:
  - (A) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

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

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

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

(E) *Measurement of pollutants.*

- (i) The categorical pretreatment standards applicable to each regulated process.
- (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the administrator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and longterm average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (j) of this section.
- (iii) Sampling must be performed in accordance with procedures set out in subsection (k) of this section.

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

(G) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) of this section.

(H) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 5-2044(a)(6) of this chapter.

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection (a)(2)(G) of this section:

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

components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine months;
- (3) The industrial user shall submit a progress report to the administrator no later than 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 industrial user to return to the established schedule; and
- (4) In no event shall more than nine months elapse between such progress reports to the administrator.

(c) *Categorical pretreatment standard deadline reports.* Within 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 industrial user subject to such pretreatment standards and requirements shall submit to the administrator a report containing the information described in subsection (a)(2)(D—F) of this section. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's longterm production rate. For all other industrial 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 industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 5-2044(a)(6) of this chapter.

(d) *Periodic compliance reports.*

- (1) All permitted industrial users shall, at a frequency determined by the administrator, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are controlled by the industrial user's permit. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 5-2044(a)(6) of this chapter.
- (2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- (3) If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the administrator, using the procedures prescribed in subsection (k) of this section, the results of this monitoring shall be included in the report.

(e) *Reports of changed conditions.* Each industrial user must notify the administrator of any planned significant changes to the industrial user's operations or system which may alter the nature, quality, or volume of its wastewater at least 90 days before the change.

- (1) The administrator may require the industrial 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 5-2044(a)(5) of this chapter.
  - (2) The administrator may issue a wastewater discharge permit under section 5-2044(a)(4) of this chapter or modify an existing wastewater discharge permit under section 5-2044(a)(3) of this chapter in response to changed conditions or anticipated changed conditions.
  - (3) For purposes of this requirement, significant changes include, but are not limited to, flow increase or decrease of 20 percent or greater, or the discharge of any previously unreported pollutants.
- (f) *Reports of potential problems.*
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the industrial user shall immediately telephone and notify the administrator 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 industrial user.
  - (2) Within five days following such discharge, the industrial user shall, unless waived by the administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
  - (3) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection(f)(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (g) *Reports from unpermitted industrial users.* All industrial users not required to obtain a wastewater discharge permit shall provide appropriate reports to the administrator as the administrator may require.
- (h) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the administrator within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the administrator within 30 days after becoming aware of the violation. The industrial user is not required to resample if the administrator monitors at the industrial user's facility at least once a month, or if the administrator samples between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (i) *Notification of the discharge of hazardous waste.*

- (1) Any industrial 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 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 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 industrial 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 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) of this section. The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c), and (d) of this section.
  - (2) Dischargers are exempt from the requirements of subsection (i)(1), above, during a calendar month in which they discharge no more than 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 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 industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
  - (3) In the case of any new regulations under section 3001 of RCRA identifying any additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the industrial user must notify the administrator, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
  - (4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.
- (j) *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 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or

analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(k) *Sample collection.*

(1) Except as indicated in subsection (k)(2), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the administrator may authorize the use of time proportional sampling or a minimum of four grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with maximum daily limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Actual sample type requirements shall be included in the wastewater discharge permit.

(l) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which 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.

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

Sec. 5-2046. - Compliance monitoring.

(a) *Right of entry; inspection and sampling.* The administrator shall have the right to enter the premises of any industrial user to determine whether the industrial user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Industrial users shall allow the administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The administrator shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the industrial user's operations.



- (3) The administrator may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
  - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the administrator and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
  - (5) Unreasonable delays in allowing the administrator access to the industrial user's premises shall be a violation of this chapter.
- (b) *Search warrants.* If the administrator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the administrator may seek issuance of a search warrant from the Records Court of Chatham County.

Sec. 5-2047. - Confidential information.

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

Sec. 5-2048. - Publication of industrial users in significant noncompliance.

The administrator shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

Secs. 5-2049—5-2061. - Reserved.

ARTICLE D. - GREASE INTERCEPTORS, INSTALLATION AND DISPOSAL OF WASTES

Sec. 5-2062. - Requirements for interceptor waste generators and transporters.

The purpose of this section is ensure fats, oils and grease removed from commercial waste generators are transported and disposed of in accordance with chapter 391—3-6-.24 of the Rules and Regulations of the State of Georgia, Department of Natural Resources, Environmental Protection Division (EPD). This section applies to any facility generating commercial wastes, to any person who removes commercial wastes; to any person who processes commercial wastes; and to any person who accepts commercial wastes for final disposal, within the state. However, any transporter or disposal-site operator within the state who receives commercial wastes, whether such waste originates within or outside the state, must still comply with the registration, permitting and manifest requirements.

- (a) *Registration and permitting.* Any transporter who owns or operates one or more waste tank trucks that receive or dispose of commercial waste in the state must first submit a registration form to EPD to receive a registration number that is prefixed with FOG (fats, oils and grease). Once the transporter obtains a commercial waste transporter permit, the transporter will be issued a permit upon completion of a visual inspection of each tank truck. The registration number issued by EPD shall be part of the transporters permit number issued by the city or its local governing authority (LGA), that being, the water reclamation department environmental compliance inspector. The LGA shall implement the issuance of a transporter permit to all commercial waste transporters that removes fat, oils and grease from a waste generator and transports such waste in their tank trucks to dispose of waste at an EPD-approved site. This transporter permit application form is standard, also available on-line, from EPD, via the Southeastern F.O.G. Alliance web site.
- (b) *Vehicle inspection and permit fees.* The LGA shall inspect each tank truck on an annual basis, prior to the issuance of a commercial waste transporter permit. The purpose of the inspection is to ensure that the truck is substantially leak proof, durable, comprised of non-porous, easily cleanable surfaces, maintained properly and in good repair. The vehicle inspection form is provided on the Southeastern F.O.G. Alliance web page. The permit fee for transporters shall be assessed on an annual basis, following the inspection, at a rate of \$250.00 for the first truck and \$100.00 for each additional truck, made payable to the City of Savannah.

ARTICLE E. - FOOD SERVICE ESTABLISHMENT (FSE) WASTE COOKING OIL RULES AND REGULATIONS

Sec. 5-2063. – FSE waste cooking oil rules and regulations.

- (a) *Purpose.* The overall goal of these rules and regulations is to prevent and control pollution, protect human health and the environment, and prevent odor or other cleanliness-related nuisances. The specific purpose of this article is to prevent the discharge of any pollutant into the sanitary sewer system, the storm sewer system, or surface waters, which would obstruct or damage the sanitary sewer or stormwater collection systems; interfere with, inhibit, or disrupt the city's water reclamation plants, wastewater treatment processes, operations, or its sludge processes, use or disposal; pass through the treatment and/or collection system and contribute to violations of the regulatory requirements and limitations

placed upon the city; or result in or threaten harm to human health or the deterioration of the environment.

(b) *Administration.* This policy is administered by the City's water reclamation department. Failure to comply may be considered a violation of the city sewer use and pretreatment ordinances and the city stormwater discharge limitations ordinance.

(c) *Applicability of policy.* This policy shall apply to all food service establishments as defined herein and to all waste cooking oil collectors providing service to any such food service establishments. In the event a conflict occurs between the interpretation of language herein and any standards of the sewer use and pretreatment ordinances and stormwater discharge limitations ordinance, the water and sewer director, with concurrence of the city attorney, shall provide the correct interpretation.

(d) *Definitions.*

*Waste cooking oil (WCO)*, also known as tallow, waste vegetable oil, and/or renderable FOG, shall mean fat, oils, and grease used in food preparation that have not been in contact [with] or contaminated with other sources such as water, wastewater or solid waste. An example of waste cooking oil is fryer oil, which can be recycled into products such as animal feed, cosmetics, and alternative fuel.

*Waste cooking oil collector* shall mean any person engaged in the loading or vehicular transport of waste cooking oil as part of, or incidental to, any business for that purpose.

(e) *Waste cooking oil recycling.* The city requires the recycling of waste cooking oil.

No person shall dispose of any oil, or cause any oil to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway. Waste cooking oil shall be segregated and stored in compliance with state and local health codes.

(f) *Waste cooking oil storage.* Waste cooking oil shall be stored and located in the FSE or on private property. When waste cooking oil storage cannot be accommodated in the FSE or on private property, a "temporary use of right-of-way permit" may be submitted for consideration as outlined in subsection (h).

(g) *Waste cooking oil collectors.* Waste cooking oil collectors shall submit an application and associated fee (waste cooking oil collector application for permit) to provide service. If the application is approved by the water and sewer director or his/her appointee a permit will be issued. Permits shall be renewed annually. All vehicles utilized by a collector to remove, transport, and dispose of waste cooking oil from an FSE shall have the collector company name clearly displayed on the vehicle. Vehicles shall be inspected annually by the water reclamation department environmental compliance inspector as a part of the application process. Waste cooking oil collectors servicing FSEs shall immediately clean all spills created during the collection and transporting process whether the spill is on the storage devices or the surrounding area. Whenever the contents are removed from a storage device, the storage device shall be cleaned so that grease residue shall not remain and accumulate in, on, or around the storage device. It shall be the responsibility of the FSE to determine if a storage device has reached capacity prior to a scheduled pickup. The FSE shall notify the

collector immediately. Collectors are responsible for emptying storage devices that have reached their storage capacity.

(h) *Temporary use of public rights-of-way.* Under circumstances where waste cooking oil storage cannot be permanently contained within the FSE or on private property, the FSE may apply for a "temporary use of right-of-way permit" to locate a storage device temporarily within the public right-of-way.

All storage devices approved for temporary storage within the public rights-of-way shall comply with the following: The location of storage devices shall not impede vehicular ingress and egress and shall allow a minimum travel lane of 12 feet within service lanes. Storage devices shall be metal unless otherwise approved by the city and equipped with a screen cover and associated watertight cover over all openings. Visual screening may be required and shall comply with all applicable zoning, architectural and design guidelines. Storage devices shall be locked and remain locked except during deposit or collection of waste cooking oil. Storage devices shall remain leak-free, clean, and graffiti-free. Storage devices shall be clearly labeled with the following information:

Name of collection company and contact information, name of FSE, and a city permit sticker. Storage devices shall be maintained in a manner that minimizes odors, eliminates nuisances such as visible residue, and prevents conflicts between uses of the public right-of-way. Applications for a "temporary use of right-of-way permit" shall be completed for each FSE. Applicants must notify the city of any changes to the information on the application within 30 days. Permits shall be renewed annually with all applicable fees paid. Applications shall be considered and either approved or denied within 30 days of submission by the water and sewer director or his/her appointee. The city may deny any application that fails to comply with the requirements of this section, or if the applicant has failed or refused to repair public improvements or other property damaged as a result of the occupancy of the public right-of-way and to demonstrate readiness and willingness to comply with the terms of this policy, with the standards promulgated pursuant to this policy or with the terms of approval.

(i) *Maintenance and operational standards—Best management practices and training of FSE employees.* All FSEs shall implement best management practices for handling waste cooking oil. Emphasis shall be on minimizing the discharge of waste cooking oil into the sewer system and/or the stormwater collection system. Training for all new FSE staff and annual training for existing FSE staff shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Guidelines for training and best management practices for handling waste cooking oil are included in the FSE permit application.

(1) *Waste cooking oil recordkeeping.* The FSE shall keep all manifests, receipts, and invoices of all waste cooking oil storage and disposal from the FSE on site for no less than three years. The FSE shall, upon request, make these available to any city representative or inspector.

(2) *Contractual relationships.* In the event any contractual relationship exists between an FSE and a waste cooking oil collector which creates or transfers a liability for incidents and activities which may be subject to this policy, such a relationship shall not relieve a violator of this policy from any penalties and liabilities outlined herein. The

FSE and the collector agree that the responsibility of the waste cooking bin is shared between both parties.

(3) *Liability insurance.* Every collector shall acquire and maintain in force public liability insurance covering its operations, activities and vehicles subject to this article. Minimum coverage shall include limits of \$500,000.00 per occurrence of personal injury and \$100,000.00 per occurrence of property damage.

(j) *Requirements for existing, remodeled, and newly constructed FSEs.* To minimize odors, nuisances, and conflicts between uses of the public ROW and service lanes, and to meet the city's requirement that waste cooking oil shall be stored within the FSE property, the following shall be required: Existing FSEs undergoing a remodel or renovation that requires a building permit and increases the size of the kitchen, preparation, and/or storage area by 20 percent shall include sufficient space within the FSE to store and recycle waste cooking oil. Any structure converting to an FSE and requiring a change of occupancy shall include space sufficient to store and recycle waste cooking oil within the FSE. Newly constructed buildings designed to house FSEs shall include an area for waste cooking oil storage and recycling collection activity.

(k) *Enforcement.* Failure to comply with the provisions herein may be grounds for penalty imposition and/or permit revocation. Fines and penalties associated with noncompliance shall be in accordance with the provisions of the most current city sewer use and pretreatment ordinance and the administrative fines section. In addition the violation may be subject to fines and penalties in accordance with the city stormwater discharge limitations ordinance.

SECTION 2: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: This Chapter shall be effective once approved by the State's Environmental Protection Division in accordance with Ga. Comp. R. & Regs. R. 391-3-6-.09 (7).

ADOPTED AND APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Eddie W. DeLoach, Mayor

\_\_\_\_\_  
Clerk of Council