

## June 2018 Revisions to Code of Ordinance

Section 20-213 Wastewater Pretreatment Permit Application.

A Significant Industrial User (SIU) as defined in Sec 20-272 General Definitions, 71. of the sewer use ordinance is required to obtain a permit from the Georgia Environmental Protection Division.”

~~Section 20-214 Sampling and Testing Procedures.~~

~~Section 20-215 Significant Industrial Users.~~

~~Section 20-216 Discharge Permits~~

~~Section 20-217 Reporting Requirements~~

~~Section 20-218 Maintenance of Records.~~

Section 20-220 Industrial Pretreatment Facilities.

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

2. ~~Compliance Schedules. The timing of construction and operation of pretreatment facilities as required hereby shall be in accordance with the compliance schedules provided by the Town as described in Section 20-217.2; however, the Town shall also have the authority to issue compliance schedules independent of the permitting process and such compliance schedules may be enforced by the Town as provided in the Enforcement and Penalties Section of this Chapter.~~

3. Maintenance of Pretreatment Facilities. All wastewater pretreatment facilities shall be properly and adequately maintained by the user so as to achieve the intended purpose of the facilities.

4. Whenever deemed necessary, the Town may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWTF and determine the user's compliance with the requirements of this ordinance.

5. The Town may require any person discharging into the WWTF to install and maintain, on their property and at their expense, a suitable storage and flowcontrol facility to ensure equalization of flow. ~~A wastewater discharge permit may be issued solely for flow equalization.~~

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

~~Section 20-222 Accidental Discharges.~~

~~Section 20-224 Affirmative Defenses to Discharge Violations~~

~~Section 20-225 Town's Right of Revision. The Town reserves the right to establish, by future amendment to this ordinance or in wastewater discharge permits more stringent standards or requirements on discharges to the WWTF.~~

Section 20-241 Enforcement.

1. General. The failure of any person to comply with any provision contained in this Ordinance shall be a violation which shall be enforced in accordance with the penalties and provisions as hereinafter set forth.

2. Inspections. The Town shall have the right to direct and conduct such investigations as it may reasonably deem necessary to carry out its duties as described in this Ordinance. For this purpose, the Town and its authorized employees and representatives, upon presentation of proper credentials, shall have the right to enter at reasonable times on any property, public or private, for the purpose of investigating and inspecting the conditions relating to pollution and to inspect the operating records of any sewage system, waste treatment work, or other sewage disposal method. Upon refusal of the right of entry, the Town may apply to the Municipal Court for an administrative search warrant, upon showing probable cause that a violation exists.

3. Reports and Information. Whenever required to carry out the objectives of this ordinance, including but not limited to (1) developing or assisting in the development of any limitation, condition, prohibition, or standard for discharges, ~~pretreatment, performance,~~ or other standard, (2) determining whether any person is in violation of any such effluent or permit limitation, condition, or prohibition, or other limitation, condition, or prohibition established by this ordinance, the Town may require any person to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, (including where appropriate, biological monitoring methods), sample water or wastewater (at such locations, at such intervals, and in such manner as the Town may prescribe) and provide such other information as may reasonably be required or be necessary.

4. Significant Noncompliance. The term "significant noncompliance" shall mean:

~~A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;~~

~~B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);~~

~~C. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWTF personnel or the general public;~~

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge;

~~E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ~~reports on compliance with categorical pretreatment standard deadlines,~~ periodic self monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

~~H. Any other violation(s) which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.~~

Section 20-242 Notice of Violation. When the Town finds that a user has violated, or continues to violate, any provision of this ordinance, ~~a wastewater discharge permit or consent order issued hereunder, or any other pretreatment standard or requirement,~~ the Town shall serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town to take any action, including emergency actions or any other enforcement action, without a Notice of Violation first being issued.

Section 20-245 Termination of Discharge. Any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;

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

3. Failure to report significant changes in operations 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 Article V of this ordinance.~~

~~6. Discharge of wastewater which exceeds or violates any condition of the Town's wastewater permit or any applicable water quality standard.~~

Such user shall be notified, in writing, of the proposed termination of its discharge and be offered a reasonable opportunity to show cause before the Town why the proposed action should not be taken. The decision of the Town, after notice and opportunity for hearing, shall be deemed a final action by the Town of Braselton. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking

any other action against the user. Aggrieved users may seek judicial review by petitioning the Superior Court of Jackson County for Writ of Certiorari.

#### Section 20-247 Civil Liability.

1. A user who has violated, or continues to violate, any provision of this ordinance, ~~any wastewater discharge permit or consent order issued hereunder, or any other pretreatment standard or requirement,~~ or refuses or fails to provide access for inspection or provide reports or information or conduct sampling within the time period prescribed by the Town, shall be liable to the Town for a maximum penalty of \$5,000 per violation, per day per violation. 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. The Town, through the police department or Code Enforcement Officer, shall cause a Citation to be issued to the violator to appear before the Municipal Court of the Town of Braselton to show cause why such penalty should not be imposed.

2. In addition to any monetary fine imposed, the Town may seek restitution of 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 Town.

3. In determining the amount of penalty to be imposed, 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 voluntarily undertaken by the user, the compliance history of the user, and any other factor as justice requires.

4. In lieu of the provisions of paragraphs 1 through 3 of this Section, the Town may, in its sole discretion, elect to file a complaint for civil liability in the Superior Court of Jackson County in accordance with O.C.G.A. Section 12-5-51 . In those cases where the violator has been cited to Municipal Court and refuses to waive the right to trial by jury, the Municipal Court may bind the case over to the Superior Court under this section.

5. Conviction in the Municipal Court under this section shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### Section 20-248 Criminal Prosecution.

1. A user who willfully or knowingly violates any provision of this ordinance, a wastewater discharge permit, or consent order issued hereunder, or any Order of the Municipal Court issued under this Ordinance, shall, upon 20-25 Braselton Code of Ordinances conviction, be guilty of a misdemeanor. The Town may apply for a State warrant for violation of O.C.G.A. Sec. 12-5-53(a), returnable to the Superior Court of Jackson County.

2. The Town may seek the issuance of State warrants for any person violating any of the provisions set forth in O.C.G.A. Sec. 12-5-53 (b) through (d), returnable to the appropriate state courts of criminal jurisdiction.

#### ~~Section 20-250 Publication of Users in Significant Noncompliance.~~