

MINUTES
REGULAR MEETING OF THE MONTEZUMA
CITY COUNCIL
April 11, 2023

CALL TO ORDER: Mayor Pro Tempore Cleveland Hobbs called the meeting to order at 6:00 PM.

INVOCATION: Mayor Pro Tem Cleveland Hobbs led in prayer. Then attendees stood and said the "Pledge of Allegiance" in unison.

PRESENT: Council Members: Mayor Pro Tem Cleveland Hobbs; Daniel Porter, Walter Felton, Howard Brown, and Charles Ivey; City Manager, Mel Fulghom; City Clerk, Jennifer McCarthy; City Attorney, Jon Coogle; Police Chief, Eric Finch; Fire Chief, Roy Yoder; W & S Line Maintenance Chief, Lonnie Shaw, and Public Works Chief, Tim Goodman

ABSENT: Mayor Nealie Johnson; W/WW Plants Chief, Terry Cross; Economic Development/Tourism Coordinator, Angie Mathews

CITIZEN COMMENTS

CITIZEN # 1 Marie Took spoke concerning the GA Cities Week trash bin locations, alcohol licenses, downtown business growth, and budget.

CONSENT AGENDA

MOTION # 1 To accept all issues on the consent agenda, as follows:

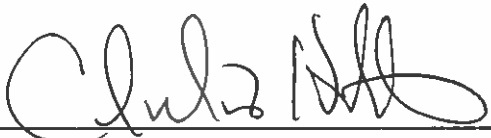
To adopt a new Sewer and Sewage Use Ordinance. Article IV Section 94 is deleted in its entirety and replaced with Article IV Section 94-271 through 94-399 to include industrial Pre-treatment. A copy of the ordinance is attached to and made part of these minutes. Attachment #1.

To approve Intergovernmental Agreement Contract with Macon County Board of Commissioners to conduct Municipal elections for the City of Montezuma. The estimated cost is

\$7000.00. A copy of the contract is attached to and made part of these minutes. Attachment #2.

MOTION BY:	Mr. Ivey
SECOND BY:	Mr. Porter
VOTE:	UNANIMOUS, IN FAVOR OF

ADJOURN: **With no further business, the meeting adjourned.**


Cleveland Hobbs - Mayor Pro Tempore


Jennifer McCarthy – City Clerk

ORDINANCE #397

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTEZUMA, GEORGIA TO AMEND THE SEWER USE ORDINANCE BY DELETING ARTICLE IV. SEWERS & SEWAGE DISPOSAL, IN ITS ENTIRETY AND ADDING A NEW ARTICLE IV TO BE KNOWN AS, "SEWER & SEWER USE" WITH THE ADDITION OF REGULATIONS REGARDING INDUSTRIAL PRETREATMENT.

BE IT ORDAINED by the Mayor and Council of the City of Montezuma, Georgia, and it is hereby ordained by authority of same that the Code of Ordinances of the City of Montezuma, Georgia, Section 94 be, and the same is hereby amended by striking Article IV in it's entirety, and Inserting a new Article IV, as follows:

- **ARTICLE IV. – SEWER & SEWER USE**
- **Sec. 94-271. – Purpose and policy.**

(a) This article regulates the use of public and private sewers and drains; private sewage disposal; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and the removal, transportation and disposal of scavenger wastes; and provides penalties for the violation thereof and establishment of fees and other matters, in the Montezuma of Montezuma, Georgia.

(b) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for Montezuma, Georgia, and enables Montezuma to comply with all applicable state and federal laws including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

(c) The objectives of this article are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

- (d) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (e) This article shall apply to the Montezuma of Montezuma, Georgia and to persons outside the Montezuma who are, by contract or agreement with the Montezuma, users of its wastewater collection and treatment system.
- (f) The operation and enforcement of this article shall be overseen by the City Council of Montezuma, the governmental entity charged with the construction, operation, and maintenance of the water and sewerage system of the Montezuma of Montezuma. The City Council of Montezuma shall be authorized to set and enforce, by resolution, judicial action, or otherwise, such rates, charges, penalties, policies, rules, and regulations as are deemed appropriate by said authority, and to otherwise take any other action, for the purposes of constructing, operating, and maintaining the water and sewerage system of Montezuma, Georgia.

Sec. 94-273. - Definitions.

a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act or the act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251), et. seq.

Approval authority: The term "approval authority" shall refer to the State of Georgia's Department of Natural Resources Environmental Protection Division.

Authority (the corporate entity): The term "authority" shall mean the Montezuma Water and Sewerage Authority, which is the governmental body having jurisdiction over the construction, maintenance and operation of the water and sanitary sewer system within Montezuma, Georgia, and adjacent areas.

Authority members: Members of Montezuma shall mean the persons duly appointed to serve as members of the Montezuma Water and Sewerage Authority.

Authorized representative of user:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: A director or highest official or his or her designee, appointed or designated to oversee the operation and performance of the activities of the government facility.

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

Biochemical oxygen demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedure, after five (5) days and at twenty (20) degrees centigrade, expressed in terms of concentration (milligrams per liter (mg/L)).

Board: Board shall mean the governing body of the City of Montezuma unless otherwise indicated.

City Council: The City Council of Montezuma (also referred to as city) shall mean the City Council of Montezuma, Georgia, the city governing body, and its members, agents, or representatives pertaining to matters of this article.

Building drain: That part of the horizontal piping of a building drainage system which received the discharge of all soil, waste, and other drainage from inside the walls of any building and that conveys the same to the building service sewer five (5) feet outside the foundation wall of such building.

Building sewer: The extension from the building drain to public sewer or other place of disposal.

Categorical standards: Any regulation containing pollutant discharge limits promulgated by EPA (as hereinafter defined) in accordance with sections 307(b) and (c) of the act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471.

Cesspool: A covered soak pit constructed in the soil for the disposal of domestic waste.

Combined sewer: A sewer receiving both surface runoff and sewage.

Commercial user or contributor: A premises that discharges commercial wastes similar in characteristics discharged by households but distinct from industrial wastes.

Commercial wastes: Wastes which are discharged from an office, store, restaurant, or other commercial establishment that are similar to domestic waste in terms of characteristics.

Composite sample: A sample which is composed of several individual grab samples collected at regular intervals and mixed together. The time period over which the composite sample is collected shall be stated. Either an eight-hour or a twenty-four-hour sample composited every two (2) hours, collected by an automatic sampler, will be acceptable.

Control authority: The term "control authority" shall refer to the Montezuma Water and Sewerage Authority.

Cooling water: The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

Developer: Developer shall mean any person, corporation, partnership, joint venture, public body, or legal entity that is selling, offering for sale, dividing, subdividing, or developing property for residential, commercial, or industrial use.

Direct discharge: Any discharge directly to the waters of the state.

Domestic waste: Any liquid wastes from the noncommercial preparation, cooking, and handling of food and/or containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Easement: A right afforded a person to make limited use of another's real property.

Effluent: The discharge flow of a pretreatment facility.

Environmental Protection Agency (EPA): A governmental agency of the United States of America having jurisdiction over certain matters stated herein.

Environmental Protection Division, Department of Natural Resources, State of Georgia (EPD): A governmental division of the State of Georgia Department of Natural Resources having jurisdiction over certain matters stated herein.

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

Flammable: Flammable shall mean any material which is easily ignited and burns with unusual rapidity.

Floatable oil: Floatable oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection and/or treatment system.

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

Garbage: Solid wastes from the domestic and commercial preparing, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Superintendent: The term Superintendent shall mean the Superintendent of the Montezuma Water and Sewerage Authority or his or her authorized deputy, agent, or representative, appointed by Montezuma, and authorized by Montezuma to fulfill the requirements of these rules and to be responsible for the operations of the water and sewer system.

Grab sample: A sample which is taken on a one-time basis with no regard to the flow and without consideration of time.

Montezuma: The public entity located in the State of Georgia, governed by the Board of Commissioners of Montezuma.

Holding tank waste: Any waste from holding tanks such as vessels, toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge: The term indirect discharge refers to any discharge into the public sewer system maintained by Montezuma.

Industrial user or contributor: An industry which discharges process wastewaters having the characteristics of industrial wastes, as distinct from commercial wastes or domestic wastes.

Industrial waste: Any liquid, solid, or gaseous waste, including suspended solids resulting from the processes employed in industrial or commercial establishments.

Interceptor line: Interceptor line, trunk line, or outfall line shall mean the sewer line leading from owner's/developer's property to Montezuma's existing sewer line, treatment plant, or treatment plant site. Said line normally collects sewage or could collect sewage from more than one (1) property owner and transport the sewage to the sewage treatment plant.

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the publicly owned treatment works (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 state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

National Categorical Pretreatment Standard or pretreatment standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the act (33 USC 1347) which applies to a specific category of industrial users.

National pollutant discharge elimination system (NPDES): A permit administered by the Environmental Protection Division, State of Georgia.

Natural outlet: Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on 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 subsection (1)b or (1)c above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for 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 paragraph.

Nitrification: Nitrification shall mean the conversion of nitrogenous matter into nitrates.

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

Penalty: Any amount of monies set forth by Montezuma to be levied against an industrial, commercial, or residential user of the waste system who does not comply with any article set forth in this article.

Person: 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 law.

pH: The negative logarithm (to base 10) of the concentration of hydrogen ions expressed in grams per liter of solution.

Phosphorus: Phosphorous shall mean the chemical element phosphorous and its several compounds. "Phosphorous removal" shall mean the removal of phosphorous and phosphorous compounds by biological or chemical treatment or combination of both.

Polluted water or waste: Any water, liquid, or gaseous waste containing any of the following: Soluble or insoluble substances of organic or inorganic nature which may deplete the dissolved oxygen content of the receiving stream; settleable solids that may form sludge deposits; grease and oils; floating solids which may cause unsightly appearance; color; phenols and other substances to an extent which would impact any taste or odor to the receiving stream; and toxic or poisonous substances in suspension, colloidal state, solution, or gases.

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

Private sewage disposal system: Any on-site facility approved for the disposal of domestic sewage and commercial wastewater. Such a facility shall only serve buildings affixed to the lot of record on which the facility is located. Sewer systems that are not controlled by Montezuma and that serve more than one parcel or tract of land shall not be permitted under any circumstance.

Privy: A separate enclosed shelter or building containing a floor slab and seat riser constructed over an excavation in the earth and having no water connections, used as a toilet.

Privy vault: Excavation in the earth below a privy to receive human waste.

Properly shredded garbage: The waste from the preparation of cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Public sewer: A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Publicly owned treatment works (POTW): A treatment works as defined by section 212 of the act (33 USC 1292), which is owned, operated, or managed in this instance by Montezuma. This definition includes any sewers that convey wastewater to the POTW but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For purposes of this article, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with Montezuma, users of the city's POTW.

Receiving waters: Those waters into which wastes are discharged.

Residential domestic user or contributor: A premises or person that discharges domestic wastewaters and occupying a single-family residential unit or a multifamily residential unit or an apartment unit or any other type of residence.

Sanitary sewer: A sewer intended to receive domestic sewage and admissible industrial waste but to which stormwater, surface water, and groundwaters are not intentionally admitted.

Scavenger waste: Putrid or offensive matter in the contents of all privies, septic tanks and cesspools.

Septic tank: A water-tight tank designed or used to receive the discharge of sewage from a building sewer.

Sewer: A pipe or conduit for carrying sewage.

Sewer surcharge: A charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed in order for the waste to be processed properly and to compensate Montezuma for additional expenses incurred.

Shall is mandatory. *May* is permissive.

Significant industrial user:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day (GPD) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic Montezuma of the POTW treatment plant; or
 - c. Is designated as such by Montezuma on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Montezuma may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance: Violations which meet one (1) or more of the following criteria are defined as significant noncompliance (SNC):

- (1) Chronic violations—Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit for the same pollutant parameter in a six-month period (any magnitude of exceedance constitutes a chronic violation).
- (2) Technical review criteria (TRC) violations—Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit for the same pollutant parameter or the same average limit by more than the TRC in a six-month period (exceeding the pretreatment limit by a factor of 1.4 for BOD, total suspended solids (TSS), fats, and oil and grease (O&G) and 1.2 for all other pollutants except pH constitutes a TRC).
- (3) Any other violation(s) of effluent limit (average or daily maximum) that Montezuma believes has caused alone or in combination with other discharges, interference or pass-through or endangered the health of plant personnel or the public.

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
- (6) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation(s) that Montezuma considers to be significant.

Slug load: A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC): The classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or the most recent such manual.

Standard methods: The examination and analytical procedures set forth in the most recent edition of the Standard Methods for the Examination of Water and Wastewater published jointly by American Public Health Association, American Water Works Association, and the Water Environment Federation.

Storm drain (sometimes termed storm sewer): A sewer or drain which carries stormwater, surface water, and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

Street: Construed to embrace streets, avenues, drives, boulevards, roads, alleys, and lanes, and via ducts, and all other public highways in the sewer system area.

Suspended solids (SS): Solids that either float on the surface of or are in suspension in water, sewage, or other liquids which are removable by laboratory filtering.

Total Kjeldahl Nitrogen (TKN): The total of organic and ammonia nitrogen as defined in Standard Methods for the Examination of Water and Wastewater.

Total suspended solids (TSS): The sum of suspended matter and settleable matter, both volatile and nonvolatile.

Toxic pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA section 307 (a) or other acts.

Trunk line: Interceptor line, trunk line, or outfall line shall mean the sewer line leading from owner's/developer's property to Montezuma's existing sewer line, treatment plant, or treatment plant site. Said line normally collects sewage or could collect sewage from more than one (1) property owner and transport the sewage to the sewage treatment plant.

Unpolluted water: 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.

Unsanitary: Unsanitary shall mean unclean, unhealthy, or harmful to public health.

User: Any person who contributes, causes, or permits the contribution of wastewater into the city's POTW.

Wastewater contribution permit: As set forth in sections 3-5-276 through 3-5-299 of this article.

Wastewater or sewage: The liquid and water-carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, which is contributed to or allowed to enter the wastewater treatment plant.

Wastewater system: Any part of Montezuma-operated system from the sewer collector lines, transportation on through and including the treatment plant.

Wastewater treatment plant: The treatment facilities owned or operated by Montezuma.

Watercourse: A channel in which flow of water occurs, either continuously or intermittently.

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

- **Sec. 94-274 - Abbreviations.**

(a) The following abbreviations shall have the designated meanings:

- ASTM—American Society for Testing Materials
- C—Degrees Centigrade
- CFR—Code of Federal Regulations
- COD—Chemical Oxygen Demand
- EPA—Environmental Protection Agency
- °F—Degrees Fahrenheit
- MBAS—Methylene Blue Active Substance
- mg/L—Milligrams per Liter
- USC—United States Code
- WEF—Water Environment Federation

All other words or abbreviations shall be construed as having the meaning defined in Glossary, Water and Sewage Control Engineering, published by the Water Environment Federation, Washington, D.C., or by their general usage if undefined.

- **Sec. 94-275 . Authority.**

Montezuma to administer the pretreatment program has been appointed to the Water & Wastewater Superintendent for the Montezuma of Montezuma. The Superintendent has authority for managing the day-to-day functional aspects of the pretreatment program, while still retaining Montezuma for overall pretreatment program administration.

- **Sec. 94-276. 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, or in any area under the jurisdiction of Montezuma, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of Montezuma any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this section.

- (c) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used or used for disposal of sewage where public sewers are available.
- (d) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose situated within the city or in any area under the jurisdiction of Montezuma, and abutting on any street, alley, or right-of-way in which there is now or shall be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this article within ninety (90) days after date of written notice from the Superintendent to the property owner requiring the property owner to make connection thereto, provided that the public sewer shall be within one hundred (100) feet of the property line.
- (e) In the event that the property owner can demonstrate, because of the property owner's financial condition, that the property owner is not able to pay up front all fees due to Montezuma for connection onto the sewer facility, the manager, at his discretion, may set a payment schedule for such connection fees.

Sec. 94-277. Private sewage disposal.

- (a) Where a public sanitary sewer is not available under provisions of section 3-5-265(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, septic tank, privy, privy vault, or cesspool for single-family dwelling, the owner shall first obtain a written permit from the city health department sanitarian.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city sanitarian.
- (d) The type, capacities, location, and layout of a private sewage system shall comply with all recommendations of the Georgia Department of Human Resources or other local or state agencies having jurisdiction. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to Montezuma.
- (f) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 3-5-265(d), a direct connection shall be made to the public sewer in compliance with this section, and any septic tank, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt within ninety (90) days of notification to do so by the Superintendent or other city or state agency having jurisdiction over such matters.
- (g) No statement contained in this article shall be construed to nullify any additional requirements that may be imposed by the appropriate state or city regulatory agencies having jurisdiction over such matters.

Sec. 94-278. Building sewers and connections.

- (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- (b) There shall be three (3) classes of building sewer permits: (1) for residential service, (2) for commercial service, and (3) for service to establishments producing industrial wastes. In all cases, the owner or his or her agent shall make application on a special form furnished by Montezuma. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of Montezuma. Before connection is made to the public sewer, all connection fees shall be paid as required by Montezuma. Said permit and connection fees shall be in addition to any building permits and other fees required by the city.
- (c) All costs and expenses incident to the installation and connection of the building sewer to the property line shall be borne by the owner. The owner shall indemnify the city and Montezuma from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for each building except as otherwise approved for and for unusual circumstances, primarily involving existing buildings. A separate and independent building sewer and connection shall be provided for each residential, commercial, and industrial business unit of multi-unit buildings except as otherwise approved.
- (e) Old building sewers may be used in connection with new buildings only when they are found, upon examination and tested by Montezuma, to meet all the requirements of this section.
- (f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench shall all conform to the requirements of the building and plumbing code or the city standards. In the absence of code provisions or amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be made parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobile, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to that point as directed by the Superintendent.
- (h) No person shall maintain or make a connection of roof down spouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (i) Before any underground portions thereof are covered, the applicant for the building sewer permit shall notify Montezuma when the building sewer is ready for inspection and connection to the public sewer. The connection shall be conducted under the supervision of an authorized representative of Montezuma.
- (j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to Montezuma.
- (k) Montezuma shall keep a permanent and accurate record of the location, depth, and direction of all new sewer connections including any landmarks as may be necessary to make an adequate description.
- (l) Grease, oil, and sand interceptors shall be provided when, in the opinion of Montezuma, based on sound engineering standards, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and Montezuma approved by Montezuma and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors

shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his or her expense. The owner shall maintain records of the dates and means of disposal of material captured in the interceptors. Any removal and hauling of the collected materials not performed by the owner must be performed by currently licensed waste disposal firms.

Sec. 94-279. General discharge prohibitions.

- (a) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, or subsurface drainage to any sewer. Connection directly or indirectly to roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff is not permitted to a building drain or building sewer connected to a public sanitary sewer. Existing connections of such items to a building sewer shall be disconnected at no expense to Montezuma when the building sewer is connected to the public sewer system.
- (b) No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system. Cooling or condensing water may be allowed to be discharged into a storm sewer system provided an NPDES permit is obtained from the Georgia Environmental Protection Division.
- (c) No person shall discharge or cause to be discharged any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarter horsepower or greater shall be subject to the review and approval of the Superintendent.
- (d) A user may not introduce into Montezuma's POTW any pollutant(s) which can cause pass through or interference. These general prohibitions apply to all such users of a wastewater system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to any wastewater system:
 - (1) Any 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 the operation of the wastewater system. Any waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR part 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five (5) percent, nor any single reading be over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which Montezuma, state, or EPA has notified the user, is a fire hazard or a hazard to the system.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half-inch in any dimension, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, lint or textile fibers, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
 - (3) Any wastewater having a pH less than 6.0 or greater than 8.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the sewers or wastewater treatment plant.

- (4) Any wastewater containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process or sludge disposal, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater treatment plant, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the act.
- (5) Any liquids, gases, or solids which are sufficient to create a public nuisance or hazard to life or prevent entry into the sewers for maintenance and repair or interfere with the collection system or create a condition deleterious to structures and treatment processes either alone or by interaction with other wastes.
- (6) Any substance which may cause the sewers or wastewater treatment plant effluent or any other product of the sewers or wastewater treatment plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewers or wastewater treatment plant cause the sewers and wastewater treatment plant to be in noncompliance with sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any wastewater with objectionable color not sufficiently removed in the treatment process which causes problems or adverse effects to receiving water alters the plant effluent from that which would be expected from domestic sewage, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (8) Any wastewater having a temperature which will inhibit biological activity in the sewers or wastewater treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewers which exceeds 149 degrees Fahrenheit (65° C) or wastewater treatment plant which exceeds 104 degrees Fahrenheit (40° C).
- (9) Any pollutants, including oxygen demanding pollutants or unusual chlorine demanding substances released at a flow rate and/or pollutant concentration which can cause interference with the operation of the wastewater treatment plant.
- (10) Any high-level radioactive wastes or isotopes whose concentrations may exceed limits established by Public Law 92-100, section 301 (33 U.S.C. section 1311), or amendments thereto, and the federal regulations promulgated thereunder or state regulations, or exceed limits established by Montezuma.
- (11) Any waters or wastes containing more than one (1.0) part per million by weight (ppm or mg/L) of the following gases: hydrogen sulphide, sulphur dioxide or nitrous oxide, or any other noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or preventing entrance into sewers for their maintenance inspection and repair.
- (12) Any waters or wastes containing concentrated acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.
- (13) Materials which exert or cause (a) unusual concentration of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues or (b) of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
- (14) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- (15) Wastewater containing more than one hundred (100) milligrams per liter of oils, fat, grease, or wax, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (0° C) and one hundred fifty degrees Fahrenheit (65° C).
- (16) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety.
- (17) Disposal of trucked or hauled pollutants, except at discharge points designated by the Superintendent.
- (18) Discharge of hazardous wastes:
 - a. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and 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 waste-stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under sections 3-5-285(3) [and] 3-5-287. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR article 6(v).
 - b. Dischargers are exempt from the requirements of subsection (18)a of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute 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.
 - c. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - d. In the case of any notification made under subsection (18)a of 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 practicable.

- (19) Water or wastes containing taste or odor-producing contaminants in such quantities that after treatment of sewage these contaminants impart their tastes or odors to receiving waters to a detrimental degree.
 - (20) Any contaminant which Montezuma or its designated agent deems harmful to the operation or efficiency of wastewater treatment plants or to the health and welfare of the residents of Montezuma.
 - (21) Ground paper products shall be prohibited from being discharged into the public sewer system, unless otherwise approved by Montezuma.
 - (22) Discharges of materials or substances which would cause the effluent quality from sewage treatment plants to violate state and federal standards including NPDES permit limitations and water authority standards.
 - (23) Any other circumstances that from time to time may be listed by Montezuma.
- (e) The following technically based local limits apply for industrial discharges into Montezuma's wastewater treatment systems:

Local limits to be determined by Superintendent

- (f) The Superintendent may issue permits specifying concentration limits, provided that all applicable state and/or federal categorical pretreatment requirements are met and provided that treatment plant headworks loadings are not violated. The permission to exceed concentration limits will be revoked if local treatment plant mass loadings are exceeded. Montezuma may levy surcharge for the treatment of such waste. Additional testing requirements will be necessary for an industry which seeks permission to exceed concentration limits and may include testing of the waste treatment plant influent and effluent as well as the user's own effluent. The costs associated with such testing will be paid by the user for the parameter they seek permission to exceed.
- (g) Montezuma reserves the right to modify the industrial discharge limits and conditions at the time of the permit renewal. Industrial users requesting a permit variance must do so at least sixty (60) days prior to the expiration of their discharge permit.
- (h) Any person, upon written application to Montezuma, who shows, in the case of the activity being conducted or operated, that compliance with a section of these rules should either be impossible or would constitute an undue hardship because of time limitations may be granted a variance. If a variance is granted by Montezuma, it shall be only for such reasonable period of time as determined by Montezuma under the specified conditions set by Montezuma. In the event that the person to whom the variance is granted fails to comply with the specifications of Montezuma within the time set, Montezuma shall have the right to revoke the variance granted and terminate all service (water and sewer) to the customer until all requirements of Montezuma have been complied with. A variance shall not be granted under the provisions of this section where the person applying, therefore, is causing a nuisance or other injury to the public. Any variance granted under the provisions of this section shall not relieve the person receiving the variance from any liability or penalties imposed by law for the commission or maintenance of a public nuisance.
- (i) Should a customer (user) be found to be in violation of the restrictions on public sewer use as provided in this article, Montezuma may take appropriate action to terminate the customer's water and sewer service until such time as the violation is abated and payment is made to Montezuma for any damages caused thereby to the sewerage system.
- (j) Should any person who is not a customer of Montezuma be found in violation of the restrictions on public sewer use as provided in this article, Montezuma may take appropriate action to have civil and/or criminal action taken against said person violating the terms of this article.

Sec. 94-280. Protection from damage.

- (a) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest for violation of laws of the state.
- (b) Any person violating this section shall become liable to Montezuma for any loss, damage, or expense incurred by Montezuma including, but not limited to, all costs of labor, material expenses, loss of income, attorney's fees, expert witness fees, court costs, surveying/engineering expenses and any out of pocket funds expended by Montezuma, by reason of such violation and shall be punished as hereinafter provided.

Sec. 94-281. Amendments.

Montezuma does hereby reserve the right to amend this article in cases of emergency, in cases in which Montezuma is required to adopt immediate rules or regulations to comply with federal, state or regulatory agency rules, regulations, and laws, and in those portions of this article that apply to construction, operation and maintenance of the water and sewer system of Montezuma without notice and without consent of the Montezuma Council of the City of Montezuma.

Sec. 94-282 through Sec.94-299. RESERVED

DIVISION 2. INDUSTRIAL DISCHARGE PERMITS AND REQUIREMENTS

Sec. 94-300. Permit required.

- (a) It shall be unlawful for any significant industrial user to discharge industrial wastes to the sewer or the wastewater treatment plant except as authorized by the Superintendent pursuant to a permit to discharge issued by Montezuma. All significant industrial users proposing to connect to or contribute to the sewer collection system or wastewater treatment plant shall obtain a wastewater discharge permit before connecting or contributing wastewater. All existing significant industrial users shall apply for a wastewater discharge permit within ninety (90) days after the effective date of this ordinance and all proposed new significant industrial users shall apply at least ninety (90) days prior to connecting or contributing wastewater to the wastewater system.

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

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

Sec. 94-301. Application.

Users required to obtain a wastewater discharge permit shall complete and file an application form prescribed by Montezuma. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address).

- (2) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 3-5-268 as determined by a reliable analytical laboratory. (Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR part 136, as amended. Results collected within the previous year will be acceptable).
- (4) Time and duration of contribution.
- (5) Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances by the size, location, and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

Sec. 94-302. Permit appeals.

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance. The following conditions shall apply to the appeal process:

- (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 Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered as a final administrative action.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Montezuma.

Sec. 94-303. Permit modification.

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

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, 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.
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 94-304. Term of permit.

Wastewater discharge permits will be issued for a term or duration not to exceed five (5) years. The user must reapply for the permit renewal a minimum of ninety (90) days prior to permit expiration. Montezuma retains the right to modify allowable discharge limits for specific pollutants if federal or state standards are changed in the interim or for other just cause.

Sec. 94-305. User responsibilities.

The permit will specify the user's responsibilities that shall be required of the user. Failure of the user to comply with the permit requirements will result in penalties and/or discontinuance of sewerage service. Permits will provide the following information:

- (1) Statement of permit duration (in no case more than five (5) years).
- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.
- (3) Effluent limits based on applicable general pretreatment standards, federal categorical pretreatment standards, local limits, and state and federal law.
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on applicable general pretreatment standards, federal categorical pretreatment standards, local limits, and state and federal law.
- (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend beyond applicable federal deadlines.

In addition, the permit may also contain the following information:

- (1) The unit charge or schedule of user's charges and fees for the wastewater to be discharged to a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.

- (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedule.
- (6) Requirements for submission of technical reports or discharge reports.
- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by Montezuma, and affording authority access thereto.
- (8) Requirements for notification of Montezuma of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituent being introduced into the wastewater treatment system.
- (9) Requirements for notification of slug discharges.
- (10) Other conditions as deemed appropriate by Montezuma to ensure compliance with this article.

Sec. 94-306. Permit specificity.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notification (at a minimum) to the POTW and provision of a copy of the existing control mechanism to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Sec. 94-307. Pretreatment facilities.

- (a) Industrial users may be required by the Superintendent to install, in their effluent waste system immediately prior to entrance into the city sewer, a stainless steel automatic mechanically cleaned screen of either a vibration or brush type. The owner must maintain the screening facility in proper working condition at all times.
- (b) Users shall provide necessary wastewater treatment as required to comply with this article and shall 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 Montezuma shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Montezuma for review, and shall be prepared by a registered professional engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to Montezuma under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to Montezuma prior to the user's initiation of the changes. Montezuma, in no way, shall be responsible for the design or operation of the plant; the review is intended only to ensure compatibility of the pretreatment system with the POTW.

The industrial user must appoint a State of Georgia certified industrial operator to be in responsible charge of its pretreatment system. The operator should have a Class III or higher industrial operator license.

"Operator in responsible charge" means any operator who has direct general charge of the day-to-day field operation of a wastewater treatment plant, wastewater collection system, water distribution system, or public water supply system, and who is responsible for the quality of the treated water or wastewater effluent.

"Wastewater treatment" means biological, physical/chemical, or settling processes which remove pollutants from industrial or domestic wastewaters prior to discharge to a stream, sewer, or land. It includes only those processes permitted by Montezuma and specifically excludes those processes that consist solely of screening, pH adjustment, sedimentation processes without mechanical solids removal, septic tanks, grease traps, or oil-water separators.

Sec. 94-308. Publication of significant noncompliants.

Montezuma may annually publish in the local newspaper a notification of the users that were in significant noncompliance with any pretreatment requirements or standards during the previous twelve (12) months. The notification shall summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

Sec. 94-309. Periodic reporting.

The user will be required to submit to the Superintendent reports indicating the nature and concentration of effluents on a periodic basis. Specific reporting requirements will be indicated in the user's permit.

- (1) Analytical requirements: All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and procedures approved by EPA.
- (2) Sample collection:
 - a. Except as indicated in subsection b, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) Timing: Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (4) Record keeping: Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or Montezuma, or when the user has been specifically notified of a longer retention period by the Superintendent.

Sec. 94-310. Additional requirements.

- (a) No industry will exceed the pretreatment limits as established by the EPA in accordance with sections 307(b) and (c) of the act (33 USC 1347) which applied to a specific category of industrial users.
- (b) No user shall ever increase the use of process water or in any other way dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. Montezuma may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

Sec. 94-311. Reports of changed conditions.

- (a) Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
 - (1) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 3-5-277.
 - (2) The Superintendent may issue a wastewater discharge permit under section 3-5-280 or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

Sec. 94-312. Confidentiality.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available without restriction unless the user contends such information and data constitutes a trade secret, in which case the information may be withheld from the general public. The effluent data will never be considered as confidential information. Information accepted by Montezuma as confidential portions of a report which might disclose trade secrets or secret processes, shall be available for review by a governmental agency, when required to document compliance with the pretreatment program. In matters of judicial review or enforcement proceedings against an industrial user, Montezuma shall provide all available information pertaining to that industry to the reviewing court or governmental agency.

Sec. 94-313. Monitoring facilities and flow measurement.

Montezuma shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but Montezuma may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Sec. 94-314. New standards; notification.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Superintendent shall notify all affected users of the new standard and applicable reporting requirements.

When Montezuma's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, Montezuma may apply to the state for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system and ninety-five (95) percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) (or title 40 of the Code of Federal Regulation, part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. Montezuma may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR part 403, section 403.7, are fulfilled and prior approval from Montezuma is obtained.

Sec. 94-315. National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405 through 471 are hereby incorporated.

- (1) When a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR Part 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR Part 403.15.

Sec. 94-316. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Part 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Superintendent a report which contains the information listed in paragraph (b) (1) to (5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) Identifying information: The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental permits: A list of any environmental control permits held by or for the facility.
 - (3) Description of operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of pollutants:
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, when required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, when required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with accepted procedures.
 - c. Sampling must be performed in accordance with procedures provided in article 3-5-285(2).

- (6) Certification: A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in the ensuing section.
- (8) Signature and certification: All baseline monitoring reports must be signed and certified.

Sec. 94-317. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule:

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

Sec. 94-318. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in section 3-5-292(b)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified.

Sec. 94-319. Periodic compliance reports.

- (a) All significant industrial users shall, at a frequency determined by the Superintendent, but in no case less than two (2) times per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 3-5-276.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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

Sec. 94-320. Notice of violation; repeat sampling and reporting.

If sampling performed by a user indicates a violation of wastewater discharge limitation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to Montezuma within thirty (30) days after becoming aware of the violation. The user is not required to resample if Montezuma resamples between the user's initial sampling and when the user receives the results of this sampling or if Montezuma performs sampling at the industrial user's facility at a frequency of at least once per month.

Sec. 94-321. Accidental discharge.

Each industrial user shall provide protection from accidental discharge or slug loading of prohibited materials or other substances regulated by this division. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Facilities to prevent accidental discharge or slug loading of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to Montezuma for review before construction of the facility. Montezuma shall evaluate all industrial users for the need for developing a slug discharge plan at least every two (2) years. Industrial users shall complete such a plan within ninety (90) days after being notified by Montezuma. No user shall be permitted to introduce pollutants into the system until accidental discharge or slug control procedures have been approved by Montezuma. A slug control plan shall contain (at a minimum) the following elements:

- Description of discharge practices, including non-routine batch discharges.
- Description of stored chemicals.
- Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 3-5-268(d) with procedures for follow-up written notification within five (5) days.
- If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, training of workers, building of containment structures or equipment, measures for containment of toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Review of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge or slug loading, it is the responsibility of the user to immediately telephone and notify Montezuma of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (1) Written notice: Within five (5) days following an accidental discharge or slug loading, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (2) Notice to employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause to occur or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (3) Upset:

- a. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or the local limits because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection c below are met.
 - c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset.
 - 2. The facility was at the time being operated in a prudent manner and in compliance with applicable operation and maintenance procedures.
 - 3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days).
 - i. A description of the indirect discharge and cause 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.
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - 4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - 5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - 6. Users shall control production of all discharges, to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternate 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.
- (4) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions of this article or the specific prohibitions if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Montezuma was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

- (5) Bypass:

- a. For the purposes of this section:
 - 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - 2. "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.
- b. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation.
 - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - 3. The Superintendent may take an enforcement action against a 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.
 - iii. The industrial user submitted notices as required in subsection(5)b.2.

Sec. 94-322. Feasibility study and construction expenses.

- (a) Any owner/developer desiring sewer service to his or her property shall deliver to Montezuma a plat of survey of the property to be sewerred along with a letter setting forth the intended use or uses of the property. Montezuma shall review said documents and with the assistance of Montezuma's engineer determine the costs to be incurred to perform the necessary engineering studies and requirements of carrying the sewer from the owner/developer's property to Montezuma's nearest existing facility having sufficient capacity to process the sewage to be generated from said property. Once said costs have been determined, the Superintendent shall notify owner/developer, and owner/developer shall deposit said funds with Montezuma. After said funds have been deposited with Montezuma and Montezuma's engineer has commenced with the Sewerage Feasibility Study, said funds shall become nonrefundable. The results of the completed study shall be provided to the owner/developer.
- (b) The owner/developer of the property will be required to construct, at his or her own expense, any and all sewer lines and sewerage facilities that are located on the owner/developer's property that are determined

by Montezuma to be needed for the adequate sewerage of said property or that are required to service owner/developer's property.

- (c) The owner/developer may, with prior authorization from Montezuma, employ its own contractor to construct the sewer lines from owner/developer's property to Montezuma's nearest facilities having Montezuma to process the sewage generated from said property. The sewer lines appurtenances thereto, and other facilities required, will be constructed according to the specifications of Montezuma and will be inspected by Montezuma prior to covering. If Montezuma allows the owner/developer to employ its own contractor, then said contractor shall deliver to Montezuma prior to commencement of work a certificate of insurance which will insure and protect Montezuma from all claims of damage to person or property occurring as a result of said construction. The amount of insurance shall be set by the Superintendent.

Sec. 94-323. Easement acquisition.

- (a) If Montezuma determines that it is in the best interest of Montezuma to enlarge the sewer lines and sewerage system facilities from the owner/developer's property line to the sewerage system facilities, Montezuma will pay the additional costs for the increased size of sewer line and sewer facilities.
- (b) The owner/developer shall make a good faith effort to obtain all easements required to install the sewer lines and sewerage system facilities from the owner/developer's property to authority's facility. In the event an owner/developer is unable to obtain the sewer easements required, said owner/developer shall notify Montezuma in writing. Montezuma will then determine the anticipated cost for condemning the easements required and notify the owner/developer in writing. Upon the owner/developer depositing with authority the estimated costs, Montezuma will authorize its attorney to proceed with condemnation of the easement. If the costs as hereinafter defined exceed the amount estimated by Montezuma, the owner/developer shall pay to Montezuma the additional costs within ten (10) days from receipt of notification. Failure to pay said funds within said time will result in Montezuma placing a fi.fa. on owner/developer's property. If estimated costs paid to Montezuma do not exceed the actual cost incurred, the excess funds will be returned to the person initially paying said funds within thirty (30) days after date of determination of actual costs involved. Costs referred to above shall include, but not be limited to, the amount paid by Montezuma for the easement or title to property, all attorney's fees, expert witness fees, court costs, litigation expenses, survey and engineering expenses, and any out-of-pocket funds expended by Montezuma.
- (c) Montezuma will employ its own surveyor or engineer to survey the property on which the easement or title to property is required to carry the sewer line from owner/developer's property to authority's existing facility. An estimated cost of such expense will be provided by the Superintendent to the owner/developer in writing, and the owner/developer shall deposit said funds with Montezuma. Upon receipt of said estimated costs, Montezuma will proceed to survey said property and have said easements prepared by Montezuma's attorney. If the costs as hereinafter defined exceeds the amount estimated by Montezuma, owner/developer shall pay to Montezuma the additional costs within ten (10) days from receipt of notification. Failure to pay said funds within said time will result in Montezuma placing a fi.fa. on owner/developer's property. If estimated costs paid to Montezuma do not exceed the actual costs incurred, the excess funds will be returned to the person initially paying said funds within thirty (30) days after date of determination of actual costs involved. Costs referred to above shall include, but not be limited to, the amount paid by Montezuma for the easement or title to property, all attorney's fees, expert witness fees, court costs, litigation expenses, surveying and engineering expenses, and any out-of-pocket funds expended by Montezuma.

Sec. 94-324. Removal, transportation, and disposal of scavenger wastes.

- (a) Montezuma may require a formal permit for the discharge of scavenger wastes after submission of an application on forms supplied by the city. All other materials and substances, chemicals or chemical compounds, and/or industrial wastes will not be permitted to be discharged into the public sewerage system except as heretofore provided.
- (b) The discharge of the wastes in subsection (a) above and trucked or hauled pollutants shall be made only at a location in the sewage treatment plant as shall be designated by the Superintendent.

- (c) Scavenger wastes will be admitted into the sewerage system only by permit and subject to payment of fees or fixed charges. The fee or charge shall be based on the full capacity of each scavenger vehicle for each discharge.
- (d) The applicant shall be the owner of the vehicle discharging the wastes. Any false, misleading, or untruthful statements as to the nature of the material shall be cause for termination of any further discharge from the applicant.
- (e) Discharges in subsection (a) above may also be suspended or terminated at any time by the Superintendent for willful, continued, or persistent violations of these rules and regulations.
- (f) All equipment, such as trucks, tanks, pumps, and hoses used in the collection and/or transportation of scavenger wastes shall be modern equipment in good condition. When more than one (1) vehicle is used by an applicant, each vehicle shall bear an identifying number.
- (g) All applicants for a permit shall furnish the following information with each application:
 - (1) Name and address of applicant.
 - (2) Volume of scavenger waste for each numbered vehicle.
 - (3) Number of scavenger vehicles in collection service.

Sec. 94-325. Powers and authority of inspector testing.

- (a) Search warrants and orders from superior court. If the Superintendent 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 article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Montezuma designed to verify compliance with this article any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Superintendent may seek issuance of a search warrant or order from the Superior Court of Macon City.
- (b) While performing the necessary work on private properties referred to in subsection (a) above, any claims resulting from injury or death to the Superintendent or duly authorized employees of the City of Montezuma shall be compensated by the company when there is negligence on the part of the company.
- (c) Right of entry; inspection and sampling. The Superintendent or his or her representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent or his representative 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) When a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or his or her representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Superintendent or his or her representative shall have the right to set up on the user's property, or require installations of, such devices as are necessary to conduct sampling and/or metering of the user's operation.
 - (3) The Superintendent or his or her representative may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated (once a month) to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent or his or her representative and shall not be replaced. The costs of clearing such access shall be born by the user.
 - (5) Unreasonable delays in allowing the Superintendent or his or her representative access to the user's premises shall be a violation of this article.

- (d) At the order of the Superintendent, all persons discharging wastewater into Montezuma's sewer system shall have their discharge tested by an authority-approved independent testing laboratory at said person's expense at a frequency specified by the Superintendent at his or her discretion.
- (e) In the event of a violation of any provision of this article, the Superintendent shall have Montezuma to terminate water and sewer services to the violator until such violations have been brought into compliance.
- (f) The Superintendent shall have the right to assess and collect fines and restitution penalties authorized by this article, and shall have the right to terminate water and sewerage services as set forth in paragraph (e) above, until all fines and restitution costs have been paid.
- (g) The clerk of Montezuma shall have the right to issue fi.fas. for the collection of fines, fees and restitution costs for damages due to Montezuma.

Sec. 94-326. Sewerage fees and rates.

- (a) Montezuma as a whole shall be considered one sewerage district. Montezuma, from time to time, shall review and set all impact fees, connection fees, sewerage user fees, surcharges and penalties which they deem reasonable and financially appropriate.
- (b) Impact fees, as that term is defined by the Impact Fee Ordinance of Montezuma, shall be set from time to time by Montezuma, and governed by said ordinance.
- (c) The impact fee is set at the time of connection on to the sewerage system and based on the present anticipated usage. Montezuma from time to time will determine whether or not the customer is using more Montezuma in the sewage treatment plant and the sewer lines than was originally purchased. If Montezuma determines that there is an increase in usage by the customer, Montezuma will assess additional impact fees based on the impact fee rate that is in existence at the time of the determination by Montezuma. The customer shall notify Montezuma thirty (30) days prior to the commencement of any additions to the customer's present facilities to determine if sewage treatment facilities and sewage facilities are available and have adequate Montezuma to accommodate the anticipated additional usage.
- (d) A connection fee is charged to the customer for connection to Montezuma's sewerage system. The connection fee shall be set from time to time by Montezuma.
- (e) A sewerage user fee is charged to the customer on a monthly basis for the sewage processed by Montezuma. The sewerage user fee is set by Montezuma from time to time. Montezuma will charge a minimum monthly charge to all sewer users.
- (f) Montezuma from time to time may set and collect additional fees and surcharges as it deems appropriate.
- (g) Montezuma from time to time may set and collect deposits from customers. Any deposit so collected will be deposited in the general operating account and used for the operation of Montezuma. Montezuma shall not be required to pay interest on any deposit collected. Upon termination of services, the deposit shall be applied to any balance owed to Montezuma, and the balance of any deposit, if any, shall be returned to the customer within ninety (90) days of termination of services.
- (h) If the payment of the sewer fees or any surcharge assessed is allowed to go into default by the customer, Montezuma may take appropriate action to terminate the customer's water and sewer service until all sums due Montezuma, including penalties, are paid in full.
- (i) Montezuma shall from time to time review the fees set forth above and adjust same as may be necessary to defray operational and maintenance costs and provide for financial capitalization including replacements and other system improvements. Montezuma shall have the right from time to time to increase or decrease any sewer fees or sewer rates charged by it without further approval of the board of commissioners of the city.
- (j) Except as otherwise negotiated and approved, Montezuma reserves the right to refuse sewer service to any person not using authority water.

Sec. 94-327. Construction and extension of sewer lines.

- (a) Prior to construction or extension of any sewer line, a property owner shall prepare and deliver to Montezuma for review and approval plans of the proposed sewer line. At a minimum, the plans for the proposed sewer line shall show:
 - (1) The line's proximity to existing sewer lines;
 - (2) The location of the sewer line;
 - (3) The location of all outfalls;
 - (4) The location of all interceptors;
 - (5) The estimated amount of sewerage to be processed on a day-to-day basis and the Montezuma of the sewer lines to be installed;
 - (6) Such other information as is required by Montezuma from time to time.
- (b) Any plans submitted to Montezuma for review and approval shall be prepared by a registered engineer.
- (c) All gravity flow sewer lines constructed in Montezuma shall have a minimum diameter of eight (8) inches.

If the Superintendent desires to enlarge the diameter of a sewer line to better serve the drainage basin, Montezuma or its designee shall determine the routing for said line and shall install it. In such an event, Montezuma shall estimate the cost of an eight-inch line (not including unfit soil and rock) and shall deliver said estimate to the developer. Upon receipt, the developer shall pay the estimate of cost for the eight-inch line within thirty (30) days of receipt.

- (1) If rock and/or unfit soil is encountered by Montezuma during installation of the enlarged line, the developer will pay the increased cost caused by said soil or rock within thirty (30) days of receipt of a bill from Montezuma.
- (d) Property owners desiring to extend lines to existing authority sewer lines shall be responsible for paying all costs of the line extension. Further, it shall be the responsibility of the property owner to build within the property to be served, sewerage lines according to the specifications of Montezuma.

Sec. 94-328. Industrial waste surcharges.

- (a) If Montezuma authorizes any customer to discharge industrial wastes into the public sewers, said customer shall be charged and assessed a surcharge in addition to any sewer service charges, if these wastes have a concentration greater than the following concentrations:
 - (1) A five-day, twenty-degree Celsius biochemical oxygen demand (BOD5) concentration of three hundred (300) milligrams per liter (mg/L), which is also referred to as parts per million (ppm).
 - (2) A total suspended solids (TSS) concentration of three hundred (300) mg/L.
 - (3) For wastewater discharging to a treatment plant where nitrification is required, a Total Kjeldahl Nitrogen (TKN) and/or ammonia (NH3-N) of two (2) mg/L (separately or in combination).
 - (4) For wastewater discharging to a treatment plant where phosphorous removal is required, phosphorous and/or phosphorous compounds (as P) of twenty-five (25) mg/L.

The above constituents shall be sampled and analyzed in accordance with Standard Methods for the Examination of Water and Wastewater or other analytical procedure approved by the U.S. EPA or the regulatory agency of the state having jurisdiction. The surcharge shall be based on an average of at least three (3) twenty-four-hour composite samples (or composite samples during the daily discharge) or based on an average of at least six (6) grab samples taken at different hours of operation over at least a three-day period. Where different processes are used or different products are manufactured, the highest strength discharge over a five-day period, as sampled above, shall be used as the basis of the surcharge. The amount of such surcharge, which may be charged and assessed against persons discharging industrial waste into the public sewers, shall reflect the cost incurred by Montezuma in handling the excess of the previously listed constituents. This surcharge shall include a proportionate share of the operational and maintenance costs and replacement costs on the portions of the plant

and affected sewerage system and other incidental expenses (monitoring, testing, and other) including salaries and other administrative expenses.

- (b) When any or all of the total suspended solids, BOD, phosphorous, TKN, or ammonia of the wastewater accepted for admission to Montezuma's sewerage works exceeds the aforementioned values of these constituents, the excess concentration in any or all, as the case may be, shall be subject to a surcharge on the amount derived in accordance with the following formula:

Amount of surcharge in dollars = (pounds of excess constituent) × (prorated facility replacement cost per excess pound + prorated operational, maintenance, and incidental costs per excess pound).

Excess poundage shall be calculated as follows:

(Wastewater discharged in MGD × excess concentration in mg/L × 8.34 lbs/gallons)

Example:

1 MGD of wastewater

200 mg/L excess BOD (500 mg/L - 300 mg/L)

Excess poundage = 1 MGD × 200 × 8.34 = 1,668 pounds

- (c) The rates of surcharges shall be reviewed annually by Montezuma in order that the above factors may correctly represent current treatment costs and may be modified at any time. The current surcharge rates are available at Montezuma.
- (d) Industrial waste surcharges provided for in this article shall be prepared and rendered with the regular water and sewerage bill. The manager or other duly authorized employee of Montezuma shall be permitted to enter any property for the purpose of inspection, observation, measuring, sampling, and testing in accordance with the provisions of this article.
- (e) The volume of flow used to compute industrial waste surcharges shall be based on metered, estimated, or prorated water consumption as shown in the records of meter reading maintained by the City of Montezuma. In the event that a person discharging waste into the public sewerage system produces evidence to the manager that a significant portion of the total annual volume of water used for all purposes does not reach the public sewer system, an estimated percentage of total water consumption to be used in computing charges may be agreed on between the manager and persons discharging industrial wastes into the sewer.
- (f) The industrial waste of each person, corporation, or legal entity discharging into the public sewerage system shall be subject to annual inspection and determination of character and concentration of said waste; such action may be made more often as may be deemed necessary by Montezuma. Samples shall be collected in such a manner as to be representative of the actual quality of the waste. The laboratory methods used in examination of said waste shall be those set forth in Standard Methods for the Examination of Water and Wastewater.
- (g) In the event that an analysis of waste, determined by the sampling and gauging of waste from a person or industry by Montezuma is disputed, a program of resampling and gauging, with subsequent chemical determinations, may be instituted as follows:
- (1) The person or industrial user interested must submit a request for resampling and gauging of its waste to the manager by letter and bind itself to bear the expenses incurred by Montezuma in the resampling and gauging the subsequent chemical determination of the waste.
 - (2) The chemist or engineer employed by the company or person responsible for the request submitted to Montezuma must confer with Montezuma's person in charge of gauging and sampling. He or she will establish the length of the return and the methods to be employed to determine the flow and to sample the flow.
 - (3) The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the laboratory during the determination of the analysis.

(4) The results of the analysis, determined from the quantity and quality of the flow, shall be considered by analysis of record and shall be used to establish current billing procedures.

Secs. 94-329 through 94-349 reserved

DIVISION 3. PENALTIES AND REMEDIES

Sec. 94-350. Administrative remedies.

- (a) *Notification of violation.* When Montezuma finds that any industrial user has violated or is violating this article, or a wastewater permit or order issued hereunder, Montezuma may serve upon said user written notice of the violation. Within ten (10) days of the receipt date 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 to Montezuma. 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.
- (b) *Consent orders.* The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the compliance orders issued pursuant to subsection (d) below.
- (c) *Show-cause order.* The Superintendent may order any industrial user which causes or contributes to a violation of this article or wastewater permit or order issued hereunder, to show cause why a 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 this 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 ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.
- (d) *Compliance order.* When the Superintendent finds that an industrial user, has violated or continues to violate this article or a permit or order issued thereunder, he or she may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease-and-desist orders.* When the Superintendent finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
 - (1) Comply with the order.
 - (2) Take appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Sec. 94-351. Termination of service.

- (a) *Termination for cause.*
 - (1) The Superintendent and his designees are hereby authorized to terminate water and sewerage services to customers who violate any provision of this article.
 - (2) The following procedures shall be followed prior to termination of water and sewerage services:

- a. Montezuma, through its employees, shall forward to each violating customer notice of the violation of which the customer has been charged. The notice shall state the cutoff date on which the water and sewerage services will be cut off if the violation is not remedied by that date.
 - b. If a violating customer has not cured the violation by the date shown on the notice, Montezuma will cut off water and sewerage service. The Superintendent or his designee is authorized to direct personnel of Montezuma to terminate water and sewerage services without notice to any customer that the Superintendent has reason to believe is willfully violating this article.
 - c. Once service has been discontinued, a customer can re-establish service by remedying the violation and paying the total amount due Montezuma in fees, fines, restitution and penalties together with any other applicable charges.
 - d. If a customer disputes violation of the article, the customer may request a hearing. A request for hearing may be made as follows:
 1. In writing, addressed to the Superintendent and mailed to Montezuma at 408 S. Dooly St, P O B 388, Montezuma, GA 31063
 2. In writing, addressed to the Superintendent and delivered to Montezuma at 408 S. Dooly St, Montezuma, GA 31063 or
 3. By contacting the Superintendent by telephone during normal business hours at 478-_____.
 - e. A hearing date and time will be set. The Superintendent or his designee shall conduct the hearing and determine whether a violation of the article has occurred. If a violation is found, the same shall be cured by 4:30 p.m. on the following business day. If the violation is not cured by said date and time, water and sewerage services shall be terminated.
- (b) *Emergency termination of service.* The Superintendent may immediately suspend a user's discharge and water use, 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 Superintendent may also immediately suspend a user's discharge and water service, 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 contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of water and sewer connection, to prevent or minimize damage to the POTW or its receiving stream or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in section 3-5-312(c) of this article 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 Superintendent prior to the date of any show cause or termination hearing.
 - (3) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- (c) *Termination of discharge.* Montezuma may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken.

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

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

Sec. 94-352. Administrative penalty.

- (a) (1) Any person including, but not limited to, industrial users that perform any of the following acts or omissions shall be subject to a administrative penalty of up to one thousand dollars (\$1,000.00) per day for each violation for each day during which the act or omission continues or occurs:
 - a. Violates any effluent standard or limitation imposed by a pretreatment program.
 - b. Violates the terms or conditions of a permit issued pursuant to a pretreatment program.
 - c. Fails to complete a filing requirement of a pretreatment program.
 - d. Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.
 - e. Fails to pay user or cost recovery charges imposed by a pretreatment program.
 - f. Violates a final determination or order of Montezuma.
 - g. Violates any provisions of this ordinance, the pretreatment permit, or any order.
- (2) Any administrative penalty shall be assessed in the following manner:
 - a. The Superintendent may issue an assessment against any person or industrial user responsible for the violation.
 - b. In assessing the administrative penalty, the Superintendent may consider the following factors:

1. Whether the administrative penalty imposed will be a substantial economic deterrent to the illegal activity.
 2. Damages to Montezuma, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorneys' fees incurred by Montezuma as a result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages.
 3. Cause of the discharge or violation.
 4. The severity of the discharge and its effect on the facilities of the POTW and on the quality and quantity of the receiving waters.
 5. Effectiveness of action taken by the violator to cease the violation.
 6. The technical and economic reasonableness of reducing or eliminating the discharge.
 7. The economic benefit gained by the violator.
- c. Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the Superintendent a written petition setting forth the grounds and reasons for his or her objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within ten (10) days of the date the assessment is served, the violator shall be deemed to have consented to the assessment, and it shall become final.
 - d. When any assessment becomes final because of a person's failure to appeal to the Superintendent, the Superintendent may apply to the Superior Court or State Court of Montezuma for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.
 - e. In addition, the clerk of Montezuma may file a fi fa with the superior court against all property of the person or industry against whom the assessment was made.

Sec. 94-353. Civil penalties.

- (a) Civil penalties are obtained through the Superior Court or State Court of Montezuma by maintaining a civil action against the person or industrial user who is in alleged violation of the pretreatment ordinance (this article). When Montezuma pursues a civil action, it is generally seeking compensatory and punitive damages against the person or industrial user for alleged harm resulting from the industrial user's violations.

Any user who is found to have violated or continues to violate an order of Montezuma or who fails to comply with any provision of this article, or the orders, rules, regulations or permits issued hereunder shall be liable for civil penalties in at least the amount of one thousand dollars (\$1,000.00) per day for each violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In addition, Montezuma may recover reasonable attorneys fees, court costs, court reporters' fees, expert witness fees and other expenses of litigation from the industrial user who is the losing party in the civil litigation.

Sec. 94-354. Criminal penalties.

- (a) Montezuma may request the city district attorney's office or state court or city solicitor's office to pursue a criminal action against any person and industrial user in the following circumstances:

- (1) A user who violates any provision of this article will be prosecuted and sentenced as authorized by the laws of the state.
- (2) A user who violates any provision of this article to the extent that the same does not otherwise qualify as a felony or misdemeanor under the laws of the state, shall be charged with a misdemeanor.
- (b) In addition to any other criminal penalties, to the extent that Montezuma is required to pay any fines, penalties, or other fees or charges by any federal or state governmental agency, division or other entity, the violating user shall pay as restitution the amount of whatever fine, fee, penalty or charge has been assessed against Montezuma as a result of the violator's violation together with costs incurred by Montezuma in collection of said restitution. Costs shall include but not be limited to all attorney's fees, expert witness fees, court costs, litigation expenses, survey and engineering expenses, and any out-of-pocket funds expended by Montezuma.

Sec. 94-355. Injunctive relief.

When Montezuma finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, Montezuma may petition Superior Court or the State Court of Montezuma 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 article on activities of the user. Montezuma 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. Sec. 94-356. Billing and service disconnection.

- (a) Sewer charges shall be billed with water charges, and failure to pay sewer charges shall be treated in the same manner as for failure to pay water charges as defined in the Montezuma Water Ordinance.
- (b) Montezuma reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:
 - (1) A governmental agency informs Montezuma that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is discharging wastewater into the public sewer that cannot be sufficiently treated or requires treatment that is not provided by Montezuma as normal domestic treatment; or
 - (2) The customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority; or
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment process; or
 - c. Fails to pay monthly bills for sanitary sewer service when due; or
 - d. Repeats a discharge of prohibited wastes into public sewers.
- (c) The Superintendent and his designees are hereby authorized to terminate water and sewerage services to customers who violate any provision of this article.
 - (1) The following procedures shall be followed prior to termination of sewerage services:
 - a. Montezuma, through its employees, shall forward to each violating customer notice of the violation of which the customer has been charged. The notice shall state the cutoff date on which the water and sewerage services will be cut off if the violation is not remedied by that date.
 - b. If a violating customer has not cured the violation by the date shown on the notice, Montezuma will cut off water and sewerage service. The Superintendent or his designee is authorized to direct personnel of Montezuma to terminate water and sewerage services

without notice to any customer that the Superintendent has reason to believe is willfully violating this article.

- c. Once water and sewerage service has been discontinued, a customer can re-establish service by remedying the violation and paying the total amount due Montezuma in fees, fines and penalties together with any other applicable charges.
 - d. If a customer disputes violation of the article, the customer may request a hearing within ten (10) days of receipt of said notice. A request for hearing may be made as follows:
 1. In writing, addressed to the Superintendent and mailed to Montezuma at P O B 388, Montezuma, GA 31063;
 2. In writing, addressed to the Superintendent and delivered to Montezuma at 408 S Dooly St, Montezuma, GA 31063; or
 3. By contacting the Superintendent by telephone during normal business hours at 478-_____.
 - e. A hearing date and time will be set. The Superintendent or his designee shall conduct the hearing and determine whether a violation of the article has occurred. If a violation is found, the same shall be cured by 4:30 p.m. on the following business day. If the violation is not cured by said date and time, water and sewerage services shall be terminated.
- (d) Montezuma reserves the right to discontinue its water and sewer service without notice for the following reasons:
- (1) To prevent fraud or abuse.
 - (2) Customer's willful or negligent disregard of the terms of the article and any amendments thereto or any of the rules of Montezuma.
 - (3) Emergency repairs.
 - (4) Insufficiency of water supply because of circumstances beyond authority's control.
 - (5) Insufficiency of sewage treatment system.
 - (6) Legal processes.
 - (7) Direction of public authorities.
 - (8) Strike, riot, fire, flood, unavoidable accident, actions of others, or acts of God.
- (e) Montezuma reserves the right to terminate all services granted by Montezuma for any other reason other than those stated above by giving the customer ten (10) days' written notice of the date of termination and further providing the customer with a right to hearing prior to termination of the service.

Sec. 94-357. Fees, penalties and fines, etc., collection.

Montezuma shall be authorized to file of record fi fas to collect any outstanding fees, penalties, fines, restitution and other costs due Montezuma. In addition, Montezuma shall be authorized to terminate water and sewerage service to any customer who has been found to violate any provision of this article, and said service shall remain terminated until all fines, fees, penalties, restitution and other charges due Montezuma have been paid and all violations have been brought into compliance.

Secs. 94-358 through —94-399. Reserved.

SO ORDAINED, this 11th day of April, 2023

CITY OF MONTEZUMA, GEORGIA

By: Nealie L. Johnson
Nealie L. Johnson, Mayor

Attest: Jennifer McCarthy
Jennifer McCarthy, City Clerk

INTERGOVERNMENTAL AGREEMENT

This contract entered into between Macon County Board of Commissioners (hereinafter referred to as the "County") and the City of MONTEZUMA (hereinafter referred to as the "City") on the 12th Day of APRIL 20 23.

WITNESSTH

For an in consideration of the mutual promises contained herein the parties do bind each other and agree as follows:

1. **ELECTIONS:** County, through the Board of Elections and County Election Superintendent, agrees to conduct the Municipal Election for the City:

a. Duties of the Election Superintendent:

- i. Program and build ballots submitted to CES (center for elections system)
- ii. Ensure all elections are properly staffed and properly trained
- iii. Input data for advance voting
- iv. Complete certification of municipal elections
- v. Facilitate the printing of ballots and provision of supplies, as needed

b. Duties of the City:

- i. Conduct all candidate qualifying for all municipal elections
- ii. Submit names of all candidates after qualifying to Election Supervisor
- iii. Submit all payments for voting precincts prior to election day (if required)
- iv. Final payment for municipal election services no later than 30 days after the election
- v. Reimbursement to the County for any expenses incurred related to municipal elections

There is no charge to the City for actual use of the State Owned Voting Equipment

2. **LIABILITY:** County shall not be held liable for any claim, lawsuit or dispute arising out of the conduct of all municipal elections; the City shall reimburse the County in the event a claim, lawsuit or dispute is filed against the County including but not limited to attorney fees and associated court cost.

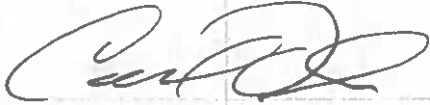
3. **TERM:** This agreement shall remain in effect until the earlier of the following:

(a) Either party terminates the Agreement by providing 60 days advance written notice, which shall be effective whether for cause or not; or

(b) three (3) years from the date of the execution of this Agreement.

IN WITNESS WHEREOF the parties have signed this Intergovernmental Agreement between the County
and the City approved this 12th day of APRIL, 2023, effective as on the date stated.
By: _____

Board of Commissioners of Macon County, GA



Commissioner Carl Oliver, Chair

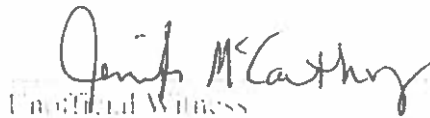


Unofficial Witness

City of Montezuma, GA



Mayor



Unofficial Witness