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## ARTICLE I

### Sewage Disposal and Industrial Wastewaters

An Ordinance Regulating 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 County Sewer System(s): and Providing Penalties for Violations Thereof: in the County of Chatham, State of Georgia. This Ordinance combines and amends Chapter 15 Article I Sewage Disposal and Chapter 24 Article VI Industrial Wastewaters of the Code of Chatham County, Georgia.

#### §15-101 Sewer Usage

##### 1. General Provisions

- a. Purpose - Establish rules and regulations for the use of Public Sewers, private sewage disposal, Building Sewers and connections, and the disposal of Wastewater into the Wastewater Systems of the County.
- b. Administration - Except as otherwise provided herein, the Administrator shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other County personnel or municipality.
- c. Abbreviations - The following abbreviations, when used in this ordinance, shall have the designated meanings:
  - BOD - Biochemical Oxygen Demand
  - CFR - Code of Federal Regulations
  - COD - Chemical Oxygen Demand
  - EPA - U. S. Environmental Protection Agency
  - FOG - Fats, oil, and grease
  - GPD - gallons per day
  - mg/L - milligrams per liter
  - NH<sub>3</sub>-N - Ammonia-Nitrogen
  - NPDES - National Pollutant Discharge Elimination System
  - POTW - Publicly Owned Treatment Works
  - RCRA - Resource Conservation and Recovery Act
  - SIC - Standard Industrial Classification
  - TSS - Total Suspended Solids
  - TTO - Total Toxic Organics
  - U.S.C.- United States Code
- d. Definitions - Unless the context specifically indicates otherwise, the following terms, as used in this

Ordinance, shall have the meanings hereinafter designated:

- i. "Act" or "the Act" means the Federal Water Pollution Control Act, Public Law 92-500, as now or hereafter amended, also know as the Clean Water Act, 33 U.S.C. 1251 et. sec.
- ii. "Administrator" means the Director of Public Works of this County or his duly appointed deputy, agent or representative.
- iii. "Authorized Representative of the User" means 1) a responsible corporate officer, if the Industrial User is a corporation. For the purpose of this definition, a responsible corporate officer means a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority has been assigned or delegated to the manager in accordance with corporate procedures. 2) By a general partner or proprietor if the Industrial User is a partnership or sole proprietorship respectively. 3) By a duly authorized representative of the individual in paragraph (1) or (2) of this definition if:
  - (1) The authorization is made in writing by the individual described in paragraph (1) or (2);
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Wastewater originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (3) the written authorization is submitted to the Control Authority.
  - (4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has

responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

- iv. "Biochemical Oxygen Demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C. Expressed in terms of weight (pounds per day) and/or concentration (milligrams per liter).
- v. "Building Drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste pipe, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer, beginning ten (10) feet outside the building wall.
- vi. "Building Sewer" means that part of the horizontal piping of a drainage system, gravity line or force main, which extends from the end of the Building Drain and conveys it to a Public Sewer, private sewer, individual sewage disposal system, or other point of disposal even where the piping extends beyond that property owners property line.
- vii. "Chemical Oxygen Demand" means the measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong oxidant under standard laboratory procedures.
- viii. "Combined Sewer" means a sewer receiving both surface runoff and sewage.
- xi. "Control Authority" means the "County," or the Administrator of the Pretreatment Program under provisions of 40 CFR 403.12(a).
- x. "Control Manhole" means a sanitary sewer access, located to allow for the proper sampling, monitoring, and observation of an industrial wastewater discharge.
- xi. "Conventional Pollutant" means BOD, TSS, pH, fecal coliform bacteria, Oil and Grease and such

additional pollutants as are now or may be in the future specified and controlled in this County's NPDES permit for its Wastewater Systems where said systems have been designed and used to reduce or remove such pollutants.

- xii. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only Pollutant added to the water is heat.
- xiii. "Domestic Wastes" means liquid wastes (a) from the non-commercial preparation, cooking, and handling of food or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- xiv. "Environmental Protection Agency" means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- xv. "Equalization" means a process whereby varying (non-uniform) Wastewater discharge flows are balanced off into a uniform Wastewater discharge flow.
- xvi. "Existing Source" means any source of discharge, the construction of which commenced prior to the publication by EPA of proposed National Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- xvii. "Fats, Oil, and Grease" means any material recovered as a substance soluble in a solvent using an EPA approved method for analysis for oil and grease from animal, vegetable, and hydrocarbons of petroleum origin.
- xviii. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food.
- xix. "Grab Sample" means a sample which is taken from a waste stream, without regard to the flow in the

waste stream, and over a period of time not to exceed fifteen (15) minutes.

- xx. "Industrial User" means any Person who discharges, causes or permits the discharge of Industrial Wastewater(s) into the County's Wastewater System either directly or indirectly through a wastewater system of others.
- xxi. "Industrial Wastewater" means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from Domestic Wastes.
- xxii. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- xxiii. "Maximum Daily Limit" means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite (as appropriate) sample collected, independent of the flow rate and the duration of the sampling event.
- xxiv. "Medical Waste" - means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.



- xxv. "Monthly Average Limit" means the arithmetic average of all samples collected during a month at a specific sample point that are tested using methods listed in 40 CFR 136 or other EPA approved methods.
- xxvi. "National Categorical Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.
- xxvii. "National Pollutant Discharge Elimination System" (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act.
- xxviii. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR 403.5.
- xxix. "Natural Outlet" means any outlet into any Watercourse, canal, pond, ditch, lake, or other body of surface or groundwater.
- xxx. "New Source" means:
- (1) any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - (a) The building structure, facility or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (c) The production 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. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(2), or (a)(3) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (2) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - (a) Begun, or caused to begin as part of a continuous onsite construction program:
      - (i) Any placement, assembly, or installation of facilities or equipment; or
      - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within 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.

- xxxi. "Non-Contact Cooling Water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste products, or finished product.
- xxxii. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- xxxiii. "Person" or "Persons" means any individual, firm, company, partnership corporation, association, group, or society, and includes the State of Georgia, and agencies, districts, commissions and political subdivisions created by or pursuant to State or Federal law.
- xxxiv. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution, expressed in a scale of 0 to 14 (7 being neutral, less than 7 acidic, greater than 7 alkaline).
- xxxv. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, Garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- xxxvi. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by §403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or

otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 403.6(e).

- xxxvii. "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
- xxxviii. "Private Sewage Disposal System" means an individual septic system as approved by the County and the County Health Department.
- xxxix. "Properly Shredded Garbage" means Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, and with no particle greater than one-half ( $\frac{1}{2}$ ) inch in any dimension.
  - xl. "Public Sewer" means a common sewer directly controlled by public authority.
  - xli. "Publicly Owned Treatment Works" or "POTW" means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the governing authority. This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey Wastewater to a POTW Treatment Plant.
  - xlii. "POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
  - xliii. "Sanitary Sewage" means the solid and liquid wastes generated in the typical day-to-day domestic household.
  - xliv. "Sanitary Sewer" means a pipe which carries sewage and excludes storm, surface, and ground water.

- xliv. "Septage" means waste discharged from an individual septic tank system (Private Sewage Disposal System) approved by the County and the County Health Department.
- xlvi. "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
- xlvii. "Sewers" means a pipe or conduit for carrying sewage.
- xlviii. "Shall" is mandatory; "May" is permissive.
- xlix. "Significant Industrial User" means:
- (1) Except as provided in paragraph (b) of this section, the term Significant Industrial Users means:
    - (a) All Industrial Users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
    - (b) Any other Industrial User that: discharges an average of 25,000 GPD or more of Wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement (in accordance with 40 CFR 403.8(f)(6)).
  - (2) Upon a finding that an Industrial User meeting the criteria in paragraph (a)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6),

determine that such Industrial User is not a Significant Industrial User.

1. "Significant Noncompliance" means an Industrial User's violation(s) meets one or more of the following:
  - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter;
  - (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, and FOG; 1.2 for all other pollutants except pH);
  - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the County determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - (4) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the County's exercise of its authority under §15-102 (III) of this Ordinance to halt or prevent such a discharge;
  - (5) Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in written notification for starting construction, completing construction or attaining final compliance;
  - (6) Failure to provide, within 30 days after the due date, any required reports;
  - (7) Failure to accurately report noncompliance;

- (8) Any other violation or group of violations which the County determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.
- li. "Slug Load" or "Slug" - means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
  - lii. "Storm Drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted Cooling Water.
  - liii. "Storm Water" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
  - liv. "Total Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquids, and which is removable by laboratory filtering.
  - lv. "Unpolluted Water" means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.
  - lvi. "User Classification" means a classification of users based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.
  - lvii. "Wastewater" means the liquid and water-carried industrial or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and Storm Water that may be present, whether treated or untreated, which is discharged into or permitted to enter the County's POTW.
  - lviii. "Wastewater Discharge Permit" means a permit to discharge Wastewater issued in compliance with the County's and/or City of Savannah's own NPDES permits as authorized under 40 CFR 403.
  - lix. "Wastewater System" means any devices, facilities, structures, equipment or works owned or used by the County for the purpose of the transmission,

storage, treatment recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alternations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

- lx. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

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

## 2. 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 County, or in any area under the jurisdiction of the County, any human or animal excrement, Garbage, or other objectionable waste.
- b. It shall be unlawful to discharge to any Natural Outlet within the County, or in any area under the jurisdiction of said County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.
- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank, Private Sewage Disposal System, or other facility intended or used for the disposal of sewage unless approved by the County and the County Health Department.
- d. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the County and Abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a Public



Sanitary Sewer of the County, shall be required at the owner's expense to install in accordance with the Plumbing Code of the County, suitable toilet facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this ordinance, within ninety (90) days after official notice to do so, provided that said Public Sewer is within two hundred (200) feet of the dwelling, and the property can be served by gravity flow. The owner of all houses, buildings or properties used for human occupancy, employment or other purpose in which a house, building or residence is within two hundred (200) feet of a public sewer after notification of requirement to connect to public sewer shall be charged the sewer availability fee on a monthly basis consistent with the Revenue Ordinance. (Amended 14 March 2003)

- e. All private properties having access to a County Sanitary Sewer shall be required to pay sewer service fees. Upon installation, acceptance or placement into operation of a sanitary sewer line, the engineering Administrator shall provide the Finance and Administrative Services Department with a listing of private properties which have access to the line. The Finance and Administrative Services Department shall bill sewer service charges to the properties as connections are made to the County line or sixty (60) days after receiving the notification from the Engineering Administrator, whichever occurs first.

### 3. Private Sewage Disposal

- a. Where a Public Sewer is not available under the provisions of **§15-101 (II)D**, the Building Sewer shall be connected to a Private Sewage Disposal System complying with the provisions of this section.
- b. Before commencement of construction of a Private Sewage Disposal System, the owner shall first obtain approval from the Administrator and the County Health Department. Construction of private sewage disposal systems shall be in accordance with Rules and Regulations for Individual Sewage Disposal Systems, Georgia Department of Human Resources, as effective at time of application pursuant to this paragraph.
- c. A permit for a Private Sewage Disposal System shall not become effective until the installation is completed to the satisfaction of the Administrator and the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction and the applicant for the permit shall notify the County

Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within five (5) working days of the receipt of notice by the County Health Department.

- d. The type, capacities, location, and layout of a Private Sewage Disposal System shall comply with all regulations of the County Health Department. No permit shall be issued for any Private Sewage Disposal System employing subsurface soil absorption facilities where the lot size and soil conditions do not meet the requirements of the County Health Department. No such system shall be permitted to discharge to any Natural Outlet.
- e. At such time as a Public Sewer becomes available (within 200 feet) to a dwelling served by a Private Sewage Disposal System, as provided in §15-101(III)D, the dwelling owner, at his expense, shall have a direct connection made to the Public Sewer in compliance with this ordinance within ninety (90) days of notice to the owner by the County of the availability of such service, and any private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with bank run gravel or soil.
- f. The owner shall operate and maintain in good working order private sewage disposal facilities in a sanitary manner at all times, at no expense to the County.

#### 4. Building Sewers and Connections

- a. No Person shall uncover, make any connections with or opening into, use, or alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a permit from the Administrator. Permits shall only be granted to Persons authorized by the State Plumbing Code and State Construction Licensing Board to do such work.
- b. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- c. A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, and both buildings remain under one property

owner, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. Should the property owner ever decide to subdivide and sell a portion of the property, a separate Building Sewer shall be installed at no additional cost to the County.

- d. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Administrator, to meet all requirements of this ordinance.
- e. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, pointing, testing, and backfilling the trench, shall all conform to the requirements of the State and plumbing code or other applicable rules and regulations of the County. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in latest approved specifications of the ASTM and W.E.F. Manual of Practice No. 9 shall apply. A copy of these specifications shall be available in the Administrator's office.
- f. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Sanitary Sewage carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.
- g. The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the State plumbing code or other applicable rules and regulations of the County, or the procedures set forth in appropriate specifications of the ASTM and the W.E.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Administrator before installation.
- h. The applicant for the Building Sewer permit shall notify the Administrator when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Administrator.
- i. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard in accordance with the Georgia Manual on Uniform Traffic Control Devices, and as prescribed by the County Traffic Engineer. No streets, sidewalks, parkways, and other public property shall be

excavated or disturbed until a permit for this, as prescribed by the Chatham County Right-of-Way Ordinance, has been obtained. Restoration of public property shall be in a manner acceptable to the County.

5. Use of the Public Sewers. A User may not introduce into a POTW any pollutants(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (B) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements. In Addition, the following pollutants shall not be introduced into a Wastewater System:

- a. Federal Prohibitions on Wastewater Discharges - Federal regulations prohibit the following materials from being discharged:

- i. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21
- ii. Pollutants which will cause corrosive structural damage to the Wastewater System, but in no case discharges with pH lower than 5.5, unless the works in specifically designed to accommodate such discharges.
- iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the Wastewater System resulting in Interference.
- iv. Any Pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the Wastewater System.
- v. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Administrator, upon request of the POTW, approves alternate temperature limits.
- vi. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the Wastewater System in a quantity that may cause acute worker health and safety problems.
  - viii. Any trucked or hauled pollutants, except at discharge points designated by the Administrator.
- b. Local Prohibitions on Wastewater Discharges - The following materials are prohibited from discharge to the Wastewater System:
- i. Oils and Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65 °C).
  - ii. Explosive Substances. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Wastewater System or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (L.E.L.) of the meter. These materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
  - iii. Noxious Material. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or may be sufficient to prevent entry into a sewer for its maintenance and repair.
  - iv. Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the Public Sewers.

- v. Temperature. Any liquid or vapor having a temperature higher than one hundred twenty (120) °F (49 °C).
  - vi. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable State or Federal regulations.
  - vii. Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that may pass through the system.
  - viii. Unpolluted Waters. Any Unpolluted Water, including, but not limited to, water from cooling systems or of stormwater origin.
  - ix. Discolored Material. Wastes with objectionable color not removable by the treatment process.
  - x. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the Wastewater System. Prohibited corrosive materials, include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products. All wastes discharged, directly or indirectly through Wastewater systems owned by others, to the County Wastewater system must have a pH value in the range of 6.0 to 9.0 standard units.
  - xi. Surfactants. Detergents, surface active agents or other substances which may cause excessive foaming at the Wastewater treatment plant.
  - xii. Slug Loading. Unusual volume of flow or concentration of pollutants constituting a Slug Load as defined herein.
- c. Limitations on Wastewater Discharges - No Person shall discharge or convey, or permit or allow to be discharged or conveyed, to County Wastewater system directly or indirectly through Wastewater system owned by others, any

Wastewater containing pollutants of such character or quantity that will:

- i. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system. Not susceptible shall mean an absence of any change in the quantity, nature, or composition of the Pollutant(s);
  - ii. Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent. Hazard shall mean toxicity, fire, or explosiveness, or any other danger to a person or property by reason of the quantity, nature, or composition of the Pollutant(s);
  - iii. Violate Pretreatment Standards and/or;
  - iv. Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- d. Special Agreements - Nothing in this section shall be construed as preventing any special agreement or arrangement between the County and any user of the Wastewater System whereby Wastewater of unusual strength or character is accepted into the system and especially treated subject to any payments or user charges as may be applicable. However, it must be understood that no Categorical Pretreatment Standards will be relaxed.
- e. Right of Revision - The County reserves the right to establish, by ordinance or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the Wastewater System.
- f. If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in §15-101 (V) of this ordinance, and which in the judgement of the Administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Administrator may:
- i. Reject the wastes;
  - ii. Require Pretreatment to an acceptable condition;
  - iii. Require control over the quantities and rates of discharge;

- vi. Require payment to cover the added cost of handling and treating the wastes not covered by standard sewer service charges; and/or
  - v. Take other such actions as may be deemed to be desirable or as necessary to achieve the purpose of this ordinance.
  - g. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Administrator, and/or the County Health Department, they are necessary for the proper handling of liquid wastes containing FOG or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residential living quarters or dwelling unit. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
  - h. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
  - i. All sample collection, preservation measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.
  - j. Authority to Establish Discharge Limits - Nothing in this section shall be construed as preventing the County from establishing discharge limits as necessary to meet Federal standards and/or State water quality standards.
6. Protection from Damage. No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Wastewater System. This equipment shall include, but not be limited to, sampling equipment and measuring devices.
7. Powers and Authority of Inspectors
- a. The Administrator and other duly authorized employees of the County bearing proper credentials and identification shall be permitted to enter all properties for the



purposes of inspection, observation, recording, measurement, sampling, and testing in accordance with the provisions of this ordinance.

- b. The Administrator and other duly authorized employees of the County bearing proper credentials and identification shall be permitted to enter private properties through which the County holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, recording, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved and general law.

#### **§15-102 Industrial Pretreatment**

1. General Provisions - Purpose - Establish additional rules and regulations for the direct or indirect discharge of non-domestic Wastewaters into the Wastewater Systems of the County. The purposes of this section are to:
  - a. implement the National Pretreatment Standards;
  - b. prevent the introduction of pollutants into the Wastewater System which will pass through or interfere with the treatment processes of wastewater treatment plants or which may contaminate sewage sludge;
  - c. prevent the introduction of pollutants into the Wastewater treatment system which will not be compatible with the treatment process and cause a treatment plant facility(s) violation under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with the jurisdiction over such discharges;
  - d. protect health and safety of the personnel and the general public;
  - e. authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; and require Industrial User reporting.
2. Limitations on Wastewater Discharges
  - a. Local Limits - The following Pollutant limits are established to protect against pass through and interference at each of the County facilities. No User shall discharge Wastewater in excess of the

concentrations set forth in Column A below, unless alternative limits are granted in a valid Permit to Discharge Industrial Wastewater. Tabulated in Column B are the maximum headworks concentrations. Should the concentrations in Column B be exceeded, the discharge limits of the Industrial Users may be reduced to alternative limits, to be set by the Administrator, to ensure that the concentration levels in Column B are not exceeded.

	<u>Column A</u>	<u>Column B</u>
	Maximum daily limit (mg/L)	Maximum headworks limit (mg/L)
<u>President Street</u>		
BOD <sub>5</sub>	1500	200
COD	3000	300
FOG	100	
TSS	750	200
Cyanide (T)	3.5	0.313
Arsenic	0.48	0.016
Cadmium	0.27	0.010
Copper	9.07	0.311
Lead	1.44	0.088
Mercury	0.17	0.005
Molybdenum	0.03	0.027
Nickel	5.69	0.179
Selenium	0.04	0.036
Zinc	8.67	0.411
<u>Regional Plants</u>		
BOD <sub>5</sub>	1000	713
COD	1500	1070
FOG	100	
TSS	280	200
Cyanide (T)	0.33	0.137
Arsenic	0.15	0.051
Cadmium	0.09	0.033
Chromium	4.01	1.370
Copper	2.81	0.976
Lead	0.60	0.233
Mercury	0.05	0.016
Molybdenum	0.08	0.084
Nickel	1.64	0.560
Selenium	0.11	0.112
Silver	0.93	0.313
Zinc	0.88	0.411

In addition, the Administrator may limit the discharge of other specific substances not listed above on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or would violate any

receiving stream water quality standards upon discharge. All concentrations for metallic substances are for "total" metals. The Administrator may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- b. Right of Revision - The County reserves the right to establish, by ordinance or in Wastewater discharge permits, more stringent standards or requirements on discharges to the Wastewater System.
- c. Dilution - No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Pretreatment Requirement. The Administrator may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements, or in other cases when the imposition of mass limitations is appropriate.
- d. When required by the Administrator, the Owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with the plans approved by the County Engineer. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- e. State Pretreatment Standards - State pretreatment standards located in The Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapters 391-3-6 are hereby incorporated.
- f. National Categorical Standards - Nothing in this section shall be construed as preventing the County from imposing on industries National Categorical Standards, as they are promulgated. The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N. Parts 405-471 are hereby incorporated.
- g. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Administrator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- h. When wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Administrator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- i. An Industrial User may obtain a variance from a categorical Pretreatment Standard if the Industrial User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard.
- j. An Industrial User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### 3. Control of Industrial Wastewater Discharges

- a. Submission of Plans: Where Pretreatment or Equalization of wastewater flows prior to discharge into any part of the Wastewater System is required, plans, specifications, schedules for completion and compliance, and any other pertinent data or information relating to such Pretreatment or flow-control facilities shall first be submitted to the Administrator for review. The review of these documents does not relieve and/or exempt the industry, designer(s) and contractor(s) nor their representative from their individual or collective responsibility to comply with the applicable provisions of the local, state and/or federal regulations. Any subsequent alterations, or additions to such Pretreatment or flow control facilities shall not be made without due notice to and prior review by the Administrator.
- b. Pretreatment Facilities Operations: If Pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.
- c. Protection from Accidental Discharge/Slug Control: Accidental Discharge/Slug Control Plan. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to

provide this protection shall be submitted to the Administrator, for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance. The Accidental Discharge/Slug Control Plan shall be updated at a minimum of every two (2) years. The Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

- i. Description of discharge practices, including non-routine batch discharges;
- ii. Description of stored chemicals;
- iii. Procedures for immediately notifying the Administrator of any accidental or Slug discharge, as required by §15-102 (V) (F) of this ordinance; and
- iv. Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

d. Hauled Wastewater:

i. Septage: - Septic tank waste may be introduced into the Wastewater System only at locations designated by the Administrator and at such times as are established by the Administrator. Such waste shall not violate §15-101 (V) (A) of this ordinance or any other requirements established by the County. The Administrator may require septic tank waste haulers to obtain wastewater discharge permits.

ii. Hauled Industrial Wastewater:

(1) The Administrator shall require haulers of industrial waste to obtain wastewater discharge permits.

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

- (3) Hauled Wastewater shall be discharged only at the designated locations.
- (4) The industrial waste hauler may be required to provide a Wastewater analysis of any load prior to discharge.
- (5) Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### 4. Industrial Wastewater Discharge Monitoring

##### a. Wastewater Discharge Permit Application

i. Wastewater Analysis - When requested by the Administrator, an Industrial User must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request. The Administrator is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information.

##### ii. Wastewater Discharge Permit Requirement

- (1) No Significant Industrial User shall discharge Wastewater into the Wastewater System without first obtaining a Wastewater Discharge Permit from the Administrator, except that a Significant Industrial User that has filed a timely application pursuant to **§15-102**(IV)(A)(3) of this ordinance may continue to discharge for the time period specified therein.
- (2) The Administrator may require other Industrial Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (3) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the

wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Pretreatment Requirements or with any other requirements of Federal, State, and local law.

- iii. Wastewater Discharge Permitting: Existing Connections - Any user required to obtain a Wastewater Discharge Permit who was discharging Wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Administrator for a Wastewater Discharge Permit in accordance with **§15-102**(IV)(A)(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a Wastewater Discharge Permit issued by the Administrator.

Those Industrial Users holding a valid Wastewater Discharge Permit shall, within sixty (60) days after said date, apply to the Administrator for a Wastewater Discharge Permit in accordance with **§15-102**(IV)(A)(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty(180) days of the effective date of this ordinance.

- iv. Wastewater Discharge Permitting: New Connections - Any user required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit, in accordance with **§15-102**(IV)(A)(2) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- v. Wastewater Discharge Permit Application Contents - All users required to obtain a Wastewater Discharge Permit must submit a permit application. The Administrator may require all users to submit as part of an application the following information:

- (1) All information required by Section 2 (V) (A) of this ordinance;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the Administrator to evaluate the Wastewater Discharge Permit application.

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

- vi. Application Signatories and Certification - All Wastewater Discharge Permit applications and Industrial User reports must be signed by an Authorized Representative of the Industrial User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my



knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- vii. Wastewater Discharge Permit Decisions - The Administrator will evaluate the data furnished by the Industrial User and may require additional information. Within thirty (30) days of receipt of a complete Wastewater Discharge Permit application, the Administrator will determine whether or not to issue a Wastewater Discharge Permit. The Administrator may deny any application for a Wastewater Discharge Permit.

b. Wastewater Discharge Permit Issuance Process

- i. A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Administrator to prevent Pass-Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
  - (1) A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Administrator. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire. Each permit shall expire at 12:00 Midnight on the date of expiration.
  - (2) Effluent limits based on applicable Pretreatment Standards.
  - (3) Self monitoring, sampling, reporting, notification, and record-keeping requirements. Including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (4) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable

compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

- (5) A statement of non-transferability without prior notification to the County in accordance with §15-102 (IV) (E) of this ordinance.

ii. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

- (8) Other conditions as deemed appropriate by the Administrator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- c. Wastewater Discharge Permit Appeals - The Administrator shall provide public notice of the issuance of a Wastewater Discharge Permit. Any Person, including the Industrial User, may petition the Administrator to reconsider the terms of a Wastewater Discharge Permit within thirty (30) days of its issuance.
- i. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  - ii. 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.
  - iii. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
  - iv. If the Administrator 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 final administrative actions for purposes of judicial review.
  - v. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Records Court for Chatham County within thirty (30) days.
- d. Wastewater Discharge Permit Modification - The Administrator may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Pretreatment Requirements;
  - ii. To address significant alterations or additions to the Industrial User's operation, processes, or

Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

- iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - iv. Information indicating that the permitted discharge poses a threat to the POTW, County or City personnel, or the receiving waters;
  - v. Violation of any terms or conditions of the Wastewater Discharge Permit;
  - vi. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
  - vii. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - viii. To correct typographical or other errors in the Wastewater Discharge Permit; or;
  - xi. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- e. Wastewater Discharge Permit Transfer - Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Administrator and the Administrator approves the Wastewater Discharge Permit transfer. The notice to the Administrator must include a written certification by the new owner or operator which:
- i. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - ii. Identifies the specific date on which the transfer is to occur; and
  - iii. Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

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

- f. Wastewater Discharge Permit Revocation - The Administrator may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- i. Failure to notify the Administrator of significant changes to the Wastewater prior to the changed discharge;
  - ii. Failure to provide prior notification to the Administrator of changed conditions pursuant to §15-102(V)(E) of this ordinance;
  - iii. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
  - vi. Falsifying self-monitoring reports;
  - v. Tampering with monitoring equipment;
  - vi. Refusing to allow the Administrator timely access to the facility premises and records;
  - vii. Failure to meet effluent limitations;
  - viii. Failure to pay fines;
  - xi. Failure to pay sewer charges;
  - x. Failure to meet compliance schedules;
  - xi. Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
  - xii. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - xiii. Violation of any Pretreatment Standard or Pretreatment Requirement, or any terms of the Wastewater Discharge Permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular Industrial User are void upon the issuance of a new Wastewater Discharge Permit to that Industrial User.

- g. Wastewater Discharge Permit Reissuance - An Industrial User with an expiring Wastewater Discharge Permit shall

apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with §15-102 (IV) (A) (5) of this ordinance, a minimum of ninety (90) days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit.

h. Regulation of Waste Received from Other Jurisdictions

- i. If another municipality, or Industrial User located within another municipality, contributes Wastewater to the POTW, the Administrator shall enter into an intergovernmental agreement with the contributing municipality.
- ii. Prior to entering into an agreement required by paragraph 1, above, the Administrator shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of Wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all Industrial Users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the Administrator may deem necessary.
- iii. An intergovernmental agreement, as required by paragraph 1, above, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in §15-101 (V) of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the County's ordinance or local limits;
  - (2) A requirement for the contributing municipality to submit to the Administrator a revised Industrial User inventory on at least an annual basis;
  - (3) A provision specifying which Pretreatment implementation activities, including

Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the Administrator;

- (4) A requirement for the contributing municipality to provide the Administrator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Administrator access to the facilities of Industrial Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Administrator; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

## 5. Industrial Wastewater Discharge Reports

### a. Baseline Monitoring Reports

- i. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Administrator a report which contains the information listed in paragraph 2 below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Administrator a report which contains the information listed in paragraph 2(a-e), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical standards. A New Source also shall

give estimates of its anticipated flow and quantity of pollutants to be discharged.

ii. Industrial 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 Industrial 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 GPD, 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, where required by the standard or by the Administrator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §15-102(V) (J) of this ordinance.



- (c) Sampling must be performed in accordance with procedures set out in §**15-102** (V) (K) of this ordinance.
  - (6) Certification - A statement, reviewed by the Industrial User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and requirements.
  - (7) Compliance Schedule - If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in §**15-102** (V) (B) of this ordinance.
  - (8) Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with §**15-102** (IV) (A) (6) of this ordinance.
- b. Compliance Schedule Progress Reports - The following conditions shall apply to the compliance schedule required by §**15-102** (V) (A) (2) (g) of this ordinance:
- i. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  - ii. No increment referred to above shall exceed nine (9) months;

- iii. The Industrial User shall submit a progress report to the Administrator 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 Industrial User to return to the established schedule; and
  - iv. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.
- c. Categorical Pretreatment Standard Deadline Reports - 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 Industrial User subject to such Pretreatment Standards and requirements shall submit to the Administrator a report containing the information described in §15-102(V)(A)(2)(d-f) of this ordinance. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §15-102(IV)(A)(6) of this ordinance.
- d. Periodic Compliance Reports
- i. All permitted Industrial Users shall, at a frequency determined by the Administrator, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are controlled by the Industrial Users permit. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §15-102(IV)(A)(6) of this ordinance.

- ii. All Wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.
  - iii. If an Industrial User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Administrator, using the procedures prescribed in §**15-102**(V)(K) of this ordinance, the results of this monitoring shall be included in the report.
- e. Reports of Changed Conditions - Each Industrial User must notify the Administrator of any planned significant changes to the Industrial User's operations or system which may alter the nature, quality, or volume of its Wastewater at least ninety (90) days before the change.
- i. The Administrator may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under §**15-102**(IV)(A)(5) of this ordinance.
  - ii. The Administrator may issue a Wastewater Discharge Permit under §**15-102**(IV)(A)(4) of this ordinance or modify an existing Wastewater Discharge Permit under §**15-102**(IV)(A)(3) of this ordinance in response to changed conditions or anticipated changed conditions.
  - iii. For purposes of this requirement, significant changes include, but are not limited to, flow increase or decrease of twenty percent (20%) or greater, or the discharge of any previously unreported pollutants.
- f. Reports of Potential Problems
- i. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Load, that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the Administrator

of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Industrial User.

- ii. Within five (5) days following such discharge, the Industrial User shall, unless waived by the Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
  - iii. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- g. Reports from Unpermitted Industrial Users - All Industrial Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Administrator as the Administrator may require.
  - h. Notice of Violation/Repeat Sampling and Reporting - If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Administrator within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Administrator within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if the Administrator monitors at the Industrial User's facility at least once a month, or if the Administrator samples between the Industrial User's initial sampling and when the Industrial User receives the results of this sampling.
  - i. Notification of the Discharge of Hazardous Waste

- i. Any Industrial User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the 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 no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §15-102(V)(E) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by Industrial Users subject to categorical Pretreatment Standards under the self-monitoring requirements of §15-102(V)(A), (C), and (D) of this ordinance.
  
- ii. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- iii. In the case of any new regulations under Section 3001 of RCRA identifying any additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the Industrial User must notify the Administrator, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- iv. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- v. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law
- j. Analytical Requirements - All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- k. Sample Collection
  - i. Except as indicated in paragraph 2, below, the Industrial User must collect Wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Administrator may authorize the use of time proportional sampling or a minimum of four (4) Grab Samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, Grab Samples may be required to show compliance with Maximum Daily Limits.
  - ii. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection

techniques. Actual sample type requirements shall be included in the Wastewater Discharge Permit.

- l. Timing - Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- m. Record Keeping - Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the County, or where the Industrial User has been specifically notified of a longer retention period by the Administrator.

6. Compliance Monitoring

- a. Right of Entry: Inspection and Sampling - The Administrator shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this ordinance and any Wastewater Discharge Permit or order issued hereunder. Industrial Users shall allow the Administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
  - i. Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.

- ii. The Administrator shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.
  - iii. The Administrator may require the Industrial User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure their accuracy.
  - iv. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Administrator and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.
  - v. Unreasonable delays in allowing the Administrator access to the Industrial User's premises shall be a violation of this ordinance.
- b. Search Warrants - If the Administrator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Administrator may seek issuance of a search warrant from the Records Court of the County.
7. Confidential Information. Information and data on an Industrial User obtained from reports, surveys, Wastewater Discharge Permit applications, wastewater discharge permits, and monitoring programs, and from the Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Administrator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When



requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8. Publication of Industrial Users in Significant Noncompliance. The Administrator shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

#### §15-103 Enforcement.

##### 1. Administrative Enforcement Remedies

- a. Informal responses - If a problem is isolated and does not involve a suspicion that the Industrial User is violating an applicable limit, then the Administrator may respond informally. Informal responses include a telephone call, a facility visit, or a letter from the Administrator. Conversations during a telephone call or during a facility visit will be summarized in writing to ensure that County records include a discussion of the problem and the County's recommendations.
- b. Notice of Noncompliance - The Administrator's first response to most violations is the Notice of Noncompliance (NON). The NON discusses the circumstances of the violation and the consequences of continued violation. In most cases the NON will require the user receiving the NON to respond in writing within 15 days from the date of receipt. The response must discuss the actions that the user has taken to identify the cause of the violation and the actions that the user has taken to prevent similar violations in the future. The NON will also specify a date by which the user must show a return to compliance to prevent escalated enforcement action. This deadline will usually be 45 days after the Administrator has identified the violation.
- c. Notice of Violation - When the Administrator finds that a user has violated, or continues to violate, any

provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Administrator may serve upon that a written Notice of Violation (NOV). Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the Administrator to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

- d. Show Cause Hearing - The Administrator may order a user which has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, to appear before the Administrator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
  
- e. Compliance Orders - When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Administrator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the

deadline for compliance established for a Pretreatment Standard or Pretreatment Requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- f. Cease and Desist Orders - When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, or that the user's past violations are likely to recur, the Administrator may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- i. Immediately comply with all requirements; and
  - ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

- g. Administrative Fines
- i. When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Administrator may fine such user in an amount up to at least \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
  - ii. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1½%) per month. A lien against the user's property may be sought for unpaid charges, fines, and penalties.

- iii. Users desiring to dispute such fines must file a written request for the Administrator to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Administrator may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

- h. Emergency Suspensions - The Administrator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Administrator may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
  - i. Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of the user's failure to immediately comply voluntarily with the suspension order, the Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings in **§15-103(I)(1)** of this ordinance are initiated against the user.
  - ii. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrator prior to the date

of any show cause or termination hearing under §**15-103**(I)(E) or (I)(J) of this ordinance.

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

i. Termination of Discharge - In addition to the provisions in §**15-102**(IV)(B) through (F) of this ordinance, any user who violates the following conditions is subject to termination of discharge:

i. Violation of Wastewater Discharge Permit conditions;

ii. Failure to accurately report the Wastewater constituents and characteristics of its discharge;

iii. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;

iv. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

v. Violation of the pretreatment standards in §**15-101**(V) or §**15-102**(II) of this ordinance. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §**15-103**(I)(E) of this ordinance why the proposed action should not be taken. Exercise of this option by the Administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

j. Any Person violating any of the provisions of this ordinance shall become liable to the County for any expense, loss, or damage occasioned the County by reasons of the violation.

## 2. Judicial Enforcement Remedies

a. Injunctive Relief - When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, the Administrator may petition the Recorders Court through the County's Attorney for the issuance of a temporary or permanent

injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this ordinance on activities of the user. The Administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

b. Civil Penalties

- i. A user who has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement shall be liable to the County for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- ii. The Administrator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.
- iii. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

c. Criminal Prosecution

- i. A user who willfully or negligently violates any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per

violation, per day, or imprisonment for not more than one (1) year, or both.

- ii. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
  - iii. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) years, or both.
  - iv. In the event of a second conviction, a user shall be punished by a fine of not more than \$3,000.00 per violation, per day, or imprisonment for not more than three (3) years, or both.
- d. Remedies Nonexclusive - The remedies provided for in this ordinance are not exclusive. The Administrator may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the Administrator may take other action against any user when the circumstances warrant. Further, the Administrator is empowered to take more than one enforcement action against any noncompliant user.

### 3. Supplemental Enforcement Action

- a. Performance Bonds - The Administrator may decline to issue or reissue a Wastewater Discharge Permit to any Industrial User who has failed to comply with any provision of this ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, unless such Industrial User first files a satisfactory bond,

payable to the County, in a sum not to exceed a value determined by the Administrator to be necessary to achieve consistent compliance.

- b. Liability Insurance - The Administrator may decline to issue or reissue a Wastewater Discharge Permit to any Industrial User who has failed to comply with any provision of this ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, unless the Industrial User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- c. Water Supply Severance - Whenever an Industrial User has violated or continues to violate any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, water service to the Industrial User may be severed. Service will only recommence, at the Industrial User's expense, after it has satisfactorily demonstrated its ability to comply.
- d. Contractor Listing - Industrial Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by an Industrial User found to be in Significant Noncompliance with Pretreatment Standards or Pretreatment Requirements may be terminated at the discretion of the Administrator.

#### 4. Affirmative Defenses to Discharge Violations

##### a. Upset

- i. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- ii. An upset shall constitute an affirmative defense to an action brought for noncompliance with



categorical Pretreatment Standards if the requirements of paragraph (3), below, are met.

- iii. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the Industrial User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The Industrial User has submitted the following information to the Administrator 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:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- iv. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.
- v. Industrial Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- vi. Industrial Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This

requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

b. Prohibited Discharge Standards - An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §15-101(V) or §15-102(II) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

i. A local limit exists for each Pollutant discharged and the Industrial User was in compliance with each limit directly prior to, and during, the pass through or interference; or

ii. No local limit exists, and the discharge did not change substantially in nature or constituents from the Industrial User's prior discharge when the County was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

c. Bypass

i. For the purposes of this section,

(1) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial 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.

ii. An Industrial User may allow any bypass to occur which does not cause pretreatment standards to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this section.

- iii. a) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Administrator, at least ten (10) days before the date of the bypass, if possible. b) An Industrial User shall submit oral notice to the Administrator of an unanticipated bypass that exceeds applicable pretreatment standards within 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 Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours after the bypass occurred.
  
- iv. a) Bypass is prohibited, and the Administrator may take an enforcement action against an Industrial User for a bypass, unless
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The Industrial User submitted notices as required under paragraph 3 of this section.
  - (4) The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed in paragraphs 4(a)(I) of this section.

1. Rates for water and sewer charges, surcharges for excessive concentration of pollutants, and industrial and domestic wastehaulers charges shall be included in the County's Revenue Ordinance.

The County may adopt reasonable fees for reimbursement of costs of setting up and operating the County's Pretreatment Program which may include:

- a. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
- b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by Industrial Users;
- c. Fees for reviewing and responding to accidental discharge procedures and construction;
- d. Fees for filing appeals; and
- e. Other fees as the County may deem necessary to carry out the requirements contained herein.

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

**§15-105** Savings Clause. If any provision, paragraph, word, section or article of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

**§15-106** Conflict. All ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**§15-107** Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law. (Adopted November 16, 2001).

## ARTICLE II

### Water Systems

#### §15-201 Definitions and General Responsibilities.

1. Definitions. As used in this Ordinance, unless a different meaning is apparent from the context:
  - a. Department means the Chatham County Public Works Department.
  - b. Owner means a person who owns real property, or his employee or agent.
  - c. Premises includes land and all types of structure thereon.
  - d. System includes all real and personal property used by the Department.
  - e. Tenant means any person other than the owner as above defined who has possession or the right of possession of real property.
  - f. Community Water System means a public water system which serves at least 15 service connections used by year-round residents.
  - g. Non-community Water Systems means a public water system that is not a community water system. These systems serve the transient public and may include hotels, motels, restaurants, campgrounds and service stations, but may also include some schools, factories and churches.
2. General Responsibilities.
  - a. Public Works Department. The Department shall operate and maintain all physical facilities comprising the water systems acquired by the Commissioners of Chatham County.
  - b. County Engineer. The County Engineer shall review and approve all plans and specifications for construction of all classes of community and non-community water systems prior to their being forwarded to the State Environmental Protection Division.
  - c. Environmental Protection Division. The Environmental Protection Division shall review and approve all plans and specifications for construction of all classes of

community and non-community water systems as required by the State Code.

**§15-202** Connections to Water Systems, Meter and Meter Boxes

1. a. In new construction, the developer shall install the water service and place the meter box at the end of the service at the right-of-way line. The Department shall install the meter after service has been requested. The Department shall maintain the proper operation of all meters. No repairs shall be made other than by the Department or their designee.
  - b. Where there are existing lots of record, and an existing watermain without services in front of the lots, then the Department shall install the water service and the water meter and box after the service has been requested. If the Department must bore the road to provide the service the owner shall pay the cost of the bore plus the normal service fee.
  - c. Where there is to be a new subdivision, from one lot into two or more lots, and the water main is already fronting the lots, then it shall be the developer's responsibility to have the services installed with the meter box at no cost to the County. Upon receipt of a service request, the Department shall install the meter as in (a.) above.
2. Cross Connections.
    - a. No connection shall be made between the County's water systems and that of any other water supply except by written permission from the Department and with the installation of a backflow prevention device approved by the County Public Health Department.
    - b. The County shall have the right to discontinue service in cases where an illegal connection is found and to assess an average bill for such period as it has been established that the user has been receiving service without payment for same.
    - c. The water service pipe for any building, lot or premises, shall not be laid over or through any other building, lot or premises unless approved easement is obtained. No person shall connect or cause to be connected any building, lot or premises with the water service pipe belonging to or supplying any other building, lot or premises except that other outbuildings in the rear of the building used in connection with same may be supplied from the same service pipe. For any violation of this

subsection, the service may be discontinued until same is corrected.

3. Connection Interference.
  - a. No person shall connect or interfere with any public water connection or appurtenance thereof, without first obtaining a written permit from the Department.
4. Connection maintenance
  - a. The property owner shall be responsible for maintenance of water pipes connecting the building served with the outlet side of the utility's meter.
5. Connection Excavations - Public and Pipe Protection.
  - a. All excavations for water installations shall be adequately guarded with barricades or lights, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work done shall be restored in a manner satisfactory to the County. A bond shall be posted in advance.
  - b. Any person who may open the streets or roadways in which there are water pipes of the system shall provide for the covering and protection of such pipes where they are exposed by such opening, and the covering and protection shall be such as to preserve the pipes and prevent same from freezing or breaking or from injury in any manner. This regulation shall apply to all water pipes, mains, laterals, services, and connections, whether for meter or otherwise.
6. Extending Pipes or Adding Fixtures Without Permission.
  - a. It shall be unlawful for any person to make any changes in water pipes or fixtures, either by extending such pipes to other premises, or within the premises to which water is supplied, which will in any way effect a change in the water rates, without first securing a permit from the Department specifying the nature of the change to be made, such as the number of fixtures, connections and the like. Before such work has been executed, such person shall make an immediate report to the Department of all work to be done by him.
7. Water Meter and Boxes.

- a. A water meter and meter box shall be placed by the County or Developer near the property line of the property owner desiring service. The Department shall maintain the proper operation of all meters. No repairs shall be made other than by the Department or its designee.
- b. The applicant or other customer who is authorized by the applicant to use the water under the applicant's contract shall at all times keep the meter boxes unobstructed. The County, acting through its authorized representative, shall have unobstructed access to each meter installed on the service or services of the applicant. It is unlawful for any person to do anything or cause anything to be done to a water meter or its connections that will result in a loss to the County of its lawful revenue expected from the sale of water through the meter so disturbed.

**§15-203** Interfering With Waterworks System: Tapping, Using Water Without Permission, Selling or Giving Away Water from a Private Well.

- 1. Interfering with Water Works System.
  - a. No person shall interfere with any of the wells, water mains, pipes, hydrants, meters or connections of the water works systems.
- 2. Using water without permission.
  - a. No person shall make any connection by tapping the mains or pipes or otherwise, without permission of the Department, nor permit any such connections or tapings to be made on premises in is control as owner or tenant, not use water from such unauthorized connections, nor supply water through such unauthorized connections without a permit from the Department for use of such water.
- 3. Selling or Giving Away Water From a Private Well.
  - a. It shall be unlawful for any person to run connecting lines from a well on his premises for the purpose of supplying water by either selling or giving away to premises not under his control, without written permission from the Department. No owner or tenant shall use such water without written permission from the Department. This section in no manner is intended to reference to privately owned and approved licensed water systems.

**§15-204** Turning Water On - Turning Water Off.



1. Turning On/off Water by Person Other Than County Employee.
  - a. It shall be unlawful for any person other than an employee of the Department to turn water into any service pipe, except for the purpose of testing work. If such testing is done, the water must be turned off immediately after the work is finished, and in no case must the water remain on for more than three hours without a permit from the Department.
  - b. It shall be unlawful for any person to take or use water from any fire hydrant, valve, pipe, other device or fixture, opening or connection of the system or to open any such hydrant, valve, pipe or other fixture for the purpose of taking or using water, unless such person shall have permission of the Department, or is an employee of the County is acting in the discharge of his duty as such. No person to whom a permit is issued for the use of water for any purpose whatever, including construction purposes, tamping, irrigating, testing, flushing and the like, shall use or consent to the use of water not authorized by permit from the Department.

**§15-205** Water Supply and Emergency Powers.

1. Water Supply and Water Pressure. The County shall not guarantee an uninterrupted supply of water or water at any particular pressure for any purpose, and reserves and shall have the right to shut off the water in its mains at any time for the purpose of making repairs or extensions or for other purposes incidental to the public water supply and will not be responsible for any damage caused by low pressure.
2. Emergency Powers. In the event of an emergency, Public Works, with the concurrence of the County Manager, shall immediately employ any remedial means necessary to protect life, property or the general health, and safety of the water customers or general public as related to the provision of water services.
3. The Department is authorized and empowered to implement water conservation measures such as imposing outdoor water use restrictions as may be recommended by State officials during such times and days as deemed necessary in any area served by the County water system. When such water use restrictions are imposed, customers will be required and expected to meet conditions of the restrictions. Notice of water restrictions may be given through the public media and published in the legal organ of the County. (Amended July 9, 2004)

**15-206** Construction of New Water Systems and Extensions of Existing Systems.

1. Application and Regulations.

- a. Any developer or agency desiring to construct a water system within the unincorporated area of Chatham County shall provide the following:
- (1) Legal description of land to be served.
  - (2) Scope and timing of project.
  - (3) Detailed plans and specifications.
  - (4) Proposed schedule or construction.
  - (5) Detailed estimates of cost.
  - (6) A letter of intent to construct such facilities, as evidenced by the plans and specifications, for dedication to the County, at no cost to the County, and agreeing.
    - (a) That the County shall become automatically vested with the right to enter the property for purpose of inspecting the construction and
    - (b) To dedicate at no cost to the County, any easement or property deemed necessary by the County to the continued operation of the project.
  - (7) A letter from the Developer's engineer guaranteeing:
    - (a) Notification to the County's designee of start of construction at least seven days in advance.
    - (b) Submission of reproducible as-built plans within thirty days after completion of construction, and
    - (c) Submission with the water design provision for fire flow in addition to domestic flow.
    - (d) Submission to the County prior to construction of copies of all approvals and/or permit required by other agencies (Federal, State, County) necessitated by the construction.

Upon approval of this submission by the County Engineer, the developer may proceed with the construction of the project subject to the provisions of this section.

2. Extension of Existing Distribution System.

- a. Requests for Service. When the owner or developer of a property desires water service from the County, and access to such service requires the installation of watermains, approval of construction drawings by County Engineer is required from the owner or developer as well as require the owner/developer to pay the cost of such installations, and the payment of such cost shall be guaranteed by appropriate surety. Payment of such cost shall be either by payment of a surcharge fee for each dwelling unit or dwelling unit equivalent or by cash payments. Provided, however, that when the County determines that the access facilities to be installed should be sized to provide a greater capacity than needed to serve the property in question, then the County shall participate in the cost of installing such facilities in the amount of marginal difference in the cost between cost of installing a main eight inch or larger in diameter needed to provide the capacity to serve only the property in question and the enlarged capacity required for extending water service beyond the property which service is sought.
- b. Surcharge Fee. Recoverable cost to be charged as a surcharge fee for extending water service shall include, if any, engineering costs, construction costs, right-of-way costs, interest costs and other costs, directly associated with extending water mains, provided however, overhead costs including administrative legal or other service which the County can provide with its staff shall not be included in recoverable costs.

**§15-207** Responsibilities of County and Developer.

1. Responsibility of County.

- a. The County Engineer, with the approval of the County Commissioners, may negotiate with the Developer for providing the water source, including drilling the well, providing the pump and pumphouse, chlorination equipment and other appurtenant facilities.

2. Responsibility of the Developer.

- a. The Developer shall be responsible for installing all distribution lines, laterals and fire hydrants in accordance with the Chatham County codes.

**§15-208** Conveyance of Title. Upon completion of the construction and performance as required and receipt by the County of the aforementioned documents, and proof of sterilization of the water mains by the County Health Department, the Developer shall execute any deeds, easements, or other legal documents necessary to convey title of the utility construction to the County. The project shall not be placed in use until final acceptance by the County. All mains shall be blocked by closed valve or plug until such acceptance.

**§15-209** Option. At its option, the Chatham County Commissioners may allow a Developer to operate and maintain water systems supplying water to less than twenty-five (25) housing units or mobile units.

**§15-210** Distribution System.

1. Minimum Water Supply, Adequacy and Pressure.

- a. A water supply shall be capable of furnishing at all times the instantaneous demand flow of water required and to maintain pressure of twenty (20) pounds PSI at each service connection in the distribution system under all conditions of flow.

**§15-211** Main Sizes, Valves, Distribution of Hydrants.

1. Main Sizes and Valves.

- a. The distribution mains and the placement of valves supplying a residential district shall conform with good engineering practices.
- b. Arrangements and size of mains shall be sufficient to provide fire protection and must conform with the standards set by the National Fire Protection Association and the Insurance Service Office. Under any circumstance, the minimum residential flow from a hydrant shall be 500 GPM.

2. Distribution of Hydrants.

- a. Fire hydrants in residential areas should be spaced so that no house is farther away than 500 feet from a hydrant.

**§15-212** Possession of Key to Fire Hydrant. It shall be unlawful for any person to have in his possession any key to any fire hydrant, except such key as may be furnished by the Department.

**§15-213** Penalties and Liabilities.

1. Penalties for Violation.

- a. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safeguards established in connection with grants or variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. The owner of land upon which a violation occurs and each person assisting in the commission of a violation shall be guilty of a separate offense. Each day during which the violation or failure to comply continues shall be a separate violation.
- b. The court shall have the power and authority to place any person found guilty of violating this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

2. Damaging, Destroying Facilities Prohibited.

- a. No person shall maliciously or willfully damage or destroy or uncover any part of the water system of the County. Violation of this section shall constitute a misdemeanor.

3. Failure to Comply With Notice to Correct.

- a. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate misdemeanor.

4. Any person violating any of the provisions of this Ordinance shall become liable to the County for any expense, loss or damage occasioned by the County for reason of such violation.

**§15-214** Regulation for Water Service.

1. Application for Water Service.

- a. All applications for water service shall be made in writing on forms furnished by the County and properly filled out and signed by the owner or the tenant or their duly authorized representatives. An application when accepted shall constitute a contract which shall bind the owner or tenant to pay to the County for services rendered its prescribed rate and to comply with all the rules and regulations applicable to the service. (Amended July 9, 2004)

2. Change of Ownership or Tenancy.

- a. In the event of any change of ownership or tenancy of any premises served by the County's water system, the new owner or tenant shall immediately notify the Department of the change in writing. If any new owner or tenant shall fail to give notice or shall fail to apply for service, and if the prior owner or tenant shall have failed to terminate his contract with the County for service, the use of the services of the County's systems shall be deemed to be an acceptance by the new owner or tenant of all of the contract obligations of the prior owner or tenant to the County, and the new owner or tenant shall continue to be subject to all provisions of this section as fully and completely as if the new owner or tenant had applied for service and the application had been accepted by the County.

3. Termination of Service.

- a. An applicant for water service may terminate his contract for such service at any time by giving notice, in writing, to the Department, and by paying all amounts due for services up to the date of receipt by the County. In case the notice is not given, the user shall continue to be liable for service provided thereafter and for the minimum monthly rate or charge in case no water is consumed, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the County.

4. Right of Entry for Meter Reading and Other Purposes.

- a. The employees of the Department and/or designee shall have the right at all hours to enter upon the premises where County water is used for the purpose of inspecting,

setting, reading and repairing meters, turning water off or on and enforcing the Ordinance and rules of the County or regulating water service in any manner necessary. If any water user, whether owner or tenant, should refuse to allow entrance upon any premises for the purpose herein stated, the water shall be cut off from such premises until the requirements of this section shall be complied with.

- b. No person shall obstruct, cover up or hide any water meter, proportional register or any water indicating or recording device so that the inspector or meter reader or other employee of the Department cannot find or reach such meter or device.
- c. If the meter is out of order and fails to register, the consumer shall be charged according to the average daily consumption shown by the meter when it was in order.

**§15-215** Grounds for Discontinuation of Service.

- 1. Any water service may be discontinued by the Department for:
  - a. Failure to pay for service within the prescribed period.
  - b. Misrepresentation or concealment in the application as to the premises or the use to be made of such service.
  - c. Waste or excessive use of water through improper or imperfect pipes, fixtures or appliances or any other manner.
  - d. Refusal or neglect to comply with any requirement of the Department as to meter or service connection, maintenance, alteration or renewal or other requirement relating to the water services of the County.
  - e. Use of water services for or in connection with or for the benefit of any user or purpose other than as described in the application.
  - f. Any interference or tampering with the meter measuring water supply or with the seals of any meter or with any portion of the system which was or is required by the Department for controlling or regulating the utility service.

**§15-216** Administration of Ordinance. The Department or the Office of the County Engineer shall administer and enforce the provisions of this Ordinance.

1. Duties of the Department of the Office of the County Engineer.
  - a. The Department shall have, among other things, the following duties:
    - (1) To operate, maintain and monitor the physical facilities comprising the County water system.
    - (2) To advise violators of the regulations contained in the Ordinance, and failing to correct, penalize or cite as necessary and/or collect the penalties as recited in the schedule of rates and fees.
    - (3) To accept applications for connections and service and collect the applicable fees as detailed in the schedule of rates and fees.
    - (4) To review and approve all plans for community and non-community water systems (Office of County Engineer).
    - (5) To read the meters and invoice the consumers for usage based on the schedule of rates and fees.
    - (6) To collect all fees and maintain appropriate records reflecting payment of same.
    - (7) To pursue all past due fees, penalties, and other monies owed the County and as necessary submit requests for warrants to the Municipal Court and/or issue executions for recording the Superior Court Clerk's office, Chatham County.
    - (8) The Department shall, also, have the power and authority to make and publish reasonable rules and regulations not inconsistent with this Ordinance or other Ordinances of the County for the administration and enforcement of the provisions of the Ordinance and for the collection of the fees and charges.

**§15-217** Schedule of Rates, Fees and Penalties.

1. Rates, charges and fees shall be included in the County Revenue Ordinance and are subject to change by the Commissioners of Chatham County. The deposit for active duty military personnel shall be waived. (Amended July 9, 2004)
2. Any non-residential water customer and any residential housing complex of ten units or more may apply for a separate water meter to serve an irrigation system or other use where, in the



opinion of the Department, there is no possibility that any of the water passing through such meter will enter the County sewer system. Such applicant shall pay all tap-in and meter installation fees and costs. The County shall have the right to periodically inspect, any such system to confirm that no water is entering the County sewer system. (Amended 12 April 1996)

Upon specific application to the County, sewer charges shall be limited to the base charge, plus consumption charges on a maximum of 5,000 cubic feet of water used bi-monthly through any such meter dedicated solely to provide water to an irrigation system. Such charges shall be considered to be sewer availability charges. Charges for water service shall include the water base charge and water consumption charges for the full amount of water used. (Amended 5 January 1990)

a. Sewer charges shall not be assessed on water entering through a special meter for the purpose of processing a product. Sewer charges shall be limited only to the volume of water returning to the sewer system for treatment provided that the following conditions are met by a business which uses water in processing:

- (1) The business shall install a meter acceptable to the Engineering Department to measure the volume of waste water returning to the system at no cost to Chatham County.
- (2) The business shall assume full responsibility for maintenance of the flow meter used to measure the water returning to the sewer system.
- (3) The business shall provide Public Works free access to the meter for checking as well as meter reading.
- (4) The business shall make any needed repairs to the flow meter immediately upon any indication of malfunctioning.
- (5) The business shall be assessed with sewer charges on all water entering its plan through all meters if it does not immediately correct any problems with the flow meter. (Amended 5 January 1990)

**§15-218** Effect on Previous Ordinances or Agreements. This Ordinance does not repeal or effect the force of any part of any Ordinance or Agreement heretofore passed where charges assessed under such prior Ordinance or Agreement have not been paid in full. So much and such part shall continue and remain in force until such charges shall be paid in full.

**§15-219** Severability and Conflict. The provisions of this Ordinance are severable. If any section of this Ordinance is declared unconstitutional, illegal or void, it shall not affect or impair any of the remaining sections of this Ordinance.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**§15-220** Effective Date. This Ordinance shall become effective on June 9, 1989.

**ARTICLE III**

**Shallow Irrigation Wells**

Deleted 5/11/90 (see new Article VI - Well Ordinance)

## ARTICLE IV

### Drainage, Sanitation and Water

- §15-401** Control of Drains, etc. The County of Chatham shall have a right-of-way in and to all the drainage canals, public drains and ditches in said county, outside of the corporate limits of the City of Savannah, now used or which may hereafter be acquired and used for public drainage and sanitary purposes. (1884-85 Ga. Laws 640)
- §15-402** Same; Powers of Commissioners. The control and management of said drainage canals, public drains and ditches is hereby vested in the county commissioners of said county, and they are hereby empowered to regulate and control the manner of connecting therewith, upon the part of persons owning land adjacent thereto or through which the same may run, by trunks, culverts, etc. (1884-85 Ga. Laws 640, 641)
- §15-403** Same; Care of Drains, etc. The county commissioners are hereby authorized to compel all persons, through whose lands drain ditches have been dug by the owners thereof, connecting with said drainage canals, public drains or ditches, to keep the same open and in good order and in harmony with the general system of drainage in said county. (1884-85 Ga. Laws 640, 641)
- §15-404** Same; Toll Roads. The county commissioners are hereby authorized, to compel the owner or owners of all toll roads in said county to keep the ditches paralleled to and bordering on their respective roads open and in good condition. (1884-85 Ga. Laws 640, 641)
- §15-405** Same; Failure to Use Care. Upon failure of the owner or owners of lands or of toll roads to do as provided in sections 15-403 and 15-404, the county commissioners are hereby authorized, after ten (10) days notice of such default to the owner or owners thereof, or his or their agent, to have the necessary work done at the expense of said owner or owners, and upon the completion of said work the said county commissioners shall issue their execution for the cost thereof against the owner or owners, and the same rules and regulations as govern judicial sales. (1884-85 Ga. Laws 640, 641)
- §15-406** Same; Penalty. Any and all persons who shall injure, obstruct or otherwise interfere with any of said drainage canals, public drains or ditches shall be deemed guilty of a misdemeanor, and upon conviction thereof in the State Court of

Chatham County shall be punished as prescribed in O.C.G.A. 17-10-3 (1884-85 Ga. Laws 640, 641)

**§15-407** Same; When Drains May be Required. The Commissioners of Chatham County are hereby authorized and empowered to compel all persons or corporations whose lands, in their judgment, are in an unsanitary condition and require drainage, to dig and open drains or ditches, or lay under drains and connect the same with the drainage canals, public drains or ditches of said county, and to keep the same open and in good order. (1897 Ga. Laws 383)

**§15-408** Same; Enforcement. Upon the failure or refusal of the said owner or owners of lands to comply with the requirements of section 20-607 the said county commissioners shall be, and they are, hereby authorized to enforce said section in the manner prescribed in section 20-606. (1897 Ga. Laws 383)

**§15-409** Waterworks, Sanitation and Sewerage Systems. For the purpose of providing, construction and/or maintaining a system or systems of waterworks and/or sewerage and/or sanitation in Chatham County, Georgia outside the corporate limits of any municipality therein, the commissioners of Chatham County, Georgia, shall have the right and power to establish a system or systems of waterworks and/or sewerage and/or sanitation and fix boundaries therefor. (1960 Ga. Laws 3175)

**§15-410** Same; Contracts to Furnish Utilities. The Commissioners of Chatham County, Georgia are hereby authorized to furnish water and/or sewerage and/or sanitation in each of the districts established by contracting therefor with any corporation, individual or any municipality in Chatham County, Georgia. (1960 Ga. Laws, 3175, 3176)

**§15-411** Same; Rules and Regulations. The Commissioners of Chatham County, Georgia, are hereby authorized to adopt and enforce rules and regulations for a system or systems of waterworks and/or sewerage and/or sanitation for Chatham County outside any municipality therein. (1960 Ga. Laws 3175, 3176)

**§15-412** Same; Tax Rate. The governing authorities of Chatham County, Georgia are hereby authorized to levy a tax not to exceed five (5) mills upon the taxable property of such districts to defray the cost of providing services of a system or systems of waterworks and/or sewerage and/or sanitation within such districts. (1960 Ga. Laws 3175, 3176)

**§15-413** Same; Use of Tax. The Commissioners of Chatham County, Georgia shall expend sales taxes collected in each district

established only in connection with the expense of maintaining a system or systems of waterworks and/or sewerage and/or sanitation in the district from which said tax is collected. (1960 Ga. Laws 3175, 3176)

**§15-414** Waterworks System Authorized; Acceptance of Franchises. The County of Chatham shall have the right, power and authority to operate, build and maintain a waterworks system, together with the right to acquire lands, construct waterworks facilities, including projects embracing sources of water supply and related facilities; to sell water and its related facilities to individuals and private concerns and to further authorize the said County of Chatham to accept franchises for that purpose granted by other municipalities to said County of Chatham. (1976 Ga. Laws 3676, Sec. 1)

Cross Reference. Waterworks, sanitation and sewerage systems, Section 15-409.

**§15-415** Water Mains and Water Distribution Systems. The powers granted by this Act shall authorize the County of Chatham to lay or construct water mains and water distribution systems within the limits of said county, and to issue water revenue anticipation certificates for such purposes as may be authorized by law. (1976 Ga. Laws 3676, Sec. 2)

**§15-416** Police Powers; Rules and Regulations. The said County of Chatham shall have the right, power, and authority to exercise police powers over the entire water system and shall have the right and authority to make rules and regulations governing the construction, operation and maintenance, extension and connection with any water main within the limits of said county, and shall have the right and authority to require all users of water who connect with the water mains to install proper meters and make connections in accordance with the rules and regulations provided therefor and shall have the right and authority to refuse to sell or furnish water to any firm, person, corporation or municipality who fails or refuses to comply with such rules and regulations as may be promulgated for the operation of said water system. Nothing contained herein shall be construed as requiring the county to furnish water to any consumers if in the discretion of said county it is not deemed feasible or desirable to do so. (1976 Ga. Laws 3676, Sec. 3)

Cross Reference: Rules and regulations for waterworks, sewerage and sanitation, section 15-411.

**§15-417** Water Closets and Privies Regulated. It shall be unlawful for any person, persons, firm or corporation, to have upon his premises, or to use, or to own or maintain for public

use, any water closet or privy which shall not have been constructed, and/or is not used in the manner hereinafter provided. All water closets and privies owned, maintained and/or used in the County of Chatham, State of Georgia, outside the corporate limits of any municipality therein, shall be constructed and/or maintained and/or used as follows:

1. Water closets. All water closets shall be clean and sanitary, their bowls shall be kept clean, shall have an adequate tank for flushing, and shall be flushed after each use thereof.
2. Privies. All privies and outside water closets shall be screened so that flies cannot get in them, and so constructed as to prevent the carriage of filth or disease therefrom and comply with the plan approved by the Georgia State Health Department. (#38, 8/28/31)

**§15-418** Open Pond Sewerage Systems. It shall be unlawful for any person, firm or corporation within the confines of said county without the corporate limits of any municipality to install, construct and maintain an oxidation pond or similar open pond sewerage disposal system the nearest water's edge of which is within three hundred (300) feet of the property of another without the written consent of said abutting property owner.

In the event one or more of the adjoining landowners within said 300 feet refuses to give his consent to the construction and maintenance of said oxidation pond, and the person wishing to construct the pond (hereinafter called the "owner"), offers to purchase the same from said objecting landowner but said objecting landowner is unwilling to sell or wishes to sell for an unreasonable price, then the owner may, in his discretion, have the property of the non-consenting land-owner appraised at its fair market value by the Savannah Real Estate Board at his expense and if said owner then offers to purchase the property of the non-consenting landowner for the value set by the Savannah Real Estate Board and the non-consenting landowner continues to refuse to sell for said price, then, upon presentation of said facts to the County Commissioners, the consent of the adjoining landowner may be waived by the Commissioners in their sole discretion.

Provided that no oxidation pond or similar open pond sewerage disposal system in operation at the time of the passage of this section shall be affected thereby. (#154, 5/24/63; #371, 3/5/71)

**§15-419** Permits for Diverting Drainage Canals. It shall be unlawful for any person, firm, or corporation to obstruct, cut off or divert any drainage canal or ditch in Chatham County, outside of the corporate limits of any municipality therein

without first obtaining a permit from the County  
Commissioners. (#9, 8/28/53)



## ARTICLE V

### Drainage Construction Cost Recovery

**§15-501** Purpose. The purpose of the construction cost recovery is for the County to recover the construction cost for the installation or the reconstruction of Publicly Owned Drainage Systems, serving multiple property owners. The County will recover construction cost by means of a surcharge fee placed on a designated area being served by the drainage improvement.

**§15-502** Definitions.

1. Designated area shall mean any area in the unincorporated area of Chatham County within a single drainage basin as determined by the County Engineer and as shown on a map or drawing prepared by the County Engineer for the purpose of drainage planning.
2. County Cost or Costs shall mean the total amount of funds expended by the County for the installation or reconstruction of publicly owned drainage systems for a designated area plus the labor charge which the County would have expended for installation or reconstruction of publicly owned drainage systems had the County contracted for such labor.
3. Surcharge fee shall mean an amount equal to the costs of the necessary drainage improvements, divided by the acreage in a designated area being served by such drainage improvements.

**§15-503** Surcharge Fee.

1. The County Engineer, in accordance with sound engineering practices, may design (or have designed) for a designated area, improved drainage facilities to relieve and/or to provide for new development and its associated drainage runoff.
2. A map or drawing depicting a designated area, along with the surcharge fee to be assessed for any such designated area, shall be presented to the Board of County Commissioners of Chatham County for approval before any such fee shall be charged to any new development.

**§15-504** Payment of Surcharge Fee. The surcharge fee or surcharge fee as adjusted annually will be paid prior to the County Engineer's final approval and signing of a new subdivision plat for single family, multifamily or commercial development. The surcharge fee will not apply to or be assessed against any existing developed land within a designated area unless and

until such land is re-subdivided or used for the purpose of new or additional development. After the initial surcharge fee has been established, the surcharge fee for subsequent development within a designated area shall be increased annually by six percent (6%). The surcharge fee shall be applied to all new development within a designated area until all land within a designated area is subdivided or re-subdivided or the County's cost for the installation or construction of drainage facilities for the subject designated area is recovered, whichever occurs sooner. If a designated area develops in a manner different from the master plan as shown by the initial map or drawing of a designated area as drawn by the County Engineer, the County Engineer shall have the authority to require a developer who has obtained approval for development requiring drainage facilities/systems other than as shown on the initial master plan for a designated area to provide additional drainage structures and/or system, either on or off the developer's site, at no cost to the County.

## ARTICLE VI

### Well Ordinance

**§15-601** Constitutional and Statutory Authorization. The Georgia Constitution, Article 9, Section II - Home Rule for Counties, has delegated to the governing authority of each county the "legislative power to adopt clearly reasonable ordinances, resolutions, or regulations." The Legislature of the State of Georgia enacted as local law Act No. 1177 of 1984, (Vol. II, pp. 5050-5076) the Chatham County Government Enabling Act, as amended which authorizes the Board of Commissioners to enact appropriate ordinances and resolutions.

**§15-602** Short Title and Jurisdiction. This Ordinance shall be known and may be cited as the "Chatham County Well Ordinance." It shall apply to the unincorporated area of Chatham County, Georgia.

**§15-603** Legislative Intent. It is the intent of the Board of Commissioners to provide in this Ordinance for the application of standards and requirements for the siting, construction, operation, maintenance, and abandonment of all wells and boreholes and the connection of potable water users to community water systems whenever available so as to protect the public health and water resources of Chatham County.

**§15-604** Definitions. As used in this part, the term:

1. Abandoned well means a well or borehole, the use of which has been permanently discontinued, which is in such a state of disrepair that continued use for obtaining ground water or for other useful purposes is impracticable, or from which ground water for useful purposes is not obtainable.
2. Administrator means the staff person designated to administer and implement the provisions of this Ordinance. The Inspections Department Director is hereby designated as the "administrator."
3. Aquifer means a geologic formation, group of formations, or a part of a formation that is capable of yielding water to a well.
4. Borehole means a hole made into the earth's surface and extending at least 50 feet into the earth or at least ten feet below the water table, whichever is greater, with a drill, auger, or other tool for the purpose of: exploring subsurface strata in search of minerals, engineering or geologic data, water for water supply, blasting purposes, or monitoring.

5. Business license means a Chatham County license to do business as prescribed in the Code of Chatham County, Business License Provisions Section 16-601.
6. Capping or cap means the temporary placing of a watertight seal on the upper terminal of a completed well so that no surface pollutants can enter the well.
7. Casing means an impervious durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas, or other fluids to prevent them from entering the well and includes specifically, but is not limited to, the following:
  - a. Liner pipe which shall mean a well casing installed without driving a protective casing or open drillhole;
  - b. Protective casing which shall mean the permanent casing of the well; and
  - c. Temporary casing which shall mean a temporary casing placed in soft, sandy, or caving subsurface formations to prevent the hole from caving during drilling.
8. Construction means all acts necessary to construct a well or borehole for any intended purpose or use, including locating and drilling, but excluding the installation of pumps and pumping equipment.
9. Contaminant means any physical, chemical, biological, or radiological substance or matter in water, in excess of naturally occurring levels.
10. Containment Device means a device that is designed to contain an unauthorized release of a hazardous material, retain it for cleanup, and prevent released materials from penetrating into the ground. (Amended August 27, 1999)
11. Continuous Transit means the nonstop movement of a mobile vehicle. (Amended August 27, 1999)
12. Corehole means a borehole made into the earth's surface and extending at least 50 feet into the earth or at least ten feet below the water table, whichever is greater, with a hollow drill to sample a cylindrical section of the earth's strata beneath the surface of the land or water.
13. Council means the State Water Well Standards Advisory Council.
14. Dewatering well means any well withdrawing 100,000 gallons of ground water or less on any one day in order to remove ground

water from the vicinity of an excavation and which extends at least 50 feet into the earth or at least ten feet below the water table, whichever is greater.

15. Director means the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia, or his designee.
16. Division or GEPD means the Environmental Protection Division of the Department of Natural Resources, State of Georgia.
17. Driller means any person who engages in drilling or drilling operations.
18. Drilling or drilling operation means creating an excavation, well, borehole, or corehole by coring, boring, jetting, digging, driving, or otherwise constructing for any intended purpose or use, including locating, testing, or withdrawing ground water which is intended or usable as a source of water supply.
19. Engineering borehole means a borehole for which the primary purpose is to collect data for engineering design.
20. Filled, sealed, and plugged means the placing of impervious material when appropriate in the well or borehole to prevent pollutants from entering the subsurface strata or water-bearing formations from the surface, to conserve the aquifer yield or artesian head, or to eliminate physical hazards.
21. Floridan Aquifer means that geologic formation made of limestone located throughout Chatham County at a depth of approximately 200 feet on Wilmington Island to 300 feet at the southwestern end of the County and which is used as the primary supply of potable drinking water and industrial water.
22. Geologic borehole means any borehole not regulated under the authority of Part 2 of Article 2 of Chapter 4 of O.C.G.A. Title 12 for which the primary purpose is to collect data for geologic, geophysical, or mineral resource evaluations.
23. Ground water means water of underground streams, channels, artesian basins, reservoirs, lakes, and other water under the surface of the earth, whether public or private, natural or artificial, which is contained within, flows through, or borders upon this State or any portion thereof, including those portions of the Atlantic Ocean over which the State has jurisdiction.
24. Hazardous Waste or Hazardous Material means any waste or material which because of its quantity, concentration, or

physical, chemical, or infectious characteristics may:  
(Amended August 27, 1999)

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (Amended August 27, 1999)
  - b. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed, or otherwise managed. (Amended August 27, 1999)
25. Individual water well means any well constructed for the purpose of obtaining ground water to supply water appurtenant to a single-family dwelling and intended for domestic use, including, but not limited to, household purposes, farm livestock, or gardens.
  26. Industrial well means any well constructed for the purpose of withdrawing 100,000 gallons of ground water or less on any one day for processing or cooling water or for purposes other than drinking water.
  27. Inorganic Contaminants means compounds that do not contain carbon, e.g., nitrogen and phosphorus nutrients, heavy metals, sodium, and chloride. (Amended August 27, 1999)
  28. Irrigation well means any well constructed for the purpose of obtaining ground water to supply irrigation water for agriculture, silviculture, golf courses, fish farms, and land beautification, but excluding single-family irrigation of lawns or gardens.
  29. Irrigation well, residential means any well constructed for the purpose of obtaining ground water to supply irrigation water for residential irrigation of lawns or gardens but not for human consumption or domestic household use. Residential irrigation wells are normally shallow wells of less than 100 feet depth.
  30. Monitoring well means any well for which the primary purpose is to collect data for hydrologic, geohydrologic, or ground water quality or quantity evaluations.
  31. Nonpublic water well means any well constructed as a source of potable water supply for a water system which provides piped water to the public for human consumption, if such system has less than 15 service connections or regularly serves less than 25 individuals, excluding individual water wells.

32. Organic Compounds means any molecules containing carbon, e.g., petroleum-based and hydrocarbon-based products, PCBs, pesticides, and other volatile and semi-volatile compounds such as benzene, naphthalenes and phenols. (Amended August 27, 1999)
33. Owner means the legal owner of the land upon which the well is being excavated.
34. Person means any individual, partnership, association, trust, firm, corporation, county, municipality, or other entity, including the State and the federal government.
35. Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes, municipal wastes, agricultural wastes, or any other wastes or substances that do not naturally occur in the aquifer.
36. Potable Water Supply means any water used or intended to be used for drinking, bathing, culinary, or other personal purposes. (Amended August 27, 1999)
37. Professional engineer means a person registered to practice professional engineering the State of Georgia in accordance with Chapter 15 of Title 43.
38. Professional geologist means a person registered to practice as a geologist in the State of Georgia in accordance with Chapter 19 of Title 43.
39. Public water system means a system that provides piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."
  - a. Community water system means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

- b. Non-community water system means a public water system that is not a community water system. Some non-community water systems may be further classified as "non-transient, non-community water systems."
  - c. Non-transient, non-community water system means a public water system that is not a community water system and that regularly serves at least 25 of the same people over six months per year.
- 40. Public Water System Wellhead Protection Zone means the surface and subsurface area surrounding a water well or well field supplying a potable public water system, through which contaminants are reasonably likely to move toward and reach such well or well field. (Amended August 27, 1999)
  - 41. Sanitary Landfill means a disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed on land by placing earth cover thereon. (Amended August 27, 1999)
  - 42. Seismic shot hole means any borehole in which explosives are detonated for the purpose of seismic investigations.
  - 43. Storm Water Drainage means a storm water main or other system for conveying surface runoff due to storm events and unpolluted groundwater or surface water, including that collected by cellar drains but excluding sanitary sewage and industrial waste. (Amended August 27, 1999)
  - 44. Surface Runoff means that part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface. (Amended August 27, 1999)
  - 45. Viral or Bacterial Contaminants means microscopic organisms harmful to human health, e.g., pathogens. (Amended August 27, 1999)
  - 46. Wastewater means any combination of water-carried wastes from residential, institutional, commercial, or industrial establishments, including any stormwater, surface water, or groundwater as may be present. (Amended August 27, 1999)
  - 47. Under the direction of a professional geologist or professional engineer means that a professional geologist or professional engineer has reviewed well or borehole drilling, construction, and abandonment plans or criteria and has provided instructions to the driller as to how the well or borehole is to be drilled, constructed, or abandoned.



48. Water table means, exclusive of perched conditions, the shallowest permanent occurrence of ground water.
49. Water well means any excavation which is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water and which is intended or usable as a source of water supply for individual homes, farms, irrigation, industrial processes, public water systems, or nonpublic water systems.
50. Water well contractor means any person engaging in the business of constructing water wells.
51. Well means any excavation in which the vertical dimension exceeds the horizontal dimension that is bored, cored, drilled, dug, jetted, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water; or for evaluating, testing, developing, draining, or recharging ground water reservoirs or aquifers; or for the exploration, evaluating, testing, or developing of minerals; or which causes the movement of water from or into any aquifer or subsurface strata; and shall include engineering and geologic boreholes. (Ga. L. 1977, p. 1506, Section 4; Ga. L. 1985, p. 1192, Section 1; Ga. L. 1986, p. 10, Section 12.)
52. Well Field means a tract of land that contains more than one existing or proposed well for supplying water. (Amended August 27, 1999)
53. Wellhead means the upper terminal of a well, including adaptors, ports, seals, valves, and other attachments and any structure built over or extending over a well. (Amended August 27, 1999)

**§15-605** State of Georgia License Requirements. O.C.G.A. 12-5- 125 requires that "no persons shall drill a water well without first having a water well contractor's license issued by the Council. No person, including licensed water well contractors, shall drill any other kind of well, borehole, or corehole unless such person is acting under the direction of a professional geologist or a professional engineer."

Chatham County will issue a water well permit for those types of water wells listed in Section 15-614.1 to a State licensed well driller without said well driller acting under the direction of a professional geologist or professional engineer.

**§15-606** County Business License Requirements. All commercial water well contractors and/or other commercial well drillers shall obtain a Chatham County business license prior to drilling any

well, borehole or corehole in the Chatham County unincorporated area. The requirement of Section 15-605 must be met before a County business license may be issued. Homeowners may drill their own residential irrigation well without obtaining a County Business License.

**§15-607** County Well Construction Permit Requirements. (Includes siting, construction, testing, operation, maintenance or abandonment of well or boring.) All wells must be drilled by State licensed well contractors or be under the supervision of a professional engineer or geologist who has obtained the required County well construction permits and County business license. No person shall construct or excavate a water well, corehole or borehole, or other well without first having applied for and obtained from the Administrator a permit for such construction ten (10) work days in advance of the proposed well drilling date. The Chatham County Engineer and the Chatham County Health Department staff shall review each permit application and approve the application as appropriate prior to the Administrator issuing the construction permits. Applications for construction permits shall be made in writing on forms provided by the Administrator and shall include as a minimum the following:

1. Name and address of the applicant (and of the owner of the property where different from the applicant);
2. Property Identification Number (PIN) or other legal description adequate to locate the property and the well;
3. Name and address of the licensed water well contractor;
4. Estimated depth in feet and method of construction;
5. Purpose for which well is to be used and desired yield;
6. Proposed diameter of well in inches;
7. Type of well casing proposed;
8. Type of grouting proposed;
9. Approximate distance and relative elevation of well to any potential sources of ground water pollution. (see Section 15-614,1,a);
10. Distance to property lines; and
11. Proposed drilling date.

**§15-608** County Building, Electrical and Mechanical Permit Requirements. (Includes installation of pumps and pumping equipment, electrical connections, buildings and other mechanical equipment.) No person shall construct water well pumps or pumping equipment, electrical equipment and connections, buildings and other mechanical equipment without first having applied for and obtained from the Administrator a permit for such construction. The standard well construction permit may include applicable electrical and mechanical hookups.

**§15-609** Display of Permits and Licenses. County business license and construction permits shall be displayed in a conspicuous place at the operator's/contractor's principal place of business. "All rigs and commercial vehicles used by water well contractors in well construction operations shall prominently display on each rig or vehicle the name of the contractor and shall likewise display the appropriate water well contractor's State license number." O.C.G.A. 12-5-128. The County construction permit shall also be available on site for inspection by the County staff.

**§15-610** Expiration and Renewal of County Licenses. All County licenses expire at the end of the calendar year. All applications for renewal of County licenses are the responsibility of the license holder and shall be accomplished according to the rules and regulations established in the County Business License Ordinance.

**§15-611** Permit and License Fees. A well construction permit fee is required as part of the permit issuing process. Well permit fees are established in the Building Regulations Ordinance - Code of Chatham County Georgia, 1989, Chapter 20, Article III. License fees are established in the Business License Ordinance - Code of Chatham County, Georgia 1989, Chapter 16, Article I.

**§15-612** Variances and Appeals.

1. Variances from the distance requirements set forth in Section 15-614, 1, a. of this Ordinance may be obtained from the Chatham County Health Department. The Administrator shall assist the applicant with this administrative procedure as appropriate.
2. Variance from other requirements of this Ordinance shall be granted only in conformance with the variance procedures as set forth in the Building Code Ordinance for Chatham County as set forth in the Code of Chatham County, Georgia 1989 as amended, Section 20-203.

3. Appeals to the Building Board of Adjustments and Appeals and the County Health Department shall be filed with the Administrator on forms provided by the Inspections Department.
4. In cases where an owner is seeking a permit to replace an existing well which has been abandoned and is no longer capable of producing potable water or becomes contaminated as defined herein, such owner may further appeal to the Board of Commissioners for a variance. An abandonment report form must be completed by the state water well contractor and submitted to Chatham County. (Amended April 24, 2009)
5. In cases where a person has had access to potable water from a well owned by another and such access is discontinued, such person may further appeal to the Board of Commissioners for a variance to allow an individual well to be drilled. (Amended February 23, 1996)
6. In those appeals the Board of Commissioners may grant a variance in whole or in part from the requirements of Section 15-616 dealing with connection to public or community water systems in case of hardship. In determining whether a hardship exists the Board of Commissioners shall not base their action strictly on economic reasons claimed by the applicant but shall review all the evidence presented. The grant of a variance in whole or in part shall be in the sole discretion of the Board of Commissioners. (Amended February 23, 1996)

**§15-613 Penalty for Violation of Ordinance.** Any person who engages in, or follows the business or occupation of, or advertises, holds himself out, or acts, temporarily or otherwise, as a water well contractor without having first secured the required County business license and construction permits, or renewal thereof, or any person who otherwise violates the provisions of this Ordinance shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of the Ordinance or other provision of the Code of Chatham County, Georgia. Violators shall be reported by the Administrator of this Ordinance to the Director of the GEPD as required in O.C.G.A. 12-5-136.

**§15-614 Standards for Wells and Boreholes.** The following standards shall apply to all wells and boreholes: (Amended August 27, 1999)

1. Individual and Non-public Water Well Standards. In the case of individual and nonpublic water wells:
  - a. The well should be located as far removed, and in a direction opposite to the ground water flow, from known or potential sources of pollutants as the general layout of the premises and surrounding permits; however, prior to actual construction, the Administrator shall notify the Chatham County Health Department of the intent to drill a water well, providing such information as is required on forms prepared by the Council and/or the Administrator. The well shall not be located in areas subject to flooding unless the well casing extends at least two feet above the level of the highest known flood of record. Except as otherwise provided in division (2) of this subparagraph, all new wells must be located at least the following horizontal distances from the following structures and property lines:
    - (1) Not less than ten feet from a sewer line;
    - (2) Not less than 50 feet from a septic tank;
    - (3) Not less than 100 feet from a septic tank absorption field;
    - (4) Not less than 150 feet from a cesspool or seepage pit;
    - (5) Not less than 100 feet from an animal or fowl enclosure; and
    - (6) Not less than 10 feet from any property line. Any property owner may apply to the Chatham County Health Department for a variance of the distances cited in this subparagraph due to extenuating circumstances. The owner shall provide for the Health Department written information explaining the needs for a variance. The Health Department, upon considering the information provided and any other information it deems necessary, may issue a variance;
  - b. Every well shall be protected against surface runoff;
  - c. Every well shall be located so it will be accessible for cleaning, treatment, repair, testing, inspection, and such other maintenance as may be necessary;
  - d. Water-bearing formations that are, or are likely to be polluted shall be sealed off;

- e. No material shall be used in the well that will result in the delivered water being hazardous, toxic, or having objectionable taste or odor;
- f. Materials that are to be a part of the permanent well shall be durable and sufficient to protect the well against structural deficiencies during and after the construction and against the entrance of pollutants during the expected life of the well;
- g. The casing and liner pipe joints shall be watertight to the point of maximum drawdown in bored or driven wells and the entire length of the casing in drilled wells;
- h. The alignment in a drilled well shall be such that the installation and operation of the pump will not be impaired;
- i. All drill cuttings and other materials shall be removed from the entire depth of the well and the well shall be disinfected;
- j. The upper terminal of the well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;
- k. Any existing abandoned well or borehole shall be filled, sealed, and plugged by the present owner. An abandonment report form must be completed by the state water well contractor and submitted to Chatham County. (Amended April 24, 2009)
- l. The drilling contractor shall maintain in his office and shall furnish the owner a copy of the well construction data within 30 days of the well completion. The data shall include: total depth of well, borehole diameter, casing depth, size and type of casing material, grouting information, static water level, pumping water level and yield if test pumped, confirmation of well disinfection and description of method used for disinfection, dates of well construction, name of contractor, and water well contractor's license number;
- m. A well having an open annular space between the casing and borehole shall be grouted using the following technique: The outer, permanent, protective casing shall be cement grouted its entire length with a cement slurry consisting of not more than six (6) gallons of water to one cubic foot cement, plus standard additives, when necessary, to facilitate placing or setting and shall be placed under pressure from the bottom of the annular

space to be grouted upward until the grout is extended at the earth's surface.

The well driller shall notify the County's Inspection Department in advance of the grouting and arrange for the well inspector to be present at the well site to verify the full grouting of the water well annular space;

- n. All permanent casing, liner, and other manufactured material used in the well installation shall be new, unless otherwise approved in writing by the owner, and adequate to protect the well against entrance of pollutants during the expected life of the well. The casing material shall be of steel, PVC or concrete and meet nationally accepted standards for well casing. Plastic pipe shall not be used for PUBLIC water supply wells; (Amended March 24, 2006)
- o. The well screen, when used, shall be of a standard design and manufactured specifically for the purpose of the well construction, shall be of a strength to satisfactorily withstand chemical and physical forces applied to it during and after installation, shall be designed to permit optimum development of the aquifer with minimum head loss consistent with the intended use of the well, shall have openings designed to prevent clogging or jamming, and multiscreened wells shall not connect aquifers or zones which have differences in water quality that would result in deterioration of the water quality in any aquifer or zone;
- p. All individual and nonpublic wells producing water for drinking or food processing shall be disinfected following construction, repair, or when work is done on the pump, before the well is placed in service. The well and pumping equipment shall be disinfected with chlorine applied so that a concentration of at least 50 parts per million of chlorine shall be obtained in all parts of the well with a minimum contact period of two hours before pumping the well; and
- q. All individual and nonpublic wells shall be curbed at the surface by the owner with a watertight curbing of concrete at least four inches thick and extending at least two feet in all directions from the well casing and sloping away from the casing.

## 2. Public Water System Well Standards.

- a. All water wells constructed as sources of public water supply for a public water system as defined in Part 5 of

the "Georgia Safe Drinking Water Act of 1977 amended," O.C.G.A. 12-5-90 shall be constructed in accordance with the standards and rules and regulations established pursuant to said part.

- b. The following standards shall apply to all public water system wells: (Amended August 27, 1999)
  - (1) In order to protect against contamination of groundwater there is hereby established a use district to be known as a Public Water System Wellhead Protection Zone, consisting of two sub-zones as follows:
    - (a) Control Zone. This zone shall be identified and described as all the area within a circle the center of which is the center of a drinking-water supply wellhead of a public water system and the radius of which is fifteen (15) feet.
    - (b) Management Zone. This zone shall be identified and described as all the area within a circle the center of which is the center of a drinking-water supply wellhead of a public water system and the radius of which is one hundred (100) feet.
  - (2) If a boundary of a Public Water System Wellhead Protection Zone extends into the jurisdiction of a municipality, the extraterritorial rights that affect the management of the Public Water System Wellhead Protection Zone shall be subject to any existing or future inter-jurisdictional agreement between the County and such municipality.
  - (3) The following uses or conditions shall be and are hereby prohibited within Public Water System Wellhead Protection Zones:
    - (a) Surface use of, manufacturing of, industrial discharge of, or production or storage of hazardous material, inorganic compounds, viral or bacterial contaminants, or organic compounds, expressly including commercial use of agricultural pesticides. These materials include:
      - (i) Any hazardous substance or hazardous waste as listed in the following Federal regulations:



- (a) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R. 300, App. A and B);
  - (b) Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, as amended, 42U.S.C.9601-9657, Hazardous Substances List (40 C.F.R. 302, Table 302.4);
  - (c) SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45);
  - (d) Resource Conservation and Recovery Act (RCRA) of 1976, 42U.S.C.6901-6987, and 1984 Amendments, Hazardous Wastes Lists (P and U Categories) (40 C.F.R. Section 261.33 (e) and (f)); and
  - (e) Federal Resource Conservation and Recovery Act (RCRA), Subpart D, 40 CFR 261.30; 261.31; 261.32; 261.33).
  - (f) Hazardous Materials Transportation Act of 1975, 49 U.S.C.1801-1812.
- (ii) Nuclear or radioactive materials or wastes.
- (b) Septic tanks or drain fields appurtenant thereto;
  - (c) Impervious surfaces other than roofs of buildings, streets, driveways and walks serving buildings permitted under Section 15-614,2,b,(6) of this ordinance;
  - (d) Sanitary landfills, industrial landfills, and landfills composed of demolition debris;
  - (e) Hazardous waste disposal sites;
  - (f) Storm water infiltration basins;
  - (g) Underground storage tanks;

- (h) Sanitary sewer lines;
- (i) Wood-preserving operations using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), and creosote and related chemicals;
- (j) Battery recycling and reprocessing;
- (k) Retail gas stations and truck stops;
- (l) Agricultural application of halogenated volatile liquid organic pesticides (e.g., ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations);
- (m) Processing, reprocessing, and storage and disposal of PCB containing oils;
- (n) Manufacturing and production of paving, roofing, and other construction materials, using asphaltic-based and petroleum-based coating and preserving materials;
- (o) Furniture stripping or refinishing;
- (p) Exterior vehicle cleaning operations and vehicle salvage, drum recycling and cleaning, commercial truck or rail tanker cleaning operations; and
- (q) Industrial and commercial dry cleaning plants.

Provided, however, that any existing septic tanks or drain fields; impervious surfaces other than roofs of buildings, streets, driveways and walks serving buildings permitted under Section 15-614,2(3) of this ordinance; sanitary landfills; industrial landfills; landfills composed of demolition debris; storm water infiltration basins; underground storage tanks; sanitary sewer lines; retail gas stations; and truck stops shall be recognized as non-conforming uses and may continue within the Public Water System Wellhead Protection Zone in the form in which they exist at the time of adoption of this ordinance. Any change of title or right of possession shall not affect continuation of a non-conforming use. Whenever a non-conforming use has been abandoned for a continuous period of more than one (1) year, such use shall be re-

established only upon approval by the Director of Inspections of a mitigation plan that provides an acceptable level of protection against groundwater contamination. Other prohibited uses may be continued after the date of adoption of this ordinance only upon approval by the Director of Inspections of a mitigation plan that provides an acceptable level of protection against groundwater contamination. Appeals of decisions of the Director of Inspections concerning prohibited uses shall be made in accordance of the provisions of Section 15-612,2. In the event that a prohibited use poses a direct hazard to the public water supply, Chatham County may take any action permitted by law to abate the hazard.

- (4) Within the Control Zone the following additional prohibitions and requirements shall apply:
  - (a) Only those chemicals used for water treatment shall be stored in the Control Zone.
  - (b) Motor fuels, oils, motor vehicle, or portable equipment powered by an internal combustion engine shall not be stored in the Control Zone. Chemicals or motorized vehicles may be used in the Control Zone for maintenance of the well, well house, well pump, or associated plumbing.
  - (c) The Control Zone shall be protected by a chain-link fence or equivalent having a minimum height of seven (7) feet. Access shall be only through a locking gate or equivalent.
- (5) The following activities or uses are exempt from the provisions of Section 15-614, 2, b.
  - (a) The transportation of any hazardous substance on roads through either the Control Zone or the Management Zone, provided the transporting vehicle is in continuous transit;
  - (b) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle;
  - (c) Above ground storage tanks that are constructed and operated in accordance with appropriate regulations for the purpose of

providing fuel as an alternative power source to the pumping equipment of the water system;

- (d) Geotechnical borings;
- (e) The use of certain regulated substances such as pesticides, herbicides, and fungicides in recreational, agricultural, pest control, and aquatic weed control activities, provided that the use is in compliance with the use requirements set forth in United States Environmental Protection Agency registries and as indicated on the containers in which the substances are sold;
- (f) Fire, police, and public safety functions that do not use, store, or dispose of hazardous materials, generate sewage, or otherwise violate the prohibited use provisions of this ordinance;
- (g) Office and business supplies for administrative functions, used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use;
- (h) Cleaning agents for normal household use, packaged for personal or household use in the same form or concentration as a product packaged for household use by the general public, used and stored in accordance with the manufacturer's instruction;
- (i) Federal and State regulated substances associated with construction materials for which a construction permit has been issued, provided that paving or the pouring of concrete shall be excluded where such substances do not pose a real and present danger of contaminating surface water and/or groundwater; and
- (j) Public utilities as follows, subject to compliance with wellhead protection performance standards enforced by the Georgia Public Service Commission:
  - (i) Electric and telephone substations;
  - (ii) Gas regulator and meter station buildings;

- (iii) Electric and communication transmission towers and structures.
- (6) For all new public water system wells, auxiliary power on-site fuel storage shall have a spill containment system for 110% of the entire volume of fuel. Existing public water system wells shall retrofit a spill containment system within one year from the date of adoption of this ordinance.
- (7) The Chatham County Inspections Department shall be designated as administrator to implement the provisions of Section 15-614, 2. The administrator shall have the authority for and responsibility to maintain a current file for each public water system well, containing the following information:
  - (a) Name and address of the owner of the well.
  - (b) Location of the well.
  - (c) Applicable permit data.
  - (d) An inventory of existing uses or conditions that are found within the Wellhead Protection Zone and are prohibited in Section 15-614, 2(3).
- (8) The following written and mapped information shall be submitted with site plans for uses located within a Public Water System Wellhead Protection Zone:
  - (a) Description of the proposed use to include type of use or activity, products produced, and Standard Industrial Code (S.I.C.) if applicable;
  - (b) A complete list of the types and volumes of all hazardous materials (including fuels) anticipated to be used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use;
  - (c) Description of types of wastes generated and method of disposal, including solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;

- (d) Location of all private individual drinking water supply wells within 200 feet of a property line;
- (e) Location of all public water supply wells within 1,000 feet of a property line;
- (f) Provisions for management of storm water runoff;
- (g) Septic tank location, size, and capacity, and/or sewage lift stations, force mains, storm drainage infrastructure location and size, and grease trap;
- (h) Building plans showing hazardous materials loading, storage, handling and process areas, floor drains, process vents, sewage disposal areas, and waste storage or disposal areas;
- (i) Other additional information as may be required by the Chatham County Inspections Department regarding the proposed use, including its potential impact on water quality, hydrogeologic information, monitoring, and mitigation measures; and

(9) The owner of a public water system shall prepare a contingency plan for providing alternative water supply to water users in case of disruption of normal service due to groundwater contamination. Contingency plans must be submitted to the Chatham County Emergency Management Office.

3. Irrigation Well Standards. Irrigation wells shall be constructed in accordance with the standards established for individual and nonpublic wells except that the well does not require disinfection. The minimum depth of the grout seal shall be at least 20 feet below ground surface.

4. Industrial Well Standards. Industrial wells shall be constructed in accordance with the standards established for individual and nonpublic wells. The minimum depth of the grout seal shall be the same as for nonpublic wells.

5. Other Non-water Type Well Standards.

a. Wells and boreholes other than water wells shall be constructed:

- (1) So that no toxic or hazardous material is used in or introduced to the borehole;
  - (2) So that water-bearing formations that are, or are likely to be, polluted shall be sealed off; and
  - (3) To prevent water of different qualities from migrating between zones or aquifers.
- b. Engineering boreholes shall be constructed under the direction of a professional engineer or professional geologist.
- c. Geologic boreholes shall be constructed under the direction of a professional engineer or a professional geologist.
- d. Monitoring wells shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:
- (1) Well casing and well screens that are part of the monitoring well shall be durable and sufficient to protect the well against structural deficiencies during the construction and during the expected life of the well;
  - (2) The upper terminal of the monitoring well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;
  - (3) All casing and liner pipe joints shall be watertight for the entire length of the casing;
  - (4) The annular space around the well casing shall be grouted with impervious materials to prevent the entrance of interformational pollutants after due consideration of the local soil conditions, local geology, and the intended use of the well;
  - (5) The alignment of the well is such that the well may be pumped or sampled;
  - (6) All drilling equipment and tools shall be washed and steam cleaned immediately upon completion of any monitoring well located within 1,000 feet of any operating or abandoned sanitary landfill or hazardous materials facility or within 1,000 feet of any area where hazardous materials are known or

believed to have been deposited, spilled, or discharged; and

- (7) At least once every five years, the owner of the property on which a monitoring well is constructed shall have the monitoring well inspected by a professional engineer or professional geologist, who shall direct appropriate remedial corrective work to be performed if the well does not conform to standards.
- e. Dewatering wells to be constructed for the purpose of withdrawing 100,000 gallons or less of ground water on any one day shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:
- (1) Well casing and well screens that are a part of the dewatering well shall be durable and sufficient to protect the well against structural deficiencies during the construction and against entrance of pollutants during the expected life of the well;
  - (2) The upper terminal of the dewatering well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well;
  - (3) All casing and liner pipe joints shall be watertight for the entire length of the casing;
  - (4) The annular space around the well casing shall be grouted with impervious materials to prevent the entrance of interformational pollutants after due consideration of the local soil conditions and local geology; provided, however, that such grouting shall not be required if dewatering is to be accomplished by well points or a well point field;
  - (5) The alignment of the well shall be such that the installation and operation of the pump will not be impaired; and
  - (6) The dewatering well shall be pumped in a manner and rate to prevent significant loss of strength of nearby soil and rock.
- f. Seismic shot holes shall be constructed under the direction of a professional engineer or a professional



geologist and shall be constructed in accordance with the following minimum requirements:

- (1) Exclusive of explosives, no toxic or hazardous materials shall be used in or introduced to the shot hole;
- (2) Materials that are to be a part of the seismic shot hole against structural deficiencies during the construction and against entrance of pollutants during the expected life of the seismic shot hole;
- (3) Prior to being charged with explosives, seismic shot holes shall contain temporary seals adequate to prevent the entrance of pollutants to any aquifer;
- (4) Seismic shot holes shall not be charged with explosives more than 24 hours prior to detonation and shall not penetrate the Floridan aquifer; and
- (5) In the event explosives are not detonated within one year after reaching total depth, the seismic shot hole shall have all temporary seals removed and be completely plugged with impervious materials to prevent the entrance of pollutants to any aquifer.

6. Abandonment Requirements for Wells and Boreholes.

- a. A water well shall be considered as temporarily abandoned when its use has been interrupted for a period of more than one year and not more than three years. Such a well shall be sealed and the well maintained whereby it is not a source or a channel of contamination or pollution when not in service. Temporarily abandoned wells shall be registered through the administrator. (Amended April 24, 2009)
- b. A water well shall be considered as permanently abandoned when its service has been interrupted for a period of more than three years or it meets the definition of abandoned well as defined in this part. Such a well shall be filled, sealed, and plugged. An abandonment report form must be completed by the state water well contractor and submitted to Chatham County. (Amended April 24, 2009)
- c. Whenever a well or borehole is excavated for the exploration, testing, or use as a source of water supply but is no longer used for that purpose, it shall be the owner's responsibility to have the borehole filled,

sealed, and plugged within 30 days of the excavation or disuse to protect against the entrance of pollutants into the subsurface.

- d. No abandoned water well or borehole shall be used for the purpose of disposing of any wastes or pollutants that may contaminate the ground water.
- e. All engineering boreholes, regardless of the depth limitations defined in paragraph (3) and (8) of O.C.G.A. Section 12-5-122, which are located on property which is being used or is proposed to be used for the storage, manufacture, or processing of petroleum products, hazardous materials, hazardous wastes, industrial or municipal wastewater, brines, or any other chemical substances, must be completely filled, sealed, and plugged within 24 hours after the total depth is reached. It shall be the responsibility of the person in charge of the borehole construction to ensure proper abandonment.
- f. Geologic boreholes which are in locations scheduled to be mined within two years after drilling need not be filled, sealed, and plugged. Other geologic boreholes shall be filled, sealed, and plugged within 24 hours after drilling. It shall be the responsibility of the person in charge of borehole construction to ensure proper abandonment.
- g. Monitoring wells shall meet the requirements of abandonment as defined by this part unless they are declared temporarily abandoned. A monitoring well that is temporarily abandoned shall have a cap placed on it within 15 days of its temporary abandonment. It shall be the responsibility of the owner of the property on which the monitoring well is constructed to ensure proper abandonment of the well.
- h. Seismic shot holes shall be filled, sealed, and plugged within 24 hours after the explosives have been detonated. It shall be the responsibility of the person in charge of the shot hole construction to ensure proper abandonment.
- i. Abandoned individual, nonpublic, public, irrigation, and industrial wells shall be filled, sealed, and plugged by a water well contractor licensed by the council.
- j. Abandoned engineering boreholes, geologic boreholes, dewatering wells, monitoring wells, and seismic shot holes shall be filled, sealed, and plugged under the direction of a registered professional geologist or registered professional engineer. (Code 1981, Section 12-

5-134, enacted by Ga. L. 1985, p. 1192, Section 1; Ga. L. 1986, p. 10, Section 12; Ga. L. 1988, p. 1373, Section 3.) O.C.G.A. 12-5-134

- k. Abandoned wells and boreholes shall be filled, sealed and plugged under the direction of a registered professional geologist, registered professional engineer or state water well contractor in the following method:

The open hole portion of the well shall be filled with #3 pea gravel (NSF) approved, to the bottom of the casing. The casing portion of the well shall be filled in its entirety with concrete or bentonite cement mixture. The bentonite is not to exceed 5% of the mixture. (Amended April 24, 2009)

**§15-615 County Requirements for Water Wells and Boreholes.**

1. Information. The person constructing the well or borehole shall maintain accurate field logs that include size and length of casings, grouting depth, and complete results of the pumping water levels and shall send a copy of the data to the owner and the Administrator (Chatham County Inspections Department Director).
2. Well and Borehole Abandonment shall be accomplished as provided for in Section 15-614 of the Ordinance and the state licensed contractor or professionally licensed engineer or geologist shall provide the administrator a sealed letter certifying that the well was abandoned in accordance with the provisions of this Ordinance and O.C.G.A. § 12-5-134. (Amended April 24, 2009)
3. Testing and Inspection Required. No person or owner shall place into temporary or permanent use any water well for human consumption (irrigation wells and geologic boreholes excepted) until such water well has been properly decontaminated, tested, and inspected and approved by the Administrator or designee of the Administrator. The Chatham County Health Department staff must approve the results of the water quality test and forward a copy of the notice of approval to the Administrator.
4. Certificate of Compliance Required and Reinspection Required. The Administrator shall issue a certificate of compliance for the approved water well after all construction requirements are properly met and shall keep a record of the water well, pertinent information thereof, and its location for future reference and reinspection. The Administrator shall periodically inspect or cause to have inspected all wells to insure their continued use compliance with the requirements of

the original permit, after the effective date of this Ordinance.

5. Capacity of Water Wells for Individual Dwellings.
  - a. The capacity of the well, as demonstrated by test pumping or yield testing, shall be adequate to supply the daily and peak load requirements of the single family dwelling needs. This should not be less than a sustained flow of five (5) gallons per minute, and where this is not possible, the water supply system design shall be altered such as increasing storage tank capacity or other appropriate measures.
  - b. Pump capacity shall not exceed the capacity of the well and shall be capable of maintaining a minimum pressure of not less than 20 psi. Pressure tanks shall not be less than forty-two gallons capacity.
6. Preparation of Ground Surface at Water Well Site. The capacity of the well, as demonstrated by test pumping or yield testing, shall be adequate to supply the daily and peak load requirements of the single family dwelling needs. This should not be less than a sustained flow of five (5) gallons per minute, and where this is not possible, the water supply system design shall be altered such as increasing storage tank capacity or other appropriate measures.
7. Cross Connections Prohibited. It shall be unlawful and a violation of this Ordinance to have a cross connection between a potable water well or distribution system and non-potable water well or distribution system. Potable water distribution systems shall be constructed and maintained as specified in the County's Plumbing Code. A residential irrigation distribution system may be connected to a potable water supply provided proper backflow prevention devices are utilized.
8. Electrical and Mechanical Codes Application. The County's Electrical Building and Mechanical Codes are applicable to the construction of the well and well equipment and all requirements of said codes shall apply.
9. Repairs Require Disinfection. All newly constructed wells shall be disinfected to neutralize contamination introduced through equipment, material, or surface drainage during construction procedures. If water samples show bacterial contamination, and continue to do so after all redemptive measures are carried out, provisions shall be made for continuous treatment of the water by chlorination or for abandonment of the well.

**§15-616 Requirements for Public or Community Water Supply Systems.**

1. Connection shall be made to a government-owned public or community water system when such connection is available within two hundred (200) feet of a building or residence, or available in the public rights-of-way abutting the property, regardless of distance. In the case of a subdivision, connection shall be made to a government-owned public or community water system when such connection is available within five hundred (500) feet of any point of the development or when the cost of extending the public or community system is no greater than 50% more than the cost of installing a private well. (Amended July 10, 1997)
2. Any proposed well larger than four (4) inches in diameter or four (4) inch wells having six or more service connections shall be reviewed and approved by the County Engineer under the County and/or State requirements for public water supply.
3. Public and community water systems are governed by the Georgia Safe Drinking Water Act of 1977 (Act No. 231 O.C.G.A. 12-5-170 et seq., as amended) and are defined in the Rules of GEPD, Chapter 391-3-5, Rules for Safe Drinking Water-1989. Wells for public water systems shall be constructed only after obtaining approval from the Division as required in the Rules of GEPD 391-3-5-.07 Wells, amended, and after obtaining the necessary approvals and permits from Chatham County as specified herein.

**§15-617 County and State Requirements for Water Wells into the Floridan Aquifer.**

1. Chatham County is governed by the provisions of O.C.G.A. 12-5-90 Ground Water Use Act of 1972. Section 12-5-96 requires that "No person shall withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day for any person unless such person shall first obtain a permit therefore from the Georgia Environmental Protection Division (GEPD)."
2. The Administrator and Chatham County Engineer and other County staff shall work cooperatively with the GEPD in its efforts and program to protect through management programs the groundwater resources within Chatham County. New wells and/or other groundwater users shall be reported promptly to the GEPD. Violations of State groundwater withdrawal permits or any GEPD rule or regulation shall be reported promptly to the GEPD staff.
3. Chatham County Water Well Construction Permits issued for wells below the 100,000 gallon per day standard shall be reported to the GEPD for general information and water management purposes.

4. GEPD has established a special groundwater management withdrawal limit upon Chatham County as a method of limiting the withdrawal of potable water from the Floridan Aquifer. The Administrator and other County staff shall work closely with GEPD staff in an effort to maximize the effectiveness of the groundwater management program. Questions or issues concerning the granting of water well construction permits by Chatham County shall be resolved in concert with the GEPD's groundwater management withdrawal limit program and any other water management regulations adopted for Chatham County.
5. Utilities Protection Center Call Required. Before any well driller may dig any well, borehole or corehole for any purpose, the driller shall call the utilities location service (1-800-282-7411) in order to learn of any utility lines that may be located at the well site. This is a State requirement to protect utility lines and provide safety.

**§15-618** County Requirements for Residential Irrigation Wells. No person shall construct a residential irrigation well and well system including pumps, pipes, switches and other appurtenances without having first applied for and obtained a County well construction permit as specified in Section 15-606 and 607 and elsewhere in this Ordinance. The distance standards specified in Section 15-614 shall apply. No permanent or temporary cross connection shall be permitted between a residential irrigation well and any other water supply or distribution system.

**§15-619** Repeal of Previous Ordinances. The Individual Potable Water Supply Systems Ordinance adopted October 13, 1972, as amended on June 27, 1986; the Ordinance of November 17, 1972, Providing for Obtaining Permits Before Boring or Construction of An Artesian or Certain Other Wells; and, the Shallow Irrigation Wells Ordinance adopted on May 28, 1982, referenced in the Code of Chatham County, Georgia, 1989, as Chapter 15, Article III are hereby repealed in their entirety. All other ordinances or resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**§15-620** Conflict with Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in or under any other statute, covenant, ordinance, or resolution, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, covenant, ordinance, or resolution are more restrictive standards than those of this Ordinance, the provisions of said statute, etc. shall govern.

**§15-621 Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another legal authority conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§15-622 Warning and Disclaimer of Liability.** The well owner is hereby warned that it is his/her responsibility to monitor the quality of the water from the well by periodically testing the water and maintaining the well and pump in satisfactory operating condition. This Ordinance does not create liability on the part of Chatham County or by any elected official, officer or employee thereof for any personal damages or injury that may result from reliance on the permitting or testing or inspections performed prior to issuance of the Certificate of Compliance by the Administrator or any administrative decision lawfully made thereunder.

**§15-623 Severability.** Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

## ARTICLE VII

### Assessment Procedures for Extension of County Water and Sewer

**§15-701** Purpose of Ordinance. Whenever the Commission shall deem it necessary to extend a water main or extend a sanitary sewer main or otherwise improve the system or any part thereof in the unincorporated areas of Chatham County, or whenever a petition containing the signatures of at least 51% of the owners of property requesting and consenting to such improvements is received by the Commissioners said Commission shall, before adopting a resolution to declare such work or improvements a public need and convenience to provide for construction, give notice to the property owners of a public hearing to be held within fifteen (15) days by publishing such notice in a newspaper publishes and having general circulation in the County of Chatham and by certified mail to the owners of the land liable by assessment to pay for such improvements at the address to which tax notices are mailed.

If, after such hearing, the Commissioners shall deem such work or improvements a public need or convenience to be constructed, the Commissioners shall have the power to cause the improvements to be made and to contract thereto.

**§15-702** Assessment Procedure.

1. Assessment shall be levied against the affected property and its owner. All costs for engineering, construction, right-of-way, associated with the improvements, shall be advanced from water and sewer fund. Affected property owners shall be assessed equally.
2. Notice of assessment shall be prepared by the county and shall be mailed by ordinary mail to the current owner of the affected property as shown by the tax records of Chatham County.
3. Assessments shall be payable in full within sixty days of the date of mailing of the assessment without interest. The fee simple owner of the property may, within the said sixty-day period, by application to the County Finance Department, request that payment be made in not more than five annual installments due on the anniversary date of the assessment with the per annum legal rate of interest, and upon execution of proper documents establishing the terms of payment and collection in the event of default. Failure to pay any installment shall cause the whole amount to be due.



4. In the event that an assessment is not paid when due, an execution shall issue against the owner, if known, and the property in rem in the name of Chatham County signed by the Board of Commissioners, and shall be recorded in the General Execution Docket maintained by the Clerk of Superior Court, and shall be turned over to the sheriff or collector as if fi fas, and in the event the defendant in fi fas shall claim that the amount thereto or some part of same is not owing, or that the same is proceeding illegally, he may file illegality thereto, and the procedures there on in such event shall be the same as provided for illegalities in the case of tax fi fas. Any fi fas issued hereunder may be transferred or assigned and the property levied upon and sold under the rules governing judicial sales. (Amended 8 May 1992)