

Douglasville - Douglas County Water and Sewer Authority



Rules and Regulations

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CHAPTER ONE GENERAL PROVISIONS

1-1 Purpose and policy.

To provide uniform rules, regulations and policies governing the design, construction, use and operation of the potable water supply system, sanitary sewerage system, stormwater management facilities and measures, and soil erosion and sedimentation control activities under the jurisdiction and control of this Authority and to provide penalties for violations of these Rules and Regulations.

1-2 Definitions.

The following definitions shall apply to Chapter 1 of these Rules and Regulations:

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

AWWA means the American Water Works Association.

Bear Creek Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the Chattahoochee River and the easterly land lot line of Land Lot 6, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 6 and Land Lot 7 and Land Lot 8, 3rd District, 5th Section to its intersection with S. River Road; proceeding thence in a westerly direction along the centerline of S. River Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with Big A Road; proceeding thence in a northwesterly direction along the centerline of Big A Road to its point of intersection with State Highway 5; proceeding thence in a northerly direction along the centerline of State Highway 5 to its point of intersection with Central Church Road; proceeding thence in an easterly direction along the centerline of Central Church Road to its intersection with Chapel Hill Road; proceeding thence in a southerly direction along the centerline of Chapel Hill Road to its intersection with West Chapel Hill Road; proceeding thence in a southwesterly direction along the centerline of West Chapel Hill Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the western land lot line of Land Lot 35, 1st District, 5th Section; proceeding thence in a southerly direction along the western land line

of Land Lot 35, 1st District, 5th Section to its intersection with the Chattahoochee River.

CFR means Code of Federal Regulations.

Contractor means a person retained by a property owner, developer or governmental body to construct water, wastewater, and/or stormwater management structures, facilities, and measures and to implement and maintain the required soil erosion and sedimentation control practices.

County means Douglas County and its agents.

Cross-connection means any connection, physical tie or structure arrangement between piping carrying water from the Authority's supply and piping carrying water from another source.

Customer means every person who is responsible for contracting expressly or implicitly with the Authority in obtaining water, wastewater, stormwater management, and/or soil erosion and sedimentation control enforcement services from the Authority. Said term shall include the occupants of each unit of a multi-family dwelling unit building as a separate and distinct customer.

Developer means any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

Dog River Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the centerline of State Highway 78 with the Douglas/Carroll County line; proceeding thence in an easterly direction along the centerline of U.S. Highway 78 to its intersection with Bright Star Road; proceeding thence in a southerly direction along the centerline of Bright Star Road to its intersection with Central Church Road; proceeding thence in a southeasterly direction along the centerline of Central Church Road to its intersection with State Highway 5; proceeding thence in a southwesterly direction along the centerline of State Highway 5 to its intersection with Big A Road; proceeding thence in a southeasterly direction along the centerline of Big A Road to its intersection with State Highway 166; proceeding thence in an

easterly direction along the centerline of State Highway 166 to its intersection with S. River Road; proceeding thence in a southerly direction along the centerline of S. River Road to its intersection with the northern land lot line of Land Lot 7, 3rd District, 5th Section; proceeding thence in a westerly direction along the northern land lot line of Land Lot 7, 3rd District, 5th Section to its intersection with the easterly land lot line of Land Lot 14, 3rd District, 5th Section; proceeding thence in a southerly direction along the easterly land lot line of Land Lot 14, 3rd District, 5th Section and Land Lot 15, 3rd District, 5th Section to its intersection with the Chattahoochee River; proceeding thence along the centerline of the Chattahoochee River to its intersection with the easterly land lot line of Land Lot 30, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 30, 3rd District, 5th Section and Land Lot 29, 3rd District, 5th Section to its intersection with Five Notch Road; proceeding thence in a northwesterly direction along the centerline of Five Notch Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the Douglas/Carroll County line.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Grease Trap means a device or facility used for the removal of oils, greases and food solids from a waste stream.

Household laundry detergent means a laundering cleaning compound in liquid, bar, spray, tablet, flake, powder, or other form used for domestic clothes-cleaning purposes. The term "household laundry detergent" shall not mean:

- (a) A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is intended to be used for non-laundry cleaning purposes;
- (b) A detergent used in dairy, beverage, or food processing cleaning equipment;
- (c) A phosphorus acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;
- (d) A detergent used in hospitals, veterinary hospitals or clinics, health care facilities or in agricultural production;
- (e) A detergent used by industry for metal cleaning or conditioning;

- (f) A detergent manufactured, stored, or distributed for use or sale outside of the State of Georgia;
- (g) A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or
- (h) A detergent used in commercial laundry that provides laundry service for hospitals, health care facilities, or veterinary hospitals.

Inspector means a representative or agent of the Executive Director assigned to observe the installation of water distribution facilities, sewerage facilities, stormwater management facilities, and/or soil erosion and sedimentation control practices, as applicable, to assure compliance with the standards and the specifications of the Authority. Where applicable, the inspector may also record quantity, quality, and location of the facilities during construction.

Main means the facilities by which water is distributed to hydrants and service.

Master Meter means the water meter that records the amount of water consumed by multiple buildings and/or properties owned by one person.

"May" means that the regulation or requirement is permissive.

On-site treatment facilities means any wastewater treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating the wastewater or pretreating the generated wastewater before it enters a public sewer.

Phosphorus as total "P" means an element which serves as a nutrient food source which in excessive amounts contributes to the degradation of receiving streams and poses a hazard to aquatic life and water quality through the depletion of dissolved oxygen levels, development of increased algae population, and taste and odor problems. Quantitative determinations shall be made using the procedures established in CFR, Title 40, part 136, and expressed in terms of parts per million (ppm).

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Premises means the property served by one meter.

Private service line means the facilities by which water is distributed on the premises after flowing through the water meter.

Residential, multi-family means a building designed for and containing two (2) or more residential dwelling units.

Residential, single-family means a building designed for and containing (1) residential dwelling unit, whether attached (i.e., a dwelling unit on an individual lot attached to another dwelling unit by a common party wall) or detached (i.e., a dwelling unit on an individual lot unattached to another dwelling unit).

Residential dwelling unit means one (1) or more rooms, which are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Sand Trap means a device or facility used for the removal of grit, dirt, and other solid pollutants from a waste stream.

Service means the facilities by which water reaches the meter from the main, including the meter box and meter.

"Shall" means that the regulation or requirement is mandatory.

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Tap-on fee/connection charge means that portion of the charges assessed against a facility at the time of connection to the Authority-owned infrastructure designed to recover the incremental cost of the Authority's capital facilities needed to serve the connecting property.

Watercourse means a channel in which a flow of water occurs, whether continuously or intermittently.

Wholesale customer means a governmental subdivision or authority that is provided Authority utility service which service may then be resold either with or without restriction as defined by the Authority.

1-3 Federal and State regulations.

- A. The standards, conditions, rules, regulations and restrictions established by the Authority are not intended to supersede any federal or State law regulating water, water treatment, wastewater collection, wastewater treatment, stormwater management, and/or soil erosion and sedimentation control. All persons subject to the terms of the Authority's Rules and Regulations shall also be subject to any federal and State laws and regulations governing such matters. In the event of a conflict between local, State, and federal laws and regulations, the most stringent law or regulation shall be applicable.
- B. Electronic Contracts and Electronic Signatures. The Authority may use and allow the use of electronic contracts and electronic signatures in the conduct and performance of the Authority's business in accordance with the Uniform Electronic Transactions Act, O.C.G.A. §10-12-1, et seq.

1-4 Customer responsibility.

- A. The Authority is authorized to operate a public water, wastewater, and stormwater system and to fix the charges, rates, fares, fees, and assessments therefore. It is the customer's responsibility to pay for all services in a timely manner.
- B. Any person desiring any utility service furnished by the Authority shall make application for same to the Authority in the format provided by the Authority for such purpose. All customers requesting service shall be required to provide identification at the time the application is completed. When initiating new service, the Authority requires that the person provide an appropriate State or federal issued document with picture identification for the purpose of verifying the identity of the person requesting service. The Authority may also require a copy of the signed rental agreement, lease, purchase agreement, or other proof of interest in the subject property, indicating the date of occupancy.
- C. All Authority customers shall be required to execute a service contract and related documents in a form and time frame satisfactory to the Authority. By application for service and execution of the Agreement for Water and/or Sanitary Sewer Service, each customer agrees to comply with and be bound by all Authority Rules and Regulations.
- D. Upon the failure of any customer or other responsible party to pay any bill, assessment, fee, penalty, or charge for water, wastewater, and/or stormwater services for any premises for which that party is responsible, the Authority is authorized, through its designated agents, servants, and/or employees to turn off and discontinue water and/or sewer service to the property location for such

nonpayment. Failure to receive a bill does not relieve the customer of responsibility for all applicable charges for water and/or sewer service incurred or imposed pursuant to these Rules and Regulations. The Authority shall not be required to resume the supply of water and/or sewer service to the property until all past-due charges, including any applicable late fees, fines, penalties, or other charges, are fully paid.

- E. Upon the failure of any property owner to pay any bill, assessment, fee, penalty, or charge incurred by the property owner, the Authority shall have the right to impose a lien on the property on or for which water, wastewater, and/or stormwater services are provided in lieu of or in addition to other remedies available to the Authority.
- F. The Authority shall be entitled to impose, transfer, or consolidate any outstanding balance due on one account to any other account in the name of or owed by the same person, entity, corporation, principal, or any legal successor thereto.
- G. The Authority requests that the customer be present at the location when service is turned on to prevent the possibility of any internal/external damage. The customer assumes all responsibility for water damage, if any, when service commences or when service is restored as a result of payment resolution on a service that has been interrupted due to nonpayment of bills.

A reasonable effort will be made to provide service commencement or termination during regular weekday business hours on the date requested. Customers scheduling a service commencement or termination activity more than two (2) business days in advance will be notified when the requested activity will take place – in the morning (a.m.) or afternoon (p.m.) – if such notification is requested by the customer. Customers wanting a more specific service time may request the service commencement or termination activity be conducted within a two-hour (2-hour) window, starting on the hour, provided the request is made at least two (2) business days in advance and, at the time of scheduling, a fee of \$100.00 is paid for the service work during normal business hours or \$250.00 for other hours, including weekends.

1-5 Liability for damage.

The Authority shall not be liable for any damage to any property, whether real or personal, of any property owner or any customer of any utility service furnished by the Authority, including water, sewer, stormwater, and soil and erosion control inspection services, due to any cause outside the direct control of the Authority, including, but not limited to, the backflow of the sewerage system, failure of supply, line breakage, the initiation of service, the interruption of the service, the termination

of service, failure of any stormwater management practice or facility, and/or failure of any soil and erosion control practice or measures.

When the Authority is constructing any facility in the public right-of-way or designated easement area, the property shall be restored by either the planting of grass or the placement of sod, in the sole discretion of the Authority. Trees, shrubs, flowers, and structures located in the public right-of-way or easement area shall not be replaced, with the exception of the property access area (i.e., driveway, etc.). Any paved areas disturbed by the Authority within the public right-of-way or easement area shall be replaced or restored to their pre-existing condition.

1-6 Standards – Design and construction.

The design and construction of all facilities to become a part of the Authority's utility service network must be designed and constructed in accordance with the latest Authority Design and Construction Standards.

1-7 Sale of service by customer.

It shall be unlawful for any person to re-sell any utility service obtained by the Authority to others except:

- A. By written contract with the Authority that expressly states the conditions of sale and resale;
- B. By a master-metered customer to facilities located on property owned by the customer only; and/or
- C. By a wholesale customer.

In no event shall the charges levied by a master-metered customer to any user exceed the charge that would be levied by the Authority if the Authority provided the service directly to such user.

1-8 Connections to service.

Connections for any utility service furnished by the Authority shall be made with the knowledge of and under the supervision of the Authority.

1-9 Separate connections.

Every building, structure or consumer shall have a separate utility service connection unless otherwise approved by the Authority. Water and wastewater lines and appurtenances installed prior to April 1, 1986 that provide service to separate

properties owned by different property owners that are not located in a publicly owned right-of-way or easement area may be considered privately owned, operated and maintained.

1-10 Unlawful connections.

Any person who makes any connection either directly or indirectly to any utility system owned by the Authority, without the prior knowledge and consent of the Authority, shall be deemed to be illegally connected to the utility system.

1-11 Unlawful use.

No person, except employees of the Authority, shall connect to, turn on, turn off, or disconnect any utility service offered by the Authority or remove, replace or repair any equipment directly connected to any such utility service without the written consent of the Authority. The customer, property owner or authorized agent may, however, connect the private service line and/or private sewer lateral designed to provide service to the property and/or facility to the Authority-owned utility system; provided (a) the appropriate fees have been paid, (b) Authority approval has been obtained, and (c) that proper construction techniques and materials shall be employed by private persons when making a connection to any Authority system or structure. Connections that fail to comply with the above requirements may be treated as an illegal connection under these Rules and Regulations.

1-12 Maintenance of private facilities by consumer.

The consumer of any utility service furnished by the Authority shall maintain and keep in good repair all private service lines and sewer laterals, connections, appliances and other apparatus installed and used in connection with such utility service at the customer's expense. Any and all plumbing shall be installed and maintained in accordance with locally established plumbing codes. Failure to appropriately maintain private structures could result in termination of service as outlined in Section 1-18 of these Rules and Regulations.

1-13 Damage, trespass of equipment.

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the Authority, or to in any way molest, damage, or trespass upon any equipment or premises belonging to the Authority. This shall include but is not limited to damage as a result of excavation in the vicinity of the Authority equipment and/or property. No person shall operate, open, or otherwise tamper with any valve, stop, seal, meter, or other device used to provide utility service, or unlawfully secure a supply of water through such valve, corporation stop, curb stop, meter, or other device after same has been closed or

installed, without having first secured the necessary approval in writing from the Authority.

Both physical and electronic tampering with water meters is prohibited. It shall be unlawful for any person to place or use any device that physically, electrically, electronically, mechanically, hydraulically, or in any other way modifies, alters, adjusts, nullifies, or tampers with the reading of or accuracy of a water meter.

1-14 Temporary interruption of service.

The Authority reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, an effort will be made to notify affected customers as circumstances permit.

1-15 Restricting use.

The Authority hereby reserves the right to, at any time, restrict or prevent the use of any utility service furnished by the Authority during periods of emergency or circumstances demanding such restriction or prevention of use.

1-16 Liability for expense.

Any and all connections with the utility system shall be made by the owner of the property or building to be connected, and the expense of the said connection shall be paid by the owner or agent of the property or building to be connected.

1-17 Inspection, approval.

Any and all connections with the utility system shall be inspected and approved by the Authority prior to acceptance by the Authority for ownership and operation.

1-18 Termination of service authorized.

The Authority shall have the right to disconnect or refuse to connect or reconnect any utility service for the following reasons:

- A. Failure to meet any applicable provision of law;
- B. Violation of any of the Authority's Rules and Regulations or Design and Construction Standards;
- C. Nonpayment of bills;

- D. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;
- E. Molesting any meter, seal or other equipment controlling or regulating the supply of utility service;
- F. Theft or diversion and/or use of service without payment thereof;
- G. Cross-connections or interconnection with any other water supply;
- H. Installation of pipe and fixtures such that a possibility of backsiphonage or backflow exists;
- I. Lack of reasonable access for the purpose of inspection or for reading, caring for, installing, or removing meters or other devices used for providing utility service;
- J. Making additions or alterations in or about service pipes or other equipment without notice thereof being previously given to and permission in writing obtained from the Authority;
- K. Failure to pay the fees and charges at any other location for which the Authority provides service;
- L. Property determined by the Authority to be vacant or abandoned;
- M. Use of any newly constructed water and/or sewer lines and appurtenances that have not been accepted by the Authority;
- N. Failure to properly operate and maintain the septic tank or other on-site wastewater disposal system serving the property or facility;
- O. Failure to properly operate and maintain grease and/or sand traps serving the property or facility if said property or facility is connected directly or indirectly to an Authority-owned and operated wastewater treatment system;
- P. Failure to timely make scheduled payments outlined in a deferred payment plan;
- Q. Failure to properly operate or maintain private stormwater management structures and facilities;

- R. Failure to remedy any illegal connection or illicit discharge, whether direct or indirect, to any portion of the stormwater management system owned, operated, or maintained by the Authority;
- S. Failure to appropriately maintain private structures;
- T. Repeated use of a fire line for purposes other than periodic testing or fire fighting;
- U. Failure to maintain backflow-prevention devices in proper working order and/or to have inspections and operational tests performed by a certified backflow prevention tester;
- V. Falsification of required identification or providing incorrect data at the time of requesting service or at any other time an account is active.

The Authority shall have the right to refuse to perform any engineering or administrative services, including but not limited to the right to withhold plan review, inspection, and/or acceptance of any development or privately constructed infrastructure, for any of the reasons set forth above.

1-19 Managed growth requirements.

- A. Connection of property to centralized water service. Any residential subdivision and any commercial and/or industrial complex, property or subdivision which is being developed or expanded and which at any point is within one thousand (1,000) feet of an 8-inch or larger water line must be served by a centralized water system. Any residential subdivision and any commercial and/or industrial complex, property or subdivision which is being developed or expanded and which at any point is within one thousand (1,000) feet of a water line less than eight (8) inches in diameter may be required to connect to said line, if, in the sole opinion of the Authority, the connection of the residential subdivision, commercial and/or industrial complex or property will not adversely affect service quality to the then existing customers. If the existing centralized water system is at or near capacity, the Authority may require the developer, at the developer's cost, to upgrade the capacity of the existing infrastructure prior to connection.
- B. Mandatory connection. Any structure constructed after October 1, 1991, that contains internal plumbing for water service must connect to an Authority-owned and operated water system for domestic purposes provided:

1. An adequately sized Authority-owned and operated water line is located in the public right-of-way or easement area located on or adjacent to the property on which the structure is located; and
 2. The structure is within 500 feet of said line.
- C. Properties served by septic. All water meters shall be issued to the customer. The customer by receiving and using said water meter, covenants and agrees that at such time as the septic tank needs repair and if a public sanitary sewer system is available to service the property using the water meter, agrees to connect to said sanitary sewer system within six (6) months of notification to do so and the customer agrees to pay the appropriate fees and charges levied for the construction of and connection to the sanitary sewer line. The owner shall notify all future purchasers of the property so served by the water meter of this requirement.
- D. Sewers in Douglas County. Properties served by the Authority-owned water system located in Douglas County requiring centralized sanitary sewer service must connect to the Authority-owned and operated sanitary sewer system. If the existing sewerage system is at or near capacity, the Authority may require the developer, at the developer's cost, to upgrade the capacity of the existing infrastructure prior to connection.
- E. Connection of property to centralized sanitary sewer service. Any residential subdivision or a lot within a sewered subdivision and any commercial and/or industrial complex, property or subdivision which is being developed or expanded and which at any point is within one thousand (1,000) feet of a sanitary sewer line must be served by a centralized sanitary sewer system in order to obtain a water supply from this Authority, unless:
1. The property is zoned for residential use with a maximum density of one unit per acre; or
 2. The expansion results in no net increase of plumbing fixtures on the property, and the Douglas County Department of Environmental Health agrees, in writing, that a waiver of connection to the Authority's centralized sanitary sewer system is acceptable for the expanded facility.
- F. Residential subdivision waiver for cost. The Authority, at its sole discretion, may waive the requirements of Paragraph E. above for residential subdivisions within 1,000 feet of a sanitary sewer line if the total property to be developed is twenty-five (25) acres or less and at least a portion of the property establishes the limit of the sub-basin drainage area that would normally be served by a gravity sanitary sewer system; provided the owner/developer of

the property executes a contract with the Authority that includes, at a minimum, the following conditions:

1. The minimum lot size must be one (1) acre or greater.
2. The property to be developed must be for the construction of single-family residential units only. Multi-family, commercial and/or industrial uses are not permitted.
3. The owner must have requested and been formally denied by the Douglas County Board of Commissioners a zoning change that would, in the opinion of the Authority, reduce the cost of the proposed sanitary sewer system to be owned by the Authority to less than \$5,000.00 per lot (not including the standard tap fees or other connection charges).
4. Any undeveloped property in the sub-basin drainage area containing the property requesting the waiver cannot be developed by the person, firm or corporation, or officers in the corporation, or their successors, assigns, or successors in title, requesting the waiver for a period of ten (10) years.
5. The installation of the on-site disposal system shall be in accordance with both County Health Department and Authority standards.
6. Septic tanks must be maintained at all times and shall be pumped at least once every five years. Proof of pumping must be made available to the Authority upon request.
7. Easements must be provided to the Authority at no expense to the Authority to allow for the construction, operation and maintenance of a sanitary sewer system to serve the property at some unspecified time in the future.
8. The property owner is required to place a notice in the deed or chain of title that will place future owners on notice that the property is for residential purposes only; that the lots, as submitted to the Authority at the time the waiver is requested, cannot be subdivided, and that the property owner(s) agrees to connect to an Authority-owned sanitary sewer system when such a system is constructed to serve the lot and will pay at the time of connection the usual and customary fees and charges that are levied against similar users of the system.

- G. Waiver for pump station use. The Authority, at its sole discretion, may waive the requirements of Paragraph E. above for residential subdivisions,

commercial and industrial facilities property or subdivisions within 1,000 feet of a sanitary sewer line if a pump station is required provided the owner/developer of the property executes a contract with the Authority that includes, at a minimum, the following conditions:

1. The developer/owner agrees for itself, its successors, transferees, and assigns, to connect the property or any subdivision thereof at its expense to any sanitary sewer facilities and lines (the "future lines") that, in the sole opinion of the Authority, may service the property.
2. The developer/owner agrees for itself, its successors, transferees, and assigns to waive all objections to any plans, specifications and the assessments as outlined herein that may be made for such future lines.
3. The developer/owner covenants and agrees for itself, its successors, transferees, and assigns, to pay to the Authority when assessed by the Authority a fee equal to \$30.00 per linear foot of property fronting on such future lines, together with the then-imposed connection and impact fees and charges ordinarily assessed for connections to the centralized sanitary sewer system. The fee of \$30.00 per linear foot of property fronting on the future line shall be for each side of the future line, and if the customer owns the property on both sides of the future line, then the effective rate shall be equal to \$60.00 per linear foot. Such assessments shall be made and paid at the time of the proposed connection to the future lines.
4. The developer/owner covenants and agrees for itself, its successors, transferees, and assigns to discontinue use of all septic tank or other "on-site" wastewater disposal systems serving the property or any subdivision thereof and to make proper connection onto the future line within six months after such future line is available for use.
5. The developer/owner shall record in the office of the clerk of Superior Court of Douglas County, Georgia, restrictive covenants that give notice of the application of the provisions hereof and which affirmatively require the property owner, its successors, transferees, and assigns to comply with the provisions of the various sub-parts of this Paragraph G. Such covenants shall be drafted so as to constitute a burden that runs with the land.
6. The developer/owner agrees to grant to the Authority, at no cost to the Authority, any easement that may be necessary across the property of the developer/owner for the purpose of construction of the future lines.

7. In the event that at some point following the date of the contract execution it should become possible for the property to be connected to the centralized sanitary sewer system without the installation of a pump station on the property, the developer/owner shall be required to make such connection and to pay any and all associated user, connection and tap-on fee charges in connection therewith within a period of six (6) months from the date of availability of a gravity flow line.
 8. Should any property be granted a waiver as provided herein, the property shall be considered to have sanitary sewer service for purposes of determining property within 1,000 feet of sanitary sewer service.
 9. In the event a developer constructs a gravity sanitary sewer line that is adjacent to the property granted a waiver as provided herein, and said property is able to be served, in the sole opinion of the Authority, by the constructed sewer line, then the \$30.00 front foot assessment herein charged shall be paid to the Authority which shall transfer the funds collected to the private developer constructing the sanitary sewer line.
- H. Exemption for residential subdivision or portions thereof. The Authority, at its sole discretion, may waive the requirements of Paragraph E. above for residential subdivision lots within 1,000 feet of a centralized sanitary sewer line if the use of a pump station is required to service the lots and the owner/developer of the property executes a contract with the Authority that includes, at a minimum, the following conditions:
1. Only those lots requiring the use of a pump station for service are exempt from Paragraph E.
 2. The exemption involves 25 acres or less of property and less than 25 lots.
 3. All exempted lots are for residential purposes only.
- I. Reimbursement for upsizing lines. The Authority may partially reimburse the developer for the required installation of water and/or sanitary sewer lines larger than eight (8) inches in diameter, subject to the following:
1. Reimbursement to the developer shall be for the increased cost associated with the pipe material only and shall be computed as follows:

Cost of required pipe material less cost of eight-inch diameter pipe or other size necessary to serve the developer's property, whichever is greater.

2. The Authority shall consider reimbursement on a case-by-case basis and may pay for increased labor cost based on the circumstances at the time of installation.
- J. Acceleration of construction of projects included in Authority's five-year capital improvements program built after January 1, 1995. Upon request by any owner(s) or developer(s) of real property in the Authority's service area, the Authority may agree to accelerate the construction of projects or a portion thereof scheduled at that time for construction on the Authority's five-year capital improvements program. The acceleration of such construction shall be undertaken at the sole discretion of the Authority upon the receipt of a written request for such acceleration by the owner(s) or developer(s), and upon compliance with any requirements imposed by the Authority, including, but not limited to, the following:
 1. Any project sought to be accelerated must be scheduled on the Authority's five-year capital improvements budget as of the date of the request by the owner(s) or developer(s).
 2. The owner(s) or developer(s) shall be required to pay or make arrangements to pay to the Authority, at the time the Authority Board of Directors agrees to any such accelerated construction, the investment income to be lost by the Authority on the sums required to pay for construction of the project or portion thereof to be accelerated. The amount of the lost investment income shall be computed by multiplying the dollars to be spent on the accelerated project by the number of years to the nearest tenth of a year of acceleration. The sum shall then be multiplied by the projected interest rate projected to be earned by the Authority as determined by the Authority in its sole discretion.
 3. The owner(s) or developer(s) shall be required to enter into a contractual agreement with the Authority setting forth the obligation of the owner(s) or developer(s) to do the following:
 - a. Pay the lost investment income as described in the preceding Paragraphs or the pro-rated basis determined by the Authority.
 - b. Grant all easements that may be required by the Authority for the construction of the proposed project.
 - c. Commit to connect to the line to be constructed by the Authority within six months following completion of the project.

- d. Commit to pay any and all impact fees, connection costs, and other charges as shall be routinely assessed by the Authority as of the date and time of connection.
- e. In the event the acceleration of a project on the Authority's capital improvements program is undertaken in an area in which more than a single property owner fronts on the line or lines to be constructed as a part of the project, and if any owner(s) or developer(s) fronting on such line refuses to participate in the payment of the lost investment income, as described above, if such owner(s) or developer(s) seek to tap onto the line constructed as part of the acceleration of the project within the period of acceleration, then such owner(s) or developer(s) shall pay to the Authority at that time a fee equal to that paid by other property owners who connected to the line within six months after its completion, together with the then-imposed connection or impact fees and charges ordinarily assessed for connections to the Authority's system.

K. Publicly owned and privately owned treatment works.

- 1. Publicly owned package treatment plants. The Authority may agree to the construction of package wastewater treatment facilities in areas of the County not scheduled for centralized sanitary sewer service within five (5) years. The detailed requirements permitting such package plant construction and the amount of developer reimbursement, if any, shall be contained in a written agreement between the developer/builder and the Authority provided, however, that the State of Georgia Department of Natural Resources Environmental Protection Division has agreed to issue an NPDES permit for such facility.
- 2. Privately owned multi-user treatment systems. Subdivisions having a multi-user, privately-owned wastewater treatment system shall not receive utility service from the Authority unless guarantees, satisfactory to the Authority, have been provided by the property owner(s) that, should the private system fail, there will be sufficient funds available to the Authority to connect the customers using the failed private system to the Authority-owned utility system at no cost to the Authority.

L. Authority reimbursed projects. Property owners may request and the Executive Director may grant a deferred payment plan to property owners for their pro-rated share of the project cost assessed by the Authority against a property provided the property owner executes an agreement with the Authority that contains, at a minimum, the following conditions:

1. All applicable connection fees, impact fees and service deposits are paid in full at the time of connection.
 2. All payments on a three-year or less deferred payment plan shall be a minimum of \$25.00 per month in addition to the regular monthly utility charges. All payments on a greater than three but not more than a five-year payment plan shall be established by the Executive Director and shall be in addition to the monthly utility charges.
 3. The total outstanding sum due shall be immediately due and payable if the owner transfers the property to any individual or entity or at any time fails to comply with the contract requirements.
 4. The property owner agrees to comply at all times with all Authority Rules and Regulations as they exist now or as they may be amended from time to time.
 5. The approved property owner agrees to use the Authority's water service for all domestic purposes, that an alternate water supply, if any, will be separate and distinct from that portion of the property owner's system connected to the utility service owned and operated by the Authority, and any alternate water supply source may be used for outdoor water use only.
 6. The property owner must execute a deed to secure debt conveying an interest in the property served by the water service to secure the performance of the property owner's obligations hereunder. The deed to secure debt shall be supplied by the Authority.
- M. Large commercial buildings. Notwithstanding any other provision of these Rules and Regulations, the Authority reserves the right to allow special accommodations for the location of publicly-owned infrastructures servicing commercial buildings containing one million or more square feet under one roof. Accommodations pursuant to this Paragraph shall be set forth in writing and based upon plans approved by the Authority.
- N. Developer responsibility to provide adequate fire protection. The developer of any proposed subdivision shall be responsible for constructing appropriately sized water lines to provide adequate fire protection to the proposed subdivision.

1-20 Trespass on Authority property.

No person shall trespass upon the grounds, standpipes, elevated water storage tanks, pump stations, yards, reservoirs or any other property of the Authority, or tamper with, damage or destroy any of the buildings, facilities or appurtenances operated or used in connection with the Authority, nor deposit any filth or rubbish, or commit any nuisance thereon.

The Authority does not allow any encroachment to be placed or constructed over any easement owned by the Authority. Upon discovery of an unauthorized encroachment, the Authority reserves the right to require the removal of the encroachment by the property owner or to pursue any other legal recourse provided by law. The Authority shall have no liability for any damage to any structure that encroaches upon the Authority's easement without the express written consent of the Authority.

At the sole discretion of the Executive Director, the Authority reserves the right to require an Encroachment Agreement and Release in a form satisfactory to the Authority, including such conditions as the Executive Director deems necessary and prudent. Encroachments that may in any manner compromise the integrity of the Authority's water and/or wastewater systems or interfere with the Authority's ability to access system structures will not be allowed to remain in place.

1-21 High phosphate content detergents prohibited.

It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than 0.5 percent phosphorus by weight and which is intended to be used for domestic clothes-cleaning purposes. Any person who violates this Section shall be subject to a fine not to exceed \$500.00 for each such violation. In addition, the Authority may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this Section. Nothing in this Section shall be construed to abridge, limit or otherwise impair the right of any person to damages or relief on account of injuries to persons or property arising out of a violation of this Section and to maintain any action or other appropriate proceeding therefor.

1-22 Easement acquisitions.

- A. Public improvement projects. Agents of the Authority are hereby authorized and permitted to secure temporary construction and permanent easements necessary for public improvement projects to be constructed by the Authority and/or its contractors in accordance with the following policy:
 - 1. For each public improvement project, the Authority will estimate the base land value for properties within the project area. In estimating the

base land value, the Authority may consider tax values, recent sales, and recent appraisals of the properties affected or similar properties in the area. Compensation may be offered to property owners from whom easements are needed based on the estimated land value, at the pro-rata per square foot value times the area of the required easements, as follows:

- a. Permanent easements will be compensated at 50% of the land value.
 - b. Temporary construction easements will be compensated at 10% of the land value.
 - c. Additional amounts may be offered if underground or above-ground structures will be damaged.
2. If the property owner does not accept the offer specified in 1. above, an appraisal shall be performed and the property owner offered an amount equal to the appraised amount of the temporary construction and permanent easements required.
 3. If the property owner does not accept the offer specified in 1. or 2. above, the matter will be directed to the Authority's legal counsel for condemnation proceedings.

B. Private development projects.

1. The developer of any private development project shall be responsible for obtaining all easements, including temporary construction and permanent easements, necessary for the construction, installation, operation, repair, maintenance, alteration, and upgrade of all public water and sewer structures to be constructed and installed for the project. The developer shall be responsible for all costs associated with the easement acquisitions for its private development project.
2. In the sole discretion of the Authority and to the extent allowed by law, agents of the Authority may exercise the Authority's power of eminent domain to secure temporary construction and permanent sanitary sewer easements to enable private development projects to connect to the Authority's sanitary sewer system when all of the following conditions are satisfied:

- a. The property owner or developer seeking access to the sanitary sewer system has made a reasonable effort to acquire the easement through private negotiation and such effort has failed.
 - b. The easement shall be used for a gravity sewer line, or if the Authority, in its sole discretion determines that gravity service is not practical, for a sanitary sewer force main.
 - c. If the property is being developed for single-family residential property, the easement may involve developed residential property. If the property is being developed for any other use, including non-single-family residential property or commercial and industrial property, the easement may not involve developed residential property, unless the property seeking to connect to the sanitary sewer system is served by a non-functioning or a poorly functioning on-site disposal system.
 - d. In the sole discretion of the Authority, the connection of the developing property to the Authority's sanitary sewer system is in the best interest of the Authority and the public-at-large.
3. If the Authority agrees to assist the property owner or developer with easement acquisition through a condemnation action, then the developer/property owner shall retain independent counsel designated by the Authority, and the developer/property owner shall be responsible for all costs associated with the condemnation, including but not limited to the payment of all attorney's fees, appraisal fees, surveying fees, court costs, and awards and judgments of the court.
4. For all private development projects, the property owner and/or developer shall grant to the Authority, at no cost, such permanent easements over, through, and across the property being developed as may be necessary for the operation, repair, and maintenance of all on-site public water and sanitary sewer structures. Pursuant to said easements, the Authority and its agents shall have the right to enter the property being developed, now or in the future, for the purpose of operating, repairing, maintaining, altering, and upgrading all on-site water and sanitary sewer structures. As a condition of project approval, the developer/property owner covenants to cooperate with the Authority in future expansion efforts and to grant, execute, and deliver such easements as may be reasonably requested by the Authority for the expansion and improvement of the Authority's water distribution and centralized sanitary sewer systems, including but not limited to easements to allow other users to tie into public water and/or sanitary

sewer structures located on the property being developed. Reasonable compensation for future easement acquisitions shall be based on the fair market value of the property and the Authority's then-current easement acquisition policy.

C. Approval of easements by the Authority.

1. All easements, deeds, plats of survey, or other documents purporting to transfer any interest in real property to the Authority must be approved in writing by the Authority, as evidenced by the signature on the original document(s) of the Executive Director or his designee. The Authority will not accept the grant of any easements or other property rights unless the same are approved in writing by the Authority pursuant to this Paragraph.
2. All easements, deeds, plats of survey, or other documents purporting to transfer any legal ownership interest in real property to the Authority must be submitted to the Authority for approval. All final subdivision plats must be recorded in the public records maintained by the Clerk of the Superior Court of Douglas County, Georgia, and proof of said recording provided to the Authority. The Authority shall be responsible for recording all other approved written documents in the public records maintained by the Clerk of the Superior Court of Douglas County, Georgia. The Authority shall retain the original of all approved documents.

1-23 Third-party billing inserts.

The Authority may allow inserts in its monthly billing on a case-by-case basis when, in the sole opinion of the Authority, it is in the best interest of the Authority and the public-at-large to do so. The Authority reserves the right to terminate this program authorizing the inclusion of inserts into its monthly billings at any time the Authority considers to be appropriate. The Executive Director of the Authority is authorized to establish such additional regulations as deemed appropriate to administer the third-party insert program.

1-24 Gated communities.

Any subdivision that is developed as a gated community shall satisfy the following requirements as a condition of acceptance:

- A. Access to the subdivision. The Authority must have access at all times to the subdivision. This requirement shall be satisfied by providing the Authority with an access code or key to all gates and the name and telephone number(s) for

a 24-hour a day contact. In case of an emergency (line breakage and/or potential overflow or spill), if the Authority is unable to gain access by code or key, then the Authority shall be entitled to cut the gate as needed for access and the Authority shall not be responsible for any damage caused thereby.

- B. Easements. The developer must grant such easements for all infrastructure dedicated to the Authority as may be requested by the Authority, including but not limited to permanent easements at least twenty (20) feet in width and unlimited access to all paved areas used for accessing the lots within the subdivision. All easements must be set forth in writing, approved by the Authority, and recorded in the real property records of the Clerk of the Superior Court of Douglas County.
- C. Other requirements. The Authority reserves the right to impose such other conditions, on a case by case basis, as may be reasonably necessary for unlimited access and property rights to infrastructure within a private residential gated community. Any unusual or extraordinary costs incurred by the Authority operating and/or maintaining the utility system within the gated community shall be added to the utility bills for those lots within the subdivision being provided service in an equitable manner to be determined in the sole discretion of the Authority.

1-25 Threats against Authority personnel.

Hostile, belligerent, and threatening behavior toward the Authority and its personnel or agents will not be tolerated. The Authority has the right to pursue criminal charges or other legal remedies in its own name or to legally assist any employee or agent in pursuing criminal charges or other legal remedies in their individual names for any threats, acts of violence, or criminal conduct against Authority personnel in the course of their employment or within the scope of services performed on behalf of the Authority. The determination to legally assist an Authority employee or agent shall be made in the sole discretion of the Authority on a case-by-case basis.

1-26 Penalty.

Any person who violates this Chapter may be charged all the applicable fees, charges and amounts levied against similar authorized users at 150% of the specified rate. In addition to the charges specified in this Paragraph, the Authority reserves the right to charge a penalty of not more than \$1,000.00 per day per violation until the violation is corrected to the Authority's satisfaction or the cost of the consequential damages whichever is greater. The levying of such fees, charges, amounts and fines does not preclude the Authority from taking other legal recourse provided by law.

1-27 Rounding of Payment Amounts.

Whenever the Authority collects any payment pursuant to these Rules and Regulations or its Design and Construction Standards, including but not limited to service charges, usage fees, administrative costs, deposits, penalties, and fines, the total amount due for a cash payment may be subject to rounding, at the Authority's sole discretion, to the nearest increment of the lowest denomination of coin then in production by the United States. The Authority may elect to implement one or more of the following procedures, or any combination thereof, to address the retirement or unavailability of coin denominations:

- A. Round the total amount due down to the nearest available coin denomination. For example, \$10.07 rounds down to \$10.05 if the nickel (\$0.05) is the lowest denomination.
- B. Round the total amount due up to the nearest available coin denomination. For example, \$10.07 rounds up to \$10.10 if the nickel (\$0.05) is the lowest denomination.
- C. Round the total amount due to the nearest available coin denomination; amounts less than halfway round down and halfway or greater round up. For example, if the nickel (\$0.05) is the lowest denomination, \$10.01 or \$10.02 rounds down to the \$10.00; \$10.03 or \$10.04 rounds up to \$10.05; \$10.00 or \$10.05 remain unchanged.
- D. Credit any excess amount collected by rounding up to the customer's account.
- E. Adjust rounding increment in response to changes in the lowest denomination of coin in production by the United States, using the next lowest denomination as necessary.
- F. If technological or operations circumstances warrant, the Authority may implement similar rounding procedures for non-cash payment methods.

Payments made by check, electronic transfer, or credit or debit card shall continue to be accepted and processed at the exact amount billed, unless modified by the Authority pursuant to Paragraph F of this Section.

CHAPTER TWO WATER REGULATIONS

2-1 Purpose and policy.

To provide rules and regulations governing the use of water supply facilities of the Authority.

2-2 Definitions.

The following definitions shall apply to Chapter 2 of these Rules and Regulations:

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

AWWA means the American Water Works Association.

Bear Creek Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the Chattahoochee River and the easterly land lot line of Land Lot 6, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 6 and Land Lot 7 and Land Lot 8, 3rd District, 5th Section to its intersection with S. River Road; proceeding thence in a westerly direction along the centerline of S. River Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with Big A Road; proceeding thence in a northwesterly direction along the centerline of Big A Road to its point of intersection with State Highway 5; proceeding thence in a northerly direction along the centerline of State Highway 5 to its point of intersection with Central Church Road; proceeding thence in an easterly direction along the centerline of Central Church Road to its intersection with Chapel Hill Road; proceeding thence in a southerly direction along the centerline of Chapel Hill Road to its intersection with West Chapel Hill Road; proceeding thence in a southwesterly direction along the centerline of West Chapel Hill Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the western land lot line of Land Lot 35, 1st District, 5th Section; proceeding thence in a southerly direction along the western land line of Land Lot 35, 1st District, 5th Section to its intersection with the Chattahoochee River.

CFR means Code of Federal Regulations.

Contractor means a person retained by a property owner, developer or governmental body to construct water, wastewater, and/or stormwater management structures, facilities, and measures and to implement and maintain the required soil erosion and sedimentation control practices.

County means Douglas County and its agents.

Cross-connection means any connection, physical tie or structure arrangement between piping carrying water from the Authority's supply and piping carrying water from another source.

Customer means every person who is responsible for contracting expressly or implicitly with the Authority in obtaining water, wastewater, stormwater management, and/or soil erosion and sedimentation control enforcement services from the Authority. Said term shall include the occupants of each unit of a multi-family dwelling unit building as a separate and distinct customer.

Developer means any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

Dog River Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the centerline of State Highway 78 with the Douglas/Carroll County line; proceeding thence in an easterly direction along the centerline of U.S. Highway 78 to its intersection with Bright Star Road; proceeding thence in a southerly direction along the centerline of Bright Star Road to its intersection with Central Church Road; proceeding thence in a southeasterly direction along the centerline of Central Church Road to its intersection with State Highway 5; proceeding thence in a southwesterly direction along the centerline of State Highway 5 to its intersection with Big A Road; proceeding thence in a southeasterly direction along the centerline of Big A Road to its intersection with State Highway 166; proceeding thence in an easterly direction along the centerline of State Highway 166 to its intersection with S. River Road; proceeding thence in a southerly direction along the centerline of S. River Road to its intersection with the northern land lot line of

Land Lot 7, 3rd District, 5th Section; proceeding thence in a westerly direction along the northern land lot line of Land Lot 7, 3rd District, 5th Section to its intersection with the easterly land lot line of Land Lot 14, 3rd District, 5th Section; proceeding thence in a southerly direction along the easterly land lot line of Land Lot 14, 3rd District, 5th Section and Land Lot 15, 3rd District, 5th Section to its intersection with the Chattahoochee River; proceeding thence along the centerline of the Chattahoochee River to its intersection with the easterly land lot line of Land Lot 30, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 30, 3rd District, 5th Section and Land Lot 29, 3rd District, 5th Section to its intersection with Five Notch Road; proceeding thence in a northwesterly direction along the centerline of Five Notch Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the Douglas/Carroll County line.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Grease Trap means a device or facility used for the removal of oils, greases and food solids from a waste stream.

Household laundry detergent means a laundering cleaning compound in liquid, bar, spray, tablets, flake, powder, or other form used for domestic clothes-cleaning purposes. The term "household laundry detergent" shall not mean:

- (a) A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is intended to be used for non-laundry cleaning purposes;
- (b) A detergent used in dairy, beverage, or food processing cleaning equipment;
- (c) A phosphorus acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;
- (d) A detergent used in hospitals, veterinary hospitals or clinics, health care facilities or in agricultural production;
- (e) A detergent used by industry for metal cleaning or conditioning;
- (f) A detergent manufactured, stored, or distributed for use or sale outside of the State of Georgia;

- (g) A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or
- (h) A detergent used in commercial laundry that provides laundry service for hospitals, health care facilities, or veterinary hospitals.

Impervious Surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface. All surfaces with a runoff coefficient of 0.90 or greater shall be considered impervious.

Inspector means a representative or agent of the Executive Director assigned to observe the installation of water distribution facilities, sewerage facilities, stormwater management facilities, and/or soil erosion and sedimentation control practices, as applicable, to assure compliance with the standards and the specifications of the Authority. Where applicable, the inspector may also record quantity, quality, and location of the facilities during construction.

Main means the facilities by which water is distributed to hydrants and service.

Master Meter means the water meter that records the amount of water consumed by multiple buildings and/or properties owned by one person.

"May" means that the regulation or requirement is permissive.

On-site treatment facilities means any wastewater treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating the wastewater or pretreating the generated wastewater before it enters a public sewer.

Phosphorus as total "P" means an element which serves as a nutrient food source which in excessive amounts contributes to the degradation of receiving streams and poses a hazard to aquatic life and water quality through the depletion of dissolved oxygen levels, development of increased algae population, and taste and odor problems. Quantitative determinations shall be made using the procedures established in CFR, Title 40, Part 136, and expressed in terms of parts per million (ppm).

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine

gender shall include the feminine and the singular shall include the plural where indicated by the context.

Premises means the property served by one meter.

Private service line means the facilities by which water is distributed on the premises after flowing through the water meter.

Residential, multi-family means a building designed for and containing two (2) or more residential dwelling units.

Residential, single-family means a building designed for and containing (1) residential dwelling unit, whether attached (i.e., a dwelling unit on an individual lot attached to another dwelling unit by a common party wall) or detached (i.e., a dwelling unit on an individual lot unattached to another dwelling unit).

Residential dwelling unit means one (1) or more rooms, which are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Sand Trap means a device or facility used for the removal of grit, dirt, and other solid pollutants from a waste stream.

Service means the facilities by which water reaches the meter from the main, including the meter box and meter.

"Shall" means that the regulation or requirement is mandatory.

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Tap-on fee/connection charge means that portion of the charges assessed against a facility at the time of connection to the Authority-owned infrastructure designed to recover the incremental cost of the Authority's capital facilities needed to serve the connecting property.

Watercourse means a channel in which a flow of water occurs, whether continuously or intermittently.

Wholesale customer means a governmental subdivision or authority who is provided Authority utility service which service may then be resold either with or without restriction as defined by the Authority.

2-3 Uniform application.

All resolutions, rules and regulations dealing with the construction, maintenance and operation of the mains, hydrants, services and connections of the Authority's water system and the protection thereof shall apply throughout the Authority's service area.

2-4 Standards.

All design, construction, maintenance and, where appropriate, repair of the water system shall be in accordance with the latest revision of the Authority's Design and Construction Standards.

2-5 Discontinuance of service in occupied houses.

Requests for discontinuance of service in legally occupied houses will not be honored or accepted for such purposes as eviction, enforcing collection of rents, or as a result of differences between owner and occupant. Only the customer may request service termination.

2-6 Pressure and supply – No guarantee.

The Authority does not guarantee any fixed pressure or a continuous supply of water, these being subject to the varying conditions which may arise in the operation and maintenance of the water supply and treatment systems. Consumers whose operations require a continuous supply of water or definite pressures should make provisions for such interruptions and/or system variations in the public water supply system by the installation of tanks or other auxiliary supplies or pressure regulators sufficient to meet their needs during any period of interruption.

2-7 Access to premises.

The Authority reserves the right, through its authorized agents, to enter at any reasonable hour the premises to which its service extends for the purpose of reading, repairing, installing, removing and inspecting meters, or for any purpose which it may deem necessary for the proper operation and maintenance of the water supply system. For these purposes, any employees that may be designated, upon exhibiting the proper credentials of the Authority, shall have free access to the premises using its supply of water to confirm compliance with established plumbing codes and these Rules and Regulations.

2-8 Water meters – General.

The Authority shall provide each water customer with a water meter which shall measure the amount of water consumed by said customer, and the billing for water services shall be based on said meter readings.

The Authority may install a customer cut-off valve which shall be located in a round valve box on the customer's private service line. When installed by the Authority, the Authority will maintain the customer's cut-off valve and round valve box for a period of one (1) year after the initial installation. Thereafter, it shall be maintained by the customer. Where a cut-off valve has been installed, the point of demarcation between the Authority's system and the customer's system is the cut-off valve. The customer shall be responsible for maintaining and repairing the cut-off valve, round valve box, and the private service line from the upstream side of the cut-off valve to the residence.

2-9 Water meters – Installation; payment of fees.

Meters for the measurement of utility services furnished by the Authority shall be provided and installed by, and shall remain the property of, the Authority. Prior to the installation of any meter for service, the person, firm, partnership, or corporation or agent therefore requesting said service shall pay to the Authority the fee applicable at the time of the service request. It shall be illegal for any person, firm, partnership or corporation to use any utility service provided by the Authority without first paying to the Authority the required fees.

2-10 Operation of or tampering with property.

No person shall operate, open, or otherwise tamper with any valve, stop, seal, meter, or other device used to provide utility service, or unlawfully secure a supply of water through such valve, corporation stop, curb stop, meter, or other device after same has been closed or installed, without having first secured the necessary approval in writing from the Authority.

2-11 Abandoned services.

Buildings being torn down, demolished, or abandoned shall have the water service shut-off at the main or easement line. Failure of the property owner to properly terminate service may subject the owner to the applicable charges outlined in Chapter 4 of these Rules and Regulations.

2-12 Liability for damage by water.

The Authority assumes no responsibility for damages arising from the shutting off of a main, initiation of service, lack of or too much pressure, thermal expansion or for the shutting off of the supply of water to any premises or for damage due to leaks, broken or open pipes or fixtures when said pipe and fixtures are on private property. Private property owners are encouraged to install a device on their private service line that will:

- A. Regulate water pressure.
- B. Allow water service to be terminated in the event of a leak between the water meter and the terminus of the plumbing system servicing the private property.
- C. Allow for thermal expansion.

2-13 Property ownership.

All paraphernalia, equipment, and property of any kind derived or received from the Authority is, and shall remain at all times, the property of the Authority and shall not be damaged or destroyed and shall be surrendered on demand.

2-14 Trespass on Authority property.

No person shall trespass upon the grounds, standpipes, elevated water storage tanks, pumping stations, yards, reservoirs or other property of the Authority, nor tamper with, damage, or destroy any of the buildings, fixtures or appurtenances operated or used in connection with the Authority, nor deposit any filth or rubbish or commit any nuisance thereon.

2-15 Use of fire hydrants.

No one, except Authority and/or public safety personnel, shall open or attempt to open or draw water from any fire hydrant, public or private, without the consent in writing of the Authority, or shall in any manner injure, deface or obstruct the use of any fire hydrant, or shall place or keep any obstruction, article or material of any kind in front of any fire hydrant, between the edge of the right-of-way line and the center of the street or within five (5) feet of either side of any fire hydrant. This Section does not apply to those persons who have, at the time of water use, properly rented and installed hydrant meters. Any person, firm or corporation authorized to use a hydrant meter shall also take the necessary precautions to assure no back-siphonage occurs.

2-16 Water application.

Any person desiring any utility service furnished by the Authority shall make application for same to the Authority in the format provided by the Authority for such purpose. All Authority Rules and Regulations shall be considered a part of every application for a supply of water.

Separate application on a form provided by the Authority must be made, and an account opened, for each service from a main or existing line. A service shall serve property owned and/or used by the applicant only and will only be connected to water mains in dedicated streets, dedicated rights-of-way, and/or Authority-owned easements.

2-17 Water service.

A separate service shall be installed for each building occupied as a dwelling, apartment house or facility, except that two (2) or more buildings occupied as dwellings, apartment houses or facilities on a single lot or parcel of land owned by the same person, firm, corporation or applicant may be supplied with water by a single service. The applicant specifically agrees that when the land and/or building so supplied in common with other buildings is sold, the property owners shall notify the Authority in writing, which may discontinue supplying water to the property so sold. The new owner, as a condition precedent to being supplied water after making application for water service, shall pay for service to such building(s) and for metering facilities necessary to provide water service. In this event, no credit will be given for the meter(s) originally purchased to measure the amount of water used by the property. In all events, the water bill will be rendered to the property owner or authorized agent. In case it is necessary to cross property other than that owned by the applicant, the applicant shall secure and record an easement permitting construction and maintenance of the line from the owner of the land so crossed. Should any aforesaid new owner fail or refuse to pay for aforesaid service and/or metering facilities within sixty (60) days of transfer of ownership, the Authority may charge, as an additional charge, a surcharge of fifty (50) percent of the water bill until such failure or refusal is corrected. Water and wastewater lines and appurtenances installed prior to April 1, 1986 that provide service to separate properties owned by different property owners that are not located in a publicly owned right-of-way or easement area may be considered privately owned, operated and maintained.

Notwithstanding any other provision of these Rules and Regulations, for all multi-family residential developments approved on or after January 1, 2006, the developer/owner shall be required to install individual sub-unit meters for the metering of water use by each individual unit. The owner of the multi-family residential development shall be responsible for reading and billing its tenants based on actual water usage, in accordance with the limits on charges established in Chapter

1 of these Rules and Regulations and such other fee limits as may be established by local, district or State law.

2-18 Service installation.

All services for supplying water from the mains must be installed by the Authority or approved agent at the expense of the property owner or person making application for the connection. Initial installations will include all pipe and fixtures from the main to the property line.

The developers of new subdivisions shall be required to install all services to the lots to be developed, including the installation of the meter box, valve box, and customer-owned cut-off valve. The Authority will install the water meter in such instances.

2-19 Service location.

All services will generally be placed in the right-of-way adjacent to the property to be served at the point where the public right-of-way or easement line intersects the lot line of the property to be served. The Authority may, at the owner's request, place the service at another location provided such other location is agreed to by the Authority. Each service from the main to the property line shall be laid at right angles to the main. Services between the main and the meter shall not be installed under driveways or walks, excluding publicly maintained sidewalks, or under permanent structures. However, where subsurface or other conditions make installation impractical, the service may be made at the nearest location thereto as determined by the Authority.

2-20 Service installations in the Dog River Drainage Basin.

- A. Homes, structures and facilities constructed in the Dog River Drainage Basin before October 1, 1991 must meet the following applicable requirements as a condition for receiving water service provided by the Authority:
 - 1. Provide proof that the septic tank serving the home structure and/or facility has been pumped within five (5) years of the request for water service.
 - 2. Implement the septic tank, erosion control, stormwater management and buffer requirements, if any, identified by the Authority and any other agency having jurisdiction over such matters.
- B. Homes, structures and facilities constructed in the Dog River Drainage Basin on or after October 1, 1991 must meet the following applicable requirements as a condition for receiving water service provided by the Authority:

1. Septic tanks and absorption fields shall be constructed in accordance with County Health Department standards and the Authority's Design and Construction Standards.
 2. Septic tanks shall be properly pumped no less frequently than once every five (5) years. Proof of pumping must be made available to the Authority upon request.
 3. Best management practices shall be utilized for soil erosion and sedimentation controls so that stormwater runoff from the property to be provided centralized water service is minimized.
 4. Soil erosion and sedimentation controls must be in accordance with the State, Douglas County and Authority standards. In the event of a conflict between standards, the most stringent requirement shall be applicable.
 5. During times of water shortages, and as deemed necessary by the Authority, water withdrawals from watercourses, named or unnamed, are prohibited for any purpose whatsoever.
 6. All multi-user wastewater treatment plants, if permitted, shall be owned and operated by the Authority.
- C. Homes, structures, facilities and subdivisions constructed in the Dog River Drainage Basin, approved on or after January 1, 1999, must meet the following minimum requirements as a condition for receiving water service provided by the Authority:
1. 200 feet of undisturbed stream buffer measured from the stream bank. Barren areas in the buffer to be provided vegetative cover.
 2. Septic tanks and septic tank drain fields are prohibited in the undisturbed buffer area.
 3. No commercial, multi-family, or industrial development, unless specifically zoned for such use by the applicable governing authority.
 4. 18% impervious surface limit on a lot-by-lot basis, unless a variance for impervious surface limit is specifically granted by the applicable governing authority, provided that any such variance does not violate any impervious surface limit established by State law, rule, regulation, or other applicable minimum requirements. Calculation of the

impervious surface for subdivision development may be considered on a project or phase basis. Subdivision plats shall contain a statement from a registered professional engineer or licensed land surveyor in the State of Georgia identifying the impervious surface allowance for each individual lot. Streams, lakes, and other watercourses shall be treated as impervious surfaces. Stormwater detention ponds shall not be considered impervious surfaces. Wetlands shall not be included in the acreage/impervious surface area calculations. The Authority, in its sole discretion, shall have the power to make adjustments to the impervious surface calculations for a property, phase, or project based upon its determination of the runoff coefficient for semi-permeable surfaces. All surfaces with a runoff coefficient of 0.9 or greater shall be considered impervious and shall not be subject to adjustment.

5. Other combinations of undisturbed buffer and impervious surface percentages may be acceptable if, in the sole opinion of the Authority, such combination of undisturbed buffer and impervious surface percentage provides equivalent watercourse protection.
 6. No permanent impoundments of water shall be constructed, excluding stormwater ponds and impoundments with a dam height of less than six (6) feet or impounding less than ten (10) acre-feet of water.
 7. Notwithstanding the conditions for water service set forth in this Paragraph, if the applicable governmental zoning body approves a proposed development, the Authority will provide water service to the development.
- D. Property uses having a significant adverse impact on Dog River water quality are prohibited.
- E. Property uses must comply with all provisions of these Rules and Regulations, including but not limited to the specific conditions and restrictions set forth in Chapter 6 of these Rules and Regulations regarding the Dog River Reservoir.

2-21 Service installations in the Bear Creek Drainage Basin.

Homes, structures, facilities and subdivisions constructed in the Bear Creek Drainage Basin approved on or after January 1, 1999 must meet the following minimum requirements as a condition for receiving water service provided by the Authority:

- A. 100 feet of undisturbed stream buffer measured from the stream bank.
- B. 50 feet of impervious area setback measured from the undisturbed buffer.

- C. Septic tanks and septic drain fields are prohibited in the setback area.
- D. 25% impervious surface limit on a lot-by-lot basis, unless a variance for impervious surface limit is specifically granted by the applicable governing authority, provided that any such variance does not violate any impervious surface limit established by State law, rule, regulation, or other applicable minimum requirements. Calculation of the impervious surface for subdivision development may be considered on a project or phase basis. Subdivision plats shall contain a statement from a registered professional engineer or licensed land surveyor in the State of Georgia identifying the impervious surface allowance for each individual lot. Streams, lakes, and other watercourses shall be treated as impervious surfaces. Stormwater detention ponds shall not be considered impervious surfaces. Wetlands shall not be included in the acreage/impervious surface area calculations. The Authority, in its sole discretion, shall have the power to make adjustments to the impervious surface calculations for a property, phase, or project based upon its determination of the runoff coefficient for semi-permeable surfaces. All surfaces with a runoff coefficient of 0.9 or greater shall be considered impervious and shall not be subject to adjustment.
- E. No permanent impoundments of water shall be constructed, excluding stormwater ponds or impoundments with a dam height of less than six (6) feet or impounding less than ten (10) acre-feet of water.
- F. Notwithstanding the conditions for water service set forth in this Section, if the applicable governmental zoning body approves a proposed development, the Authority will provide water service to the development.

2-22 Stream buffers in the Sweetwater Creek Drainage Basin.

Pursuant to the Rules of the Georgia Environmental Protection Division for Minimum Criteria for the Protection of Large Water Supply Watersheds, all perennial streams in the Sweetwater Creek drainage basin which are tributary to the Sparks Reservoir and are within a seven (7) mile radius of the reservoir boundary shall be protected by the following minimum stream buffers, as a condition for receiving water service provided by the Authority:

- A. 100 feet of undisturbed stream buffer on both sides of the stream, as measured from the stream banks.
- B. 50 feet of impervious area setback on both sides of the stream, as measured from the undisturbed buffer.

- C. Septic tanks and septic tank drain fields are prohibited in the setback area.
- D. The provisions of this Section shall automatically be revised to be consistent with any and all revisions to the States Rules adopted by the Georgia Environmental Protection Division, as the same may be amended from time to time.
- E. Notwithstanding the conditions for water service set forth in this Section, if the applicable governmental zoning body approves a proposed development, the Authority will provide water service to the development.

2-23 Stream buffers in other unnamed drainage basins.

All perennial streams in all drainage basins not specifically identified in this Chapter shall be protected by 50 feet of undisturbed stream buffer on both sides of the stream, as measured from the stream banks, as a condition for receiving water service provided by the Authority. Notwithstanding the conditions for water service set forth in this Section, if the applicable governmental zoning body approves a proposed development, the Authority will provide water service to the development.

2-24 Privately owned well systems.

The owner of property on which a private water well is located must notify the Authority, in writing, of such well if the property is also served by an Authority-owned water and/or sanitary sewer system.

2-25 Cross-connections.

No person shall construct, maintain or operate a physical arrangement whereby a public water system is or may be connected directly or indirectly with a non-potable water system or non-permitted water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gasses, sewage, or other waste of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as the results of backflow, bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary, permanent or potential connections through which or because of which backflow or backsiphonage could or would occur.

Service of water to any premises may be discontinued by the Authority if a backflow-prevention assembly required by the Authority is not installed, tested, and/or maintained properly, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such condition(s) or defect(s) is corrected.

2-26 Cross-connection protection and backflow prevention for commercial, industrial, and institutional facilities.

The Authority's water system shall be protected against backflow from a privately owned facility by the installation of an approved backflow-protection assembly in the service line and by other measures according to the degree of hazard as determined by the Authority. The customer is responsible for the installation and maintenance of an approved back-flow protection device and all other back-flow protection measures required by the Authority at the customer's expense. If any customer fails to install or maintain the required back-flow protection device and/or other measures, then the Authority may, in its sole discretion, install or maintain said device and/or other required measure and charge the customer by adding the cost of the device and labor charges to the customer's water bill.

2-27 Residential backflow prevention requirements.

An approved backflow prevention device meeting Authority standards shall be installed and maintained on each service line to a residential customer's water system at the customer's expense. In instances where the backflow prevention device has been installed by the Authority or a third-party approved by the Authority, is located in the Authority meter box, and a shut-off valve and round valve box has been installed by the Authority or a third-party approved by the Authority, the Authority will be responsible for maintaining the residential backflow prevention device.

2-28 Backflow prevention device installation.

All Authority approved backflow-prevention devices shall be in full conformance with the standards established by the American Water Works Association and the Authority's standards.

2-29 Backflow prevention device maintenance records.

It shall be the duty of the property owner/customer at any premises where backflow-prevention assemblies are installed to maintain the device in proper working order and to have inspections and operational tests performed by a certified backflow prevention tester at least once per year. Residential backflow prevention devices are exempt from the requirements of this Paragraph.

2-30 Violations.

In the case of any violation of the requirements of Sections 2-25 through 2-29, the Authority, in its sole discretion, after reasonable notice of such violation, may either (1) install/maintain the required system protection devices and charge the customer

for expenses and labor, or (2) deny or discontinue water service to any premises where any required backflow prevention device is not properly installed, tested by a certified backflow prevention tester, and maintained, or where a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with these Rules and Regulations to the satisfaction of the Authority. Prior to restoration of water service, the customer shall pay all charges associated with the restoration of water service, as set forth in Chapter 4 of these Rules and Regulations, and any applicable fines or penalties that have been imposed upon the customer pursuant to this Chapter or Chapter 4.

2-31 Meter size selection.

All water meter sizes will be determined by the owner of the property to be served in accordance with AWWA standards as modified by the Authority as stated in Chapter 4 of these Rules and Regulations. The Authority reserves the right, however, to specify the meter size where the meter so selected by the owner will not, in the opinion of the Authority, adequately record water consumption based on the quantity, consumption pattern and volume of actual or anticipated water use.

2-32 Meter type.

All meters shall meet Authority standards and be obtained from the Authority.

2-33 Stoppage.

Notice of any stoppage or irregularity in the operation of a meter shall be given immediately to the Authority. In the event that a meter has stopped, consumption shall be estimated based on consumption levels of the preceding twelve (12) months or for length of property ownership, whichever is less.

2-34 Lost or damaged meters.

The owner or customer of record shall be responsible for the protection from damage or theft of any meter, meter box, curb stop or other piece of equipment used to provide water service to the property and shall be required to pay all damages to the Authority for such loss or damage.

2-35 Unmetered fire lines.

All private fire lines and sprinkler systems must be metered, except services supplying tight sprinkler systems installed prior to January 1, 2007. Such unmetered service must be equipped with a standard detector check valve and backflow-prevention

device approved by the Authority and installed in accordance with AWWA and Authority standards, at the customer's expense. If any customer fails to purchase and install the required meter, the Authority reserves the right to purchase and install the meter and add the charges to the customer's water bill. Nonpayment of these charges as they appear on the customer's billing statement may result in an interruption of water service. Service will not be restored until payment is made or satisfactory payment arrangements have been made with the Authority.

Repeated usage of a fire line after installation of a full flow fire line meter may result in the requirement of payment of the applicable tap charge for the appropriate full flow fire line meter size, as set forth in Chapter 4 of these Rules and Regulations.

Customers must adhere to the following conditions:

- A. Use of a fire line for purposes other than periodic testing or fire fighting are prohibited and such use shall result in a full-flow fire line meter being required. Properties where detectors show usage more than once per calendar quarter will be required to install a full-flow fire line meter in accordance with the Authority's Design and Construction Standards. Failure of the customer to install the required full-flow fire line meter within ninety (90) days of notification to do so could result in fire line and/or domestic service termination. The appropriate connection and usage charges will be applicable.
- B. Private fire lines and backflow protection installed by or for the customer shall remain the property and liability of the customer and shall be maintained by the customer, at the customer's expense.
- C. The Authority shall have the right to enter the property of the customer, at any reasonable time, for the purpose of making inspections. The Authority shall have the right to attach any testing device or to use any means to ascertain the condition of the pipe and appurtenances and use of water.

2-36 Repairs.

Repairs to all water mains and services in public streets and dedicated rights-of-way will be made by and at the expense of the Authority. The Authority reserves the right to charge for the repair if the repair was necessitated by the negligent acts of others. Repairs to water mains in all private streets, courts, and private property will be made by and at the expense of the owner.

2-37 Valve operation and tapping.

No person other than an employee of the Authority or person authorized by the Authority shall operate any valve in the water system, or make taps or other connections on any main of the Authority's water system.

2-38 Fire hydrants.

All fire hydrants in the Authority water system shall be maintained and repaired by the Authority or designated agent. No person shall operate a fire hydrant maintained by the Authority without having first secured the appropriate approvals from the Authority.

No person shall operate a public fire hydrant with, or use thereon, any wrench or tool other than a regulation spanner wrench.

The use of a hydrant or service to fill a cistern or well will not be permitted.

In taking water from a fire hydrant, leakage either from the hydrant, connecting hose or truck will not be tolerated. All damage caused by such leakage must be borne by the holder of the hydrant meter.

No person shall draw water from a fire hydrant without the use of a tapped nozzle cap fitted with a control valve, commonly termed a "contractor's connection." The use of the main hydrant valve to control the flow of water from the hydrant will not be allowed.

Whenever a temporary meter is set, the user of water through the meter shall be held responsible to properly protect the meter, meter connection and fire hydrant from all damages.

2-39 Raw water supply.

It shall be unlawful for any person, firm or corporation to establish an outlet for the discharge of untreated sewage or industrial wastes directly or indirectly into any watercourse without the proper approval from the appropriate State and/or federal agency having jurisdiction over such discharge.

2-40 Water restrictions.

The Executive Director may temporarily impose restrictions on the use of water in Douglas County because of existing climatological, environmental, public safety, or operational conditions. Such action shall be confirmed by the Authority Board of Directors at the first regularly scheduled meeting after the restrictions have been

imposed. The restrictions may continue for such period of time as the Authority may deem it necessary in order to adequately deal with the conditions giving rise to the need for such water restrictions, subject to approval by the Director of the Georgia Environmental Protection Division, if required.

Water restrictions imposed by the State of Georgia shall not require confirmation by the Authority Board of Directors.

In accordance with Senate Bill 370 (2010), the Authority implements the following water restrictions required by State law and adopted by the General Assembly in recognition of an "imminent need to create a culture of water conservation in the State of Georgia."

- A. Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4 P.M. and 10:00 A.M.
- B. Paragraph A. of this Section shall not create any limitation upon the following outdoor water uses:
 - 1. Commercial agricultural operations as defined in O.C.G.A. §1-3-3;
 - 2. Capture and reuse of cooling system condensate or stormwater in compliance with applicable local ordinances and State guidelines;
 - 3. Reuse of gray water in compliance with O.C.G.A. §31-3-5.2 and applicable local board of health regulations adopted pursuant thereto;
 - 4. Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the Department to provide reclaimed wastewater;
 - 5. Irrigation of personal food gardens;
 - 6. Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
 - 7. Drip irrigation or irrigation using soaker hoses;
 - 8. Handwatering with a hose with automatic cutoff or handheld container;

9. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
10. Irrigation of horticultural crops held for sale, resale, or installation;
11. Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
12. Installation, maintenance, or calibration of irrigation systems; or
13. Hydroseeding.

2-41 Penalty.

Any person who violates this Chapter may be charged all the applicable fees, charges and amounts levied against similar authorized users at 150% of the specified rate. In addition to the charges specified in this Paragraph, the Authority reserves the right to charge a penalty of not more than \$1,000.00 per day per violation until the violation is corrected to the Authority's satisfaction or the cost of the consequential damages whichever is greater. The levying of such fees, charges, amounts and penalties does not preclude the Authority from taking other legal recourse provided by law.

CHAPTER THREE SEWER REGULATIONS

3-1 Purpose and policy.

The purpose of this Chapter is to establish uniform guidelines and standards concerning the use of the Authority-owned sanitary sewerage system to prevent the introduction of pollutants which may interfere with the normal operations of the system or contaminate the resulting sludge, and to prevent the introduction of pollutants which do not receive adequate treatment in the sewage disposal system, and to improve the opportunity to recycle and reclaim wastewater and sludge.

3-2 Definitions.

The following definitions shall apply to Chapter 3 of these Rules and Regulations:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Applicable pretreatment standard means the pretreatment limit or prohibitive standard, federal, State, and/or local, deemed to be the most restrictive, with which non-domestic users are required to comply.

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

Authorized representative of discharger means either:

- (a) A principal executive officer of at least the level of vice-president, if the discharger is a corporation;
- (b) A general partner or proprietor if the discharger is either a partnership or proprietorship; or
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

Bacterial enzymes means any man-made or natural bacteria which causes the grease in grease traps to be biologically or chemically decomposed or altered.

Bear Creek Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the Chattahoochee River and the easterly land lot line of Land Lot 6, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 6 and Land Lot 7 and Land Lot 8, 3rd District, 5th Section to its intersection with S. River Road; proceeding thence in a westerly direction along the centerline of S. River Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with Big A Road; proceeding thence in a northwesterly direction along the centerline of Big A Road to its point of intersection with State Highway 5; proceeding thence in a northerly direction along the centerline of State Highway 5 to its point of intersection with Central Church Road; proceeding thence in an easterly direction along the centerline of Central Church Road to its intersection with Chapel Hill Road; proceeding thence in a southerly direction along the centerline of Chapel Hill Road to its intersection with West Chapel Hill Road; proceeding thence in a southwesterly direction along the centerline of West Chapel Hill Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the western land lot line of Land Lot 35, 1st District, 5th Section; proceeding thence in a southerly direction along the western land line of Land Lot 35, 1st District, 5th Section to its intersection with the Chattahoochee River.

Beneficial user means, but is not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by State or federal law.

Building drain means all piping within a building which collects wastewater to be conveyed to the private sewer lateral. The building drain and private sewer lateral connection point is three (3) feet measured perpendicular from any outside wall of the building.

CFR means Code of Federal Regulations.

Cleanout means a physical access point to the sewer system for the purpose of cleaning the sewer.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Commercial user means any user of the sewage system not categorized as residential, institutional, governmental or industrial, including, but not limited to, wholesale or retail trade establishments, general business offices, food services, automotive repair services, and health services.

Compatible pollutant means the BOD, total suspended solids, and pH, plus additional pollutants identified in the Authority's NPDES permit, if the treatment works was designed to treat such pollutants and, in fact does remove such pollutants to a substantial degree.

Composite sample means a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

Contractor means a person retained by a property owner, developer or governmental body to construct water, wastewater, and/or stormwater management structures, facilities, and measures and to implement and maintain the required soil erosion and sedimentation control practices.

Control manhole means a structure that provides access to a sewer lateral. A control manhole may be used as an inspection chamber and may contain certain testing equipment.

Cooling water means the water discharged from use such as air conditioning, cooling, refrigeration, or a use during which the only constituent added to the water is heat.

Customer means every person who is responsible for contracting, expressly or implicitly, with the Authority in obtaining, having, or using water, wastewater, and/or stormwater management services from the Authority. Said term shall include the occupants of each unit of a multi-family dwelling unit building as a separate and distinct customer.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.

Degreaser means any chemical material or substance that causes the grease in grease traps to become emulsified.

Detailed construction plans means a drawing of standard engineering scale drawn to accurately reflect the location, depth, alignment, and any other relevant items of a proposed sewerage system. Included in detailed construction plans are special notes and details for the purposes of directing the proper construction of the facilities contained herein.

Developer means any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

Dog River Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the centerline of State Highway 78 with the Douglas/Carroll County line; proceeding thence in an easterly direction along the centerline of U.S. Highway 78 to its intersection with Bright Star Road; proceeding thence in a southerly direction along the centerline of Bright Star Road to its intersection with Central Church Road; proceeding thence in a southeasterly direction along the centerline of Central Church Road to its intersection with State Highway 5; proceeding thence in a southwesterly direction along the centerline of State Highway 5 to its intersection with Big A Road; proceeding thence in a southeasterly direction along the centerline of Big A Road to its intersection with State Highway 166; proceeding thence in an easterly direction along the centerline of State Highway 166 to its intersection with S. River Road; proceeding thence in a southerly direction along the centerline of S. River Road to its intersection with the northern land lot line of Land Lot 7, 3rd District, 5th Section; proceeding thence in a westerly direction along the northern land lot line of Land Lot 7, 3rd District, 5th Section to its intersection with the easterly land lot line of Land Lot 14, 3rd District, 5th Section; proceeding thence in a southerly direction along the easterly land lot line of Land Lot 14, 3rd District, 5th Section and Land Lot 15, 3rd District, 5th Section to its intersection with the Chattahoochee River; proceeding thence along the centerline of the Chattahoochee River to its intersection with the easterly land lot line of Land Lot 30, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 30, 3rd District, 5th Section and Land Lot 29, 3rd District, 5th Section to its intersection with Five Notch Road; proceeding thence in a northwesterly direction along the centerline of Five Notch Road to its intersection with State Highway 166;

proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the Douglas/Carroll County line.

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

EPA means the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administration or other duly authorized official of such agency.

EPD means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia and may also be used, where appropriate, as a designation for the authorized official of such agency.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Explosive or flammable liquid means pollutants with closed cup flashpoint of less than 140 degrees Fahrenheit (the RCRA ignitability standard for liquid characteristic waste) as determined by: Pensky – Martens closed cup tester (ASTM Standard D93-79 or 80) or Staflash closed cup tester (ASTM D3278-78).

Force main means a sewer through which sewage is transported under pressure. A force main is a closed system into which no other sewer can be connected.

Floatable oil means oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage means the residue from the preparation and dispensing of food and from the handling, storage and sale of produce.

Governmental user means any user discharging wastewater from premises utilized by public political units, including federal, State, county and municipal units.

Grab sample means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease and oil refers to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "acceptable laboratory standards" as explained in this Section.

Grease and oil of animal and vegetable origin means substances that are of less readily biodegradable nature such as are discharged by meat packing, vegetable oil and fat industries, food processors, canneries and restaurants.

Grease and oil of mineral origin means substances that are less readily biodegradable than grease and oil of animal or vegetable origin and are derived from a petroleum source. Such substances include, but are not limited to, machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

Grease trap means a device or facility used for the removal of oils, greases and food solids from a waste stream.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

Incompatible pollutant means any pollutant that is not a compatible pollutant as defined in this Section.

Industrial waste means any liquid, solid or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concern, manufacturing, business, trade, or research, including the development, recovery or processing of natural resources, or from sources other than those generating waste defined herein as "normal domestic sewage".

Influent means the water, together with any waste that may be present, flowing into a sewer drain, receptacle or outlet and then to a wastewater treatment plant.

Inspector means a representative or agent of the Executive Director assigned to observe the installation of water distribution facilities, sewerage facilities, stormwater management facilities, and/or soil erosion and sedimentation control practices, as applicable, to assure compliance with the standards and specifications of the Authority. Where applicable, the inspector may also record quantity, quality, and location of facilities during construction.

Institutional user means any person discharging wastewater from premises serving educational, social or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes and charitable organizations.

Interference means the inhibition or disruption of the wastewater treatment processes or operations that contribute to the violation of any requirement of the

Authority's NPDES permits. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, and Toxic Substance Control Act or more stringent State criteria.

Major contributing industry means any user of the Authority's sewage disposal system which either (1) has a disposal flow of twenty-five thousand (25,000) gallons per average day; or (2) has a flow greater than five (5) percent of the flow in the Authority's sewage disposal system; or (3) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act; or (4) has significant impact, either singly or in combination with other contributing industries; on the sewage disposal system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

Manhole means a physical access point to the sewer system for the purpose of cleaning, inspection, metering, observations, etc. A manhole is sized for human and equipment access in the normal operation and maintenance of a sewage system.

Maximum daily discharge limitation means the highest allowable daily discharge.

"May" means that the regulation or requirement is permissive.

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 which applies to a specific category of industrial users.

National pollutant discharge elimination system (NPDES) permit means a permit issued by the State of Georgia, Department of Natural Resources, Environmental Protection Division or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes (under the authority of Section 402 of the Act), into the navigable waters of the United States.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Non-significant discharger means any industry that contributes low-strength or domestic wastes containing pollutants in concentrations that are compatible with wastewater treatment plant operations.

Normal domestic sewage means wastewater created in the preparation of foods, bathing, laundry facilities and sanitary facilities, as resulting from normal individual and group living functions and characterized by a loading of no more than two

hundred fifty (250) mg/l BOD and two hundred fifty (250) mg/l total suspended solids per capita.

On-site treatment facilities means any wastewater treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating the wastewater or pretreating the generated wastewater before it enters a public sewer.

Operation and maintenance costs means the current, reasonable and necessary costs of operation and maintenance of the sewage disposal system, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and of interest on obligations issued to finance the costs of acquisition and construction of the sewage disposal system.

Parts per million (ppm) means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Milligrams per liter (mg/l) is a synonymous term.

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Pollutant means the contaminated water, wastewater, garbage, sludge, rock, sand, dirt, and industrial, municipal, commercial, institutional, domestic and agricultural waste.

Pollution means an alteration of the quality of the State waters by waste to a degree that unreasonably affects such waters for beneficial uses or facilities that serve such beneficial uses. Pollution is the man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

Premises means any piece of real estate having one or more sewers that may be connected either individually or through a common sewer and directly or indirectly to the sewage disposal system.

Pretreatment means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the Authority's system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Chapter.

Pretreatment requirement means any substantive or procedural requirement related to pretreatment, other than a national categorical standard imposed on an industrial user.

Private sewer lateral means that section of sanitary sewer owned and maintained by a user that conveys wastewater from the building drain to a public sewer or privately owned and maintained sewer extension.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be freely carried under the conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (1/2) inch in any dimension.

Public sewer means a sewer provided by or subject to the jurisdiction of the Authority. This includes sewers within or outside the Authority service area that serve one or more persons and ultimately discharge to the Authority's sanitary sewer system, even though these sewers may not have been constructed with Authority funds.

Pump or lift station means a structure or structures and all mechanical and electrical equipment used to collect sewage at one location for transportation through a force main to another location, usually at a higher elevation.

Receiving stream means the watercourse, stream or body of water receiving the waters finally discharged from a wastewater treatment plant.

Reimbursable expenses means those costs incurred by the Authority which are passed on to the users on whose behalf the expenses were incurred, including, but not limited to, items or sampling costs and laboratory fees.

Replacement and/or equipment placement costs means any expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage disposal system to maintain the capacity and performance for which such system was designed and constructed.

Residential, multi-family means a building designed for and containing two (2) or more residential dwelling units.

Residential, single-family means a building designed for and containing (1) residential dwelling unit, whether attached (i.e., a dwelling unit on an individual lot attached to another dwelling unit by a common party wall) or detached (i.e., a dwelling unit on an individual lot unattached to another dwelling unit).

Residential dwelling unit means one (1) or more rooms, which are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Residential user means any aggregation of space or area occupied as a residence and generating domestic wastewater. In multi-use premises, only those divisions of the building utilized as domiciles are considered residential users.

Sanitary sewer means a sewer that carries wastewater and to which stormwater, surface and groundwater are not intentionally admitted.

Service area means the geographical area in which the sanitary sewers and water systems are owned, operated and maintained by the Authority, including, but not limited to, all property within the City of Douglasville and the unincorporated area of Douglas County.

Sewage means the water-carried human, animal and household wastes from public or private drains and industrial wastes.

Sewage disposal system means all public facilities for collection, pumping, treating and disposing of sewage and industrial waste, as well as the wastewater treatment facilities. It shall not include plumbing inside or in connection with building drains or private sewer laterals from a building to the public sewer.

Sewer means a pipe or conduit for carrying wastewater.

Sewer permit or sanitary sewer connection permit means a written authorization for an excavator to construct a private sewer lateral and to connect the lateral to the Authority's sewer system or a previously constructed, privately owned and maintained sewer extension.

"Shall" means that the regulation or requirement is mandatory.

Sludge means any solid, semisolid or liquid waste generated by a governmental, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facilities or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act (P.L. 94-580).

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the

boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Storm sewer means a sewer that carries stormwater, surface water and groundwater drainage, but excludes sewage and industrial wastes.

Stormwater runoff means that portion of rainfall that is or should be drained into storm sewers, storm drains, surface watercourses or surface water impoundments.

Surcharge means the assessment, in addition to the standard fees and charges, which is levied on those persons whose flows or wastes are greater in flow or strength than the values established as representative of normally generated sewage.

Tap-on fee/connection charge means that portion of the charges assessed against a facility at the time of connection to the Authority-owned infrastructure designed to recover the incremental cost of the Authority's capital facilities needed to serve the connecting property.

Toxic amounts means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations and/or physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act, as well as any other known potential substances capable of producing toxic effects.

Toxic pollutants means those substances referred to in Section 307(a) of the Act, as well as any other known potential substances capable of producing toxic effects.

Treatment plant – See “Wastewater treatment plant.”

Unpolluted water or unpolluted liquid means any water or liquid containing none of the following: Free or emulsified grease or oil; acids or alkalines; substances that may impart taste, odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall not contain more than two thousand five hundred (2,500) parts per million by weight of dissolved solids and no more than ten (10) parts per million each of total suspended solids or biochemical oxygen demand (BOD). Analytical determinations shall be made in accordance with procedures set forth in the CFR, Title 40, Part 136.

Upset or operating upset means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation thereof.

User means a person that discharges, causes or permits the discharge of wastewater into the sewage disposal system.

Volatile organic matter means the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Centigrade for fifteen (15) to twenty (20) minutes.

Waste surcharge means the charge made in excess of the sewer service charge for all wastewater above normal established standards.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the Authority's system.

Wastewater discharge permit means a formal written permit issued by the Authority to deposit or discharge industrial waste into any public sewer.

Wastewater treatment plant means an assemblage of devices, structures and equipment for the treatment of sewage and industrial waste.

Watercourse means a channel in which a flow of water occurs, whether continuously or intermittently.

Water impoundment means any natural or man-made basin which contains water periodically or permanently.

3-3 Uniform application.

All resolutions, rules and regulations dealing with the construction, maintenance and operation of the sewerage system and the protection thereof shall apply throughout the Authority's service area except as may be provided in these Rules and Regulations.

3-4 Standards.

All design, construction, maintenance and, where appropriate, repair of the sewerage system shall be in accordance with the latest revisions of the Authority's Design and Construction Standards.

3-5 Access to premises.

The Authority reserves the right, through its authorized agents, to enter at any reasonable hour the premises to which its service extends for the purpose of

inspection, or for any other purpose which it may deem necessary for the proper operation and maintenance of the sewerage system. For these purposes, any employees that may be designated, upon exhibiting the proper credentials of the Authority, shall have free access to the premises using its sanitary sewer service.

3-6 Operation of or tampering with property.

No person shall open or otherwise tamper with any manhole or other device used to provide utility service, or unlawfully secure service without having first obtained the necessary approval in writing from the Authority.

3-7 Abandoned services.

Buildings being torn down, demolished, or abandoned shall have the sanitary sewer lateral plugged at the edge of the public right-of-way or easement line. Failure of the property owner to properly terminate service may subject the owner to the applicable charges outlined in Chapter 4 of these Rules and Regulations.

3-8 Property ownership.

All paraphernalia, equipment, and property of any kind derived or received from the Authority is and shall remain at all times the property of the Authority and shall not be damaged or destroyed and shall be surrendered on demand.

3-9 Sewer service.

A separate service shall be installed for each building occupied as a dwelling, apartment house or facility, except that two (2) or more buildings occupied as dwellings, apartment houses or stores on a single lot or parcel of land owned by the applicant may be serviced by a single lateral. The applicant specifically agrees that when the land and/or building so supplied in common with other buildings is sold; the Authority may discontinue supplying water to the property so sold, and the new owner, as a condition precedent to being supplied water after making application for water service, shall pay for an individual lateral to service such building(s). In case it is necessary to cross property other than that owned by the applicant, the applicant shall secure and record an easement permitting construction and maintenance of the sewer lateral from the owner of the land so crossed. Should any aforesaid new owner fail or refuse to pay for aforesaid service and/or metering facilities within sixty (60) days of transfer of ownership, the Authority may charge, as an additional charge, a surcharge of fifty (50) percent of the water bill until such failure or refusal is corrected. Water and wastewater lines and appurtenances installed prior to April 1, 1986 that provide service to separate properties owned by different property owners that are not located in a publicly owned right-of-way or easement area may be considered privately owned, operated and maintained.

3-10 Lateral installation.

All publicly owned and operated services must be installed by the Authority or approved agent at the expense of the property owner or person making application for the connection. Initial installations will include all pipe and fixtures from the sanitary sewer main to the edge of the property line.

The developers of new subdivisions shall be required to install sewer laterals to all lots in the subdivision.

3-11 Damaged laterals.

The owner shall be responsible for the protection from damage of the private sewer lateral.

3-12 Repairs.

Repairs to all sewer mains located within public streets, dedicated rights-of-way, and easements granted to the Authority will be made by and at the expense of the Authority. The Authority, however, reserves the right to charge for the repair, if the repair was necessitated by the negligent acts of others. Repairs of all private service laterals (regardless of location) and repairs to all service structures on private property will be made by and at the expense of the owner. Costs incurred by the Authority due to an improperly maintained system or repair that is not promptly made to a system will be borne by the owner/tenant of the property.

3-13 Use of old sewers.

Old building sewers and/or sewer laterals may not be used in connection with new buildings except when they are found, upon examination and testing, to meet all established requirements.

3-14 Private sewer materials to comply with building and plumbing codes.

The size, slope, alignment and materials of construction of a private sewer lateral as well as the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to all local and State requirements of the building and plumbing codes or other applicable rules, regulations, requirements, ordinances, and laws, whichever are applicable.

3-15 Elevation of sewer connection.

The Authority shall not be responsible for private property damage when a blockage in the main line sanitary sewer causes sewage to enter a private structure via the sewer lateral serving the property in instances where the elevation difference between the main line sewer and the finished floor elevation of the structure is less than the minimum standards specified by the Authority. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain shall be lifted by an Authority approved means and discharged to the public sewer.

3-16 Private sewage disposal.

Where a public sewer is not available, the private sewer lateral shall be connected to a private single user sewage disposal system complying with the provisions of the health code and rules and regulations of all applicable authorities.

To help maintain the quality of water in the Dog River Drainage Basin, each Authority customer is required to maintain their septic tank in proper working order. The Authority has the right to conduct periodic inspections of septic tanks or other on-site sewage management systems located on private property within the Dog River Drainage Basin for properties utilizing water supplied by the Authority to insure the proper operation of such systems.

In the event it is determined by the Authority that repairs and maintenance should be made to any septic tank or other on-site sewage management system located on either residential or commercial property, then notice thereof shall be given to the property owner who shall on a timely basis make all required repairs. In the event such repairs are not made within sixty (60) days from the date of notice, then the Authority may:

- (a) Initiate the repairs and bill all costs thereof to the property owner. The amount will be added to the customer's bill for water services; and/or
- (b) Discontinue water service.

In the event a property owner in the Dog River Drainage Basin has an existing septic tank and petitions the Authority for water service, the Authority has the right to inspect the septic tank and if the Authority determines repairs are needed, notice thereof shall be given to the property owner. The Authority may withhold issuance of a water meter until such time as the septic tank is repaired.

3-17 Sewer connections.

No person shall connect any building or other structure either directly or indirectly to a public sewer for the purpose of discharging wastewater or other substance or material without first obtaining a sewer permit and paying the applicable fees and other charges determined in accordance with Chapter 4 (Fees and Charges).

To obtain a sewer permit, each person shall complete and file with the Authority a prescribed permit application. Upon approval of the application and payment of all applicable fees and any monies owed to the Authority, the Authority shall issue a sewer permit.

In the event that the Authority ascertains that any property has been connected directly or indirectly to a public sewer or any other part of the sewage disposal system in violation of this Chapter, or that any person is utilizing the sewage disposal system in violation of this Chapter, the Authority is authorized to disconnect such property, or have the same disconnected, and/or discontinue water service to the illegally connected property or facility and/or bring such action in a court of competent jurisdiction to abate the violation. The Authority shall be reimbursed by the violator for expenses or costs caused directly or indirectly by the unauthorized connection to or use of the Authority's system.

3-18 Limiting sewer connections.

The Executive Director may limit connections to the public sewers if sufficient capacity to handle and treat additional wastewater is unavailable in the system. Any person applying for a permit to connect to a public sewer shall provide sufficient data, as required by the Executive Director, regarding the location, characteristics and amount of flow to be conveyed to the public sewer, as specified in the Authority's Design and Construction Standards.

3-19 Use of the public sewer.

No person shall discharge or cause to be discharged to any public sewer unpolluted waters which will increase the hydraulic loading on a wastewater treatment plant, including but not limited to, stormwater, surface water, groundwater, roof runoff water, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process waters. Existing discharges of unpolluted waters may be conditionally permitted by the Executive Director for good cause, but, where permitted, the discharger shall be subject to payment of the applicable clean water charge.

Discharging trucked or hauled pollutants into the sewerage system owned by the Authority without the express written consent of the Authority is prohibited.

Any home, building, facility, or property used for human occupancy, employment, recreation or other purpose situated within the Authority's service area, shall be required to connect to the public sewer at the owner's expense provided said building, facility or property is (a) located within five hundred (500) feet of a sanitary sewer located in the public right-of-way or easement area located on or adjacent to the property on which the structure is located; and (b) constructed after October 1, 1988.

3-20 Illegal discharges.

For a complete list of illegal discharges into the Authority's sewer system, refer to Chapter 5/Pretreatment Requirements of these Rules and Regulations.

3-21 Flow equalization.

If the Executive Director permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to the review and approval of the Executive Director and subject to the requirements of all applicable codes, ordinances and laws.

3-22 Grease and sand interceptors.

All food establishments which maintain a kitchen or other facilities for the preparation of food shall be required to have a grease trap (grease interceptor) meeting the design, installation and maintenance requirements of the Douglas County Health Department, the Authority, and City and County Building and Plumbing standards, or other applicable rules, regulations, requirements, ordinances, and laws, whichever are applicable. All garages, car washes, and auto repair facilities shall install oil and sand interceptors. The size and location must be acceptable to the Authority. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Emulsifying agents, degreasers, liquid live bacteria, bacterial enzymes, or other chemical treatment methods shall not be considered acceptable methods for maintenance of grease traps without the Executive Director's approval.

Grease traps shall be cleaned and maintained in accordance with the Georgia Environmental Protection Division's Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors and Disposal Facilities (391-3-6-.24) as follows:

- (a) Transporters. A transporter must remove the entire contents of any tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, only at a facility authorized to receive and process such waste.

- (b) Originators. An originator of commercial waste shall have such waste removed from their facility only by a transporter who holds a valid commercial waste transporter permit. An originator of commercial wastes shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

Evidence of such cleaning shall be exhibited to a representative of the Authority upon request. Additional grease, oil and sand interceptors shall be provided when, in the opinion of the Authority, they and other requirements are necessary for the proper handling of amounts of any flammable wastes, sand and other harmful ingredients except that such interceptor shall not be required for private single-family residential living quarters or dwelling units.

Failure to properly maintain grease and/or sand interceptors may result in a penalty as provided in Chapter 4 of these Rules and Regulations and/or service termination.

3-23 Testing procedures.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined in accordance with CFR, Title 40, Part 136, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream and upstream manholes in the public sewer to the point at which the sewer lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage disposal system and to determine the existence of hazards to life, limb and/or property. The particular analysis involved will determine whether a composite from each or all outfalls of a building is appropriate or whether a grab sample or samples should be taken.

A record of the dates, means of disposal and the person, firm, or corporation collecting the waste for disposal should be kept for review by Authority personnel.

3-24 Special agreements.

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Executive Director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment of relevant surcharges therefore by the industrial concern provided that such agreement shall not be in violation of State or federal pretreatment standards.

3-25 Pretreatment of wastes for public sewers.

Where required, in the opinion of the Executive Director, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewage disposal system, the discharger shall provide at its expense such pretreatment or processing facilities as may be determined necessary to render its wastes acceptable for admission to the public sewers. For details regarding these requirements, refer to Chapter 5/Pretreatment Requirements of these Rules and Regulations.

3-26 Injury to Authority property.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage collection, transportation and treatment system.

3-27 Powers and authority of inspectors.

The Executive Director or his duly authorized representative shall present proper credentials and identification to the owner, agent, or present occupant of properties before entering for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter.

3-28 Sludge and septage disposal in Douglas County.

The disposal of sludge and septage in Douglas County must be done in accordance with all federal, State and local rules, regulations and requirements. In addition, haulers discharging into the Authority's designated sludge and septage receiving facility must be properly permitted by the Authority to do so. The permitted waste hauler shall at all times comply with the conditions specified in the waste hauler's permit, supplemental conditions, if any, and the Authority's current Rules and Regulations.

Waste hauler permits shall define acceptable waste, specify a discharge location, outline manifest requirements, provide for monitoring and sampling of the waste, specify location of waste generation and include other items deemed appropriate by the Executive Director.

The Authority reserves the right, for any reason it deems appropriate, to refuse to accept sludge and/or septage for disposal.

3-29 Grievances and appeals.

Any person aggrieved or adversely affected by any order issued under this Chapter may request a hearing before the Executive Director. The request shall be in writing

and shall set forth the order appealed and the grounds upon which the appeal is based. The request shall be filed with the Executive Director within thirty (30) days after receipt of the complaining order.

Upon filing a request for a hearing, the Executive Director shall promptly establish the time and place at which the hearing will be held and shall give the appealing party at least five days written notice. The Executive Director may postpone or continue any hearing upon his own motion or upon application of the appealing party.

The filing of a request for a hearing does not automatically suspend or stay execution of the order appealed from, but upon application by the appealing party, the Executive Director may suspend or stay execution of the order upon such terms as deemed appropriate, pending determination of the appeal.

The appealing party, Authority employees and any other interested person who have been granted permission to appear may present such evidence as the Executive Director deems admissible. The Executive Director may require the attendance of witnesses and the production of books, records and papers that are relevant to the matter being decided.

Upon completion of the hearing, the Executive Director shall issue a written decision containing the facts and conclusions upon which the decision is based. If the Executive Director finds that the order appealed was lawful and reasonable, the order shall be affirmed. If the Executive Director finds that the order appealed was unreasonable or unlawful, the order shall be vacated and a new order issued in compliance with the decision. A copy of the decision shall be mailed to each party participating in the appeal.

Any person adversely affected by the decision of the Executive Director may appeal to the appropriate court of law.

3-30 Prohibitions.

No person shall violate or fail to perform any duty imposed by this Chapter or violate any order, rule, or condition issued by the Executive Director. Each day of violation is a separate offense.

No person shall knowingly damage or improperly tamper with any monitoring device or method required or authorized under this Chapter.

3-31 Penalty.

Any person who discharges or causes a discharge which damages or impairs the Authority's sewage disposal system shall be liable to the Authority for any expense, loss or damage caused by such discharge.

Any person who violates this Chapter may be charged all applicable fees, charges and amounts levied against similar authorized users at 150% of the specified rate.

In addition to the charges aforementioned in this Paragraph, the Authority reserves the right to charge a civil penalty of not more than one hundred thousand dollars (\$100,000.00) per day per violation until the violation is corrected to the Authority's satisfaction. The levying of such fees, charges, amounts and penalties does not preclude the Authority from taking other legal recourses provided by law.

CHAPTER FOUR FEES AND CHARGES

4-1 Purpose and policy.

To establish a uniform schedule of fees, rates and charges for services provided by the Authority and its authorized agents.

4-2 Monthly water and sewer rates.

- A. The following monthly water and sewer base charges are established for the water meter sizes indicated, which shall be charged as minimum monthly water and sewer charges:

Meter Size	Water	Sanitary Sewer
Low Income Senior and Disabled 5/8"	\$ 2.50	\$ 2.50
Low Income Senior and Disabled 3/4"	\$ 2.50	\$ 2.50
5/8"	\$ 13.43	\$ 7.64
3/4"	\$ 13.43	\$ 7.64
1"	\$ 25.95	\$ 10.85
1½"	\$ 46.50	\$ 21.70
2"	\$ 69.65	\$ 43.39
3"	\$ 319.36	\$ 65.14
4"	\$ 377.14	\$ 86.90
6"	\$ 618.22	\$ 130.29
8"	\$ 946.52	\$ 173.74
10"	\$ 946.52	\$ 173.74

In addition to the base water charge, a monthly water use rate per 1,000 gallons shall be charged based on the water meter size and water usage as follows:

Rate per 1,000 gallons	WATER USE RATES BY METER SIZE									
	5/8"	3/4"	1"	1½"	2"	3"	4"	6"	8"	10"
TIER I \$5.78	0 to 5,000	0 to 7,500	0 to 12,500	0 to 25,000	0 to 40,000	0 to 75,000	0 to 125,000	0 to 250,000	0 to 400,000	0 to 575,000
Tier II \$7.21	5,001 to 8,000	7,501 to 12,000	12,501 to 20,000	25,001 to 40,000	40,001 to 64,000	75,001 to 120,000	125,001 to 200,000	250,001 to 400,000	400,001 to 640,000	575,001 to 920,000
Tier III \$11.56	Over 8,000	Over 12,000	Over 20,000	Over 40,000	Over 64,000	Over 120,000	Over 200,000	Over 400,000	Over 640,000	Over 920,000

In addition to the appropriate base sanitary sewer charge listed above, sanitary sewer use rates per 1,000 gallons shall be charged as follows:

<u>Water Consumption</u>	<u>Charge</u>
Tier I	\$10.38 based on 80% of the water use in Tier I
Tier II	\$12.13 based on 80% of the water use in Tier II
Tier III	\$12.13 based on 80% of the water use in Tier III

- B. The rates specified in Paragraph A. may be adjusted no more than semi-annually by the Executive Director. The adjustments in the aggregate for any twelve-month period shall not exceed the percentage change in the consumer price index for the previous calendar year or any prior twelve-month period plus five percent (5%).
- C. A reduced water and sewer base charge of \$2.50 for each service will be charged to those senior citizens or disabled citizens meeting all of the following requirements:
1. The utility billing must be for a residential dwelling using a 5/8" or 3/4" water meter;
 2. At least one of the individuals responsible for paying the bill must be 65 years of age or older or handicapped as defined by Chapter 3 of Title 30 of the Official Code of Georgia Annotated;
 3. The applicant agrees to sign an affidavit prepared by the Authority that the gross family income is less than the currently published U.S. Department of Housing and Urban Development Adjusted Home Income Limits (very low income) for the Atlanta Metro Area, based on the number of persons in the family at the given service location;
 4. The individual responsible for paying the bill must use the facility as his/her permanent residence; and
 5. A signed, notarized statement shall be required certifying that the individual meets all of the above requirements. If it is discovered that the notarized statement has been falsified, the Authority will retroactively bill for the underpaid months and assess a fine of up to \$1,000.00 for the fraudulent activity.
- D. Each water meter shall be considered a separate billing unit.

- E. A fifteen percent (15%) penalty shall be assessed for charges not paid by the bill due date.
- F. The rate per 1,000 gallons of water sold to wholesale water customers shall be established as part of the negotiated agreement with the political subdivision purchasing the water. In the event that an agreement does not exist, the charge shall be the established retail rate per 1,000 gallons.
- G. All premises connected to any utility service of the Authority shall be assumed to be using such utility service and the owner or occupant shall be charged so long as such premises remain connected with the utility service.
- H. No free water service shall be provided.
- I. Water usage on irrigation only meters for both residential and commercial customers will be billed at the established third-tier retail rate.
- J. If problems are detected in private property sanitary sewer installations, the customer will be notified by mail. Failure to make a repair in the indicated time frame may result in the Authority correcting the problem. The customer will be responsible for all charges associated with such work, as follows, and such charges may be added to the customer's sewer bill:
 - 1. Private property sanitary sewer repairs, including, but not limited to, sewer laterals, manholes, and private sewer mains, shall be charged a rate of \$225.00 per hour per crew, plus materials. These charges may be placed on the customer's sewer bill.
 - 2. A \$50.00 fee will be assessed to repair/replace a customer's sanitary sewer clean-out cap. This charge may be placed on the customer's sewer bill.
- K. An additional charge may be levied for sewage discharged directly or indirectly into an Authority-owned and/or operated system, based on 80% of the customer's water consumption, for concentrations of sewage in excess of 250 mg/l BOD, 250 mg/l total suspended solids, 20 mg/l NH₃-N, 10 mg/l total Phosphorus as "P" and 100 mg/l grease and oil. The additional charges shall be as follows:

Biochemical Oxygen Demand (BOD)	\$ 0.347 per pound
Total Suspended Solids (TSS)	\$ 0.135 per pound
Ammonia Nitrogen (NH ₃ -N)	\$ 2.794 per pound
Phosphorus	\$ 2.572 per pound
Grease and oil	\$500 per month plus \$ 0.347 per pound

All analyses associated with excessive pollutant surcharges shall be conducted by the Authority's laboratory or by an Authority-approved laboratory. The decision to select the pollutants to be analyzed and the surcharge to be levied shall be made as the Authority deems appropriate. One sample period sets the rate for the next six-month period unless monthly sampling data is provided.

- L. The rates established for sewer service assumes the only water source used to supply a property or facility is provided by the Authority through metered service (except fire services). Customers using an alternate or additional water supply source must notify the Authority of such source in writing and shall be charged for sanitary sewer service based on the estimated wastewater flow. The estimated quantity shall be a minimum of 10,000 gallons per month of water for a single-family residential dwelling in the event the Authority cannot determine the wastewater flow contributed to the sanitary sewer system.

In the instance of a mobile home community that uses an alternate or additional water supply source, sewer consumption shall be estimated at 3,841 gallons per pad per month. The total sewer consumption for the community shall be determined by multiplying the consumption figure of 3,841 gallons times the total number of permitted mobile home pads in the particular mobile home community. In the event the Authority utilizes or requires a meter device to record the actual sanitary sewage flow generated by the community, the actual flow shall be used to determine the consumption for computing the billing.

- M. Individual service connections are limited to 50,000 gallons per day; however, the Authority may establish a different daily limit by written agreement or waive this limitation by written notice based on Authority system capacity, available resources, or other operational considerations necessary to protect public health and safety. The applicable water and sewer rates set forth in this Chapter, including the Capital Recovery Fee under Section 4-7, remain in effect.

4-3 Adjustments and disputed charges.

Customers who believe a bill is in error should bring the matter to the attention of the Authority billing office for resolution before the due date of the bill. Customers who fail to timely present their objection waive their right to protest such charges.

- A. Water meter reading and testing.
 - 1. In the event a water meter is not readily accessible to the appropriate Authority official, water consumption shall be estimated or service

discontinued or appropriate fines may be assessed, not to exceed \$1,000.00 per occurrence per day.

2. A \$25.00 fee may be charged for a meter reread requested by a customer if the meter reading was accurate and more than one reread was requested for the property served within the previous twenty-four (24) month period.
 3. A \$50.00 fee may be charged for a meter test requested by a customer who is served by a meter smaller than two inches (2") if the meter is registering consumption accurately and/or more than one meter test was requested for the property served within the previous twenty-four (24) month period. The fee charged the customer/property owner for testing meters two inches (2") and greater shall be at Authority cost whenever requested by the customer or agent of the property owner.
 4. When meters fail to register or the accuracy does not meet the requirements of the Authority, the account will be examined for a period of one year preceding the removal. Should there be a marked difference in consumption as shown by a defective meter and one in good repair, an additional charge or credit for under or over registration of the meter for one year shall be made.
 5. A trip fee of \$100.00 may be assessed on a customer's bill if the customer has requested a trip to the site to perform a service that the Authority has previously deemed unnecessary. This fee will also be applicable when a maintenance crew makes a trip to a site for a meter install and finds the stub out area is not uncovered and ready, as required.
 6. A trip fee of \$25.00 will be assessed each month to those customers who have elected not to have an AMR/"smart meter" installed to serve their property, thereby requiring the Authority to dispatch a meter reader to the property each month to obtain a meter reading for billing purposes. This fee may be added to the customer's bill each month.
- B. A refund or abatement on a bill for metered water can be made only for one of the following reasons:
1. Where an error has been made in the reading of the meter or the preparation of the bill;
 2. When the meter, upon test, shows an average over-registration greater than two percent (2%); or

3. When any charge of the Authority has been paid twice or incorrectly.

In general, all overpayments will be credited to the account and shown as a credit against the account on the next bill.

- C. Water and sewer service adjustments will be made only in unusual circumstances. Broken service lines or internal plumbing problems do not, in and of themselves, constitute an unusual circumstance. The Executive Director or designated agent(s) may make the appropriate adjustments to customer accounts when unusual circumstances and situations warrant such adjustments.
 1. All leak rate adjustment requests must be filed on the appropriate form, following the designated procedures. The form, procedures, and requirements for a leak rate adjustment are available from the Authority's Customer Service Department or on the Authority's Website. Leak rate adjustments for sanitary sewer will only be considered when it is proven, to the satisfaction of the Authority, that the water did not enter the sanitary sewer system.
 2. A once per year sewer credit may be given for filling a swimming pool provided information requested by the Authority is provided, and the pool does not drain to the sanitary sewer system.

4-4 Payment arrangements.

- A. All payments are required to be made by the due date on the bill.
- B. Extended payment arrangements for past due amounts owed for water and/or sewer service may be made under the following guidelines:
 1. Regardless of occupancy, all payment arrangements must be in writing, with written approval of the Executive Director or authorized designee.
 2. The payment arrangement shall contain a notice that failure to comply with the payment arrangement may subject the account to discontinuation of water service at the premises.
 3. Only one request for extended payment arrangements may be made in a twelve-month calendar period by the same customer and/or the same location. No more than two short-term (less than 30 days) payment arrangements may be made in a twelve-month calendar period by the same customer and/or the same location. This short-term arrangement

will be so noted on the customer's account and will only be granted if the customer has honored the previous payment arrangements that have been made.

- C. Water service may be discontinued without notice if payment has not been received by the due date or the agreed to payment extension date.
- D. Customers may elect to be placed on the Authority's bank draft program and have their payments debited directly from their checking account.
- E. Customers may elect to make a payment (using a major credit card or electronic check) in one of five ways: (i) by presenting the card in person at the Authority's offices, (ii) by telephone through a customer service representative, (iii) by telephone using the Authority's automated access system, (iv) by accessing the Authority's Web site online, or (v) by Pay by Text. Cash payments are subject to the adjustment procedures outlined in Section 1-27 of these Rules and Regulations, which the Authority may implement in response to changes in available coin denominations.
- F. Customers having a history of checks or automatic drafts returned to the Authority due to insufficient funds (NSF) or credit/debit card fraud may be required to pay in cash for up to a twelve-month period of time following the incident.
- G. Repealed effective January 1, 2007. For those customers who qualified for and received a credit pursuant to this Paragraph prior to January 1, 2007 only, the following provisions shall apply as a grandfather clause:

Customers having registered water consumption in excess of 100,000 gallons per month may not be required to pay wastewater service charges or surcharges for metered water which does not enter the Authority's sanitary sewer system, provided:

- 1. The customer, at its expense, provides the Authority with a water and wastewater audit conducted by an independent engineering firm that details the sources and uses of water at the facility and the amount of wastewater discharged to the Authority's utility system from all sources.
- 2. The audit must be conducted once every six months by a registered professional engineer licensed in the State of Georgia and must bear the seal and certification of the professional engineer who performed the analysis. The registered professional engineer selected by the customer must be acceptable to the Authority prior to the audit being conducted, and such acceptance by the Authority shall not be unreasonably

withheld. The Authority reserves the right to specify the months in which the audit must be conducted. The certification to be provided by the professional engineer shall state the following:

I, (Name of registered professional engineer), a registered professional engineer in the State of Georgia, hereby certify that the information contained in this report has been personally reviewed and verified by me and to the best of my knowledge is a true and accurate representation of the wastewater flows generated by (Name of the customer) into the Authority-owned sanitary sewer system.

Signed: _____
License Number: _____

3. The audit shall evaluate all sources and uses of water and wastewater discharge into the sanitary sewer system, including, but not limited to, supplemental water sources, water discharged to storm drains, water lost to evaporation, water lost through the production process, water contained in the finished good, and unmetered and metered flows discharged to the sanitary sewer system. The Authority may require a wastewater flow study to be conducted, at the customer's expense, which involves, at a minimum, monitoring flows seven consecutive days, including five consecutive work days, to support and verify the audit calculations.
4. A review fee of \$500.00 shall be charged for each audit submitted.

4-5 Application fees and deposits.

- A. All new accounts are charged an application fee of \$25.00 at the time the account is opened. The application fee recovers administrative costs associated with establishing a new account.
- B. Deposits shall be collected from customers based on meter size as shown below.

D E P O S I T			
<u>Meter Size</u>	<u>Water</u>	<u>Sanitary Sewer</u>	
5/8"	\$ 50.00	\$	75.00
3/4"	\$ 87.50	\$	112.50
1"	\$ 125.00	\$	150.00
1½"	\$ 200.00	\$	225.00
2"	\$ 275.00	\$	300.00
3"	\$ 425.00	\$	450.00
4"	\$ 575.00	\$	600.00

6"	\$ 900.00	\$ 900.00
8"	\$ 1,200.00	\$ 1,200.00
10"	\$ 1,500.00	\$ 1,500.00

- C. Deposits may be waived for federal, State or local governmental units and for previous customers who have paid all bills due the Authority in a timely manner over a twenty-four (24) month period.
- D. Customers who have their service disconnected for nonpayment may be required to post a deposit in the minimum amount specified in Paragraph B. above prior to the restoration of service. The Authority reserves the right, however, to require a deposit in an amount sufficient to cover the customer's average utility charges for a two-month peak period of time, if greater than the amount specified in Paragraph B. above. Customers who receive more than two delinquency notices in a six-month period may also be required to post a deposit in the amount specified in Paragraph B.
- E. Customers applying for new service at a location where prior illegal activity is suspected or consumption on an inactive account has been identified may be required to produce a lease or other documentation as proof of move in date. The deposit requirement in this instance may be raised in an amount to cover average utility charges for a two-month peak period of time or more.
- F. Waiver of interest on deposits. No interest shall be earned on deposits. The customer shall not be entitled to any interest on any funds held by the Authority for any purpose whatsoever, including overcharges.
- G. Refunds of deposits made for utility service shall be made upon the termination of such utility service and the payment of all outstanding balances. The deposit may be applied as partial or total settlement of account balances when supply is cut off for nonpayment of a bill or for any infraction or violation of any resolution, rule or regulation of the Authority. At the customer's request, and if acceptable to the Authority, deposits may be transferred from one customer service location to another service location used by the same customer. Refunds of deposits of \$5.00 or less will not be issued.
- H. Water for temporary user will be supplied through standard services, where possible, and charged at the established metered rate.

Property owners or their authorized agents may request temporary service for a period not to exceed forty-eight hours without paying a service deposit but will be responsible for payment of the consumption charges at the established metered rate.

4-6 Rates for fire line services.

- A. Monthly base rates for fire line service will be charged according to the size of service as follows:

<u>Size of Line or Meter</u>	<u>Metered Minimum Monthly Charge</u>	<u>Unmetered (with DDC) Minimum Monthly Charge</u>
2" or less	\$ 5.00	\$ 20.00
3"	\$ 5.00	\$ 30.00
4"	\$ 5.00	\$ 40.00
6"	\$ 5.00	\$ 60.00
8"	\$ 5.00	\$ 80.00
10"	\$ 5.00	\$ 100.00

Continuous uninterrupted service is not guaranteed.

Existing customers with unmetered fire lines without a DDC will be charged a monthly base rate no less than the unmetered/DDC monthly base rate established above. The Authority reserves the right to impose an increased monthly base rate, up to 2.5 times the unmetered/DDC rate established above, for usage on an unmetered fire line without a DDC.

- B. In addition to the monthly base charges, water consumed on a fire line shall be billed as follows:
1. Water consumed on a metered fire line shall be charged the established third-tier retail water rate, plus ten percent, for the amount of water used. If the user is also connected to the Authority's sanitary sewer system, then sewer charges shall be imposed at the established retail sewer rate, plus ten percent, based upon 80% of the amount of water consumed on the fire line.
 2. Water consumed on an unmetered fire line with a DDC shall be charged the established third-tier retail water rate, plus 100 percent, for the amount of water estimated to have been used. If the user is also connected to the Authority's sanitary sewer system, then sewer charges shall be imposed at the established retail sewer rate, plus 100 percent, based upon 80% of the estimated amount of water consumed on the fire line.
 3. Water consumed on an unmetered fire line without a DDC shall be charged the established third-tier retail rate, plus 150 percent, for the amount of water estimated to have been used. If the user is also

connected to the Authority's sanitary sewer system, then sewer charges shall be imposed at the established retail sewer rate, plus 150 percent, based upon 80% of the estimated amount of water consumed on the fire line.

- C. A penalty of up to \$1,000.00 per occurrence per day may be charged for usage on a fire line if a fire or fire line testing has not occurred. Said penalty may be charged in addition to the monthly base charge and usage charges established in Paragraphs A. and B. above.
- D. Penalties, plus associated costs for damages, may be assessed, when customer actions or faulty equipment at the customer site negatively impact the Authority's ability to supply water service to portions of the County or any of its other customers.
- E. The Authority may require proof of fire line testing frequency and procedures for those customers who have periodic usage on a fire line that is reported as being for testing purposes. The Authority reserves the right to observe fire line testing when conducted by the customer.
- F. The Authority reserves the right to attach a flow monitoring device to the fire line to determine flow through the line if it is not metered by a full flow fire line meter. Any flow monitoring data obtained by the Authority may be used for billing purposes until a subsequent monitoring is conducted by the Authority.

4-7 Water and sewer system tap-on and connection charges.

- A. The tap-on charge for water and/or wastewater service shall be based on water meter size as follows:

<u>Meter Size</u>	TAP-ON CHARGES		
	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Fire Line</u>
5/8"	\$ 1,250.00	\$ 4,500.00	-----
3/4"	\$ 1,875.00	\$ 6,750.00	-----
1"	\$ 3,125.00	\$ 11,250.00	-----
2"	\$ 10,000.00	\$ 36,000.00	-----
3"	\$ 18,750.00	\$ 67,500.00	-----
4"	\$ 31,250.00	\$ 112,500.00	N/A
6"	\$ 62,500.00	\$ 225,000.00	N/A
8"	\$ 100,000.00	\$ 360,000.00	N/A
10"	\$ 143,750.00	\$ 517,500.00	N/A

All taps purchased on or after January 1, 2014 must be installed and service connected within twelve (12) months or the sale will be cancelled and the tap-on charges refunded, less a \$100.00 administrative charge.

B. In addition to the tap-on charges shown in Paragraph A. above the following shall also be charged:

1. A lump sum fee shall be charged to all customers for the installation of a water meter by the Authority (for meter sizes 5/8" through 1"), as follows:

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 650.00
3/4"	\$ 700.00
1"	\$ 750.00

When a service line needs to be installed by the Authority, the customer shall be charged the additional actual costs for the service line installation (including but not limited to labor, materials, meters, permits, and road bore, road cut, restoration, and/or paving costs).

2. The fees set forth above, less the tap-on charge, shall be applicable to relocated meters or service lines either requested by the customer or moved by the Authority due to a lack of access caused by the customer.
3. An additional fee of \$190.00 will be added to the above charges for combined domestic and fire sprinkler system meters for residential installations to cover the increased cost of these meters.
4. Meters 2" and larger and/or fire line meters and their associated service lines shall be installed by the developer/builder at the developer/builder's expense. All meters being installed concurrently with a fire line meter, including domestic and irrigation meters, shall be installed by the developer/builder at the developer/builder's expense, regardless of meter size. Meters installed by the developer/builder will not be charged the meter installation fees in Section 4-7.B.1. Meters shall be provided by the Authority at the Authority's current purchase price plus a 10% handling fee.
5. Any users, regardless of meter size or number of meters, that consume more than 4,830,000 gallons of potable water per month per location or that contribute more than 3,864,000 gallons of wastewater per month to the sanitary sewer system per location based upon 80% of the water consumption (the "Base Amount") shall pay a per gallon Capital Recovery Fee to be computed as follows:

Beginning with the first month after connection, the customer shall pay to the Authority a Capital Recovery Fee in the amount of the existing 5/8" water and wastewater tap fee for every 6,000 gallons of water purchased or wastewater discharged by the customer in excess of the Base Amount established by the preceding paragraph.

Upon the payment of a Capital Recovery Fee by the customer, the Base Amount would be raised to reflect said payment. The new Base Amount would be equal to the initial Base Amount plus all 6,000-gallon increments for which a Capital Recovery Fee has been paid for water and/or sewer. Every month thereafter, the Capital Recovery Fee would be calculated contemporaneously with the monthly user fee and billed at that time, if applicable.

Water Example:

Base Amount	4,830,000 gallons (water consumption)
1 st Month Purchase Monthly purchase exceeds Base Amount by 170,000 gallons of water consumption, so twenty-eight (28) Capital Recovery Fees (equal to 28 tap fees) are paid, and 5,000,000 becomes the new Base Amount. (170,000÷6,000=28)	5,000,000 gallons is the amount purchased during the month.
2 nd Month Purchase Monthly purchase exceeds the revised Base Amount by 60,000 gallons, so ten (10) Capital Recovery Fees (equal to 10 tap fees) are paid, and 5,060,000 becomes the new Base Amount.	5,060,000 gallons is the amount purchased during the month.
3 rd Month Purchase No Capital Recovery Fee is due because the monthly purchase does not exceed the revised Base Amount from the previous month, and 5,060,000 gallons remains the Base Amount.	4,500,000 gallons is the amount purchased during the month.

The establishment of any daily water use restriction under Paragraph M of Section 4-2 of this Chapter shall not alter or affect the calculation or applicability of the Capital Recovery Fee provided herein.

C. In all instances, the direct labor cost plus 100% and the direct material cost plus 20% shall be added to the sewer connection charge listed in Paragraph A. of this Section, if the private service lateral is constructed and/or installed by the Authority. Other sewer tap-on and connection fees include the following:

1. Sewer connection charges for unmetered water service or supplemented water service shall be based on the water meter sizes used by similar dwellings and/or businesses. If no such facility exists in the Authority service area, the connection charge shall be established by the Authority using its best judgment.
2. Any facility, subdivision, property, complex or user connecting directly or indirectly to a sanitary sewer system owned by Cobb County shall be required to pay the fees specified in this Chapter or the fees charged by Cobb County, whichever is greater.
3. Individuals who prepaid sewer tap-on fees in order to reserve plant capacity and who now desire a refund must request such a refund in writing. In such instances, only 75% of the funds initially received for the reservation of capacity shall be refunded.
4. Notwithstanding any other provision of these Rules and Regulations, calculation of tap-on charges for multi-family residential with more than five units shall be computed based on the following formula for determining equivalent residential units (ERUs):

$$(\text{Number of Units}) \times (250/400 \text{ gallons per unit}) = \# \text{ of ERUs}$$

The tap-on charge shall be the product of the number of ERUs derived from the above formula times the standard residential charge set forth in Paragraph A. above or the tap-on charge for the actual water meter size set forth in Paragraph A. above, whichever is higher. When it is necessary for the Authority to install one or more service laterals for a multi-family residential development, the service installation charge shall be calculated as provided in Paragraph C. above.

5. Notwithstanding any other provision of these Rules and Regulations, calculation of tap-on charges for out-of-county connections, for all connections to the Authority's sanitary sewer system, including connection to any line contributing flow to the Authority's sanitary sewer system, from outside of the jurisdictional limits of Douglas County, the sewer tap-on charge shall be the sum of the appropriate charge set forth in Paragraph A., plus a 25% surcharge.

- D. A water inspection charge of \$50.00 shall be charged for meters 3" and larger if the labor and materials are not provided by the Authority. A sewer inspection charge of \$100.00 shall be charged in addition to fees in Paragraphs A. and C. of this Section for each connection made to the sanitary sewer system.
- E. Water meter standpipes may be purchased for residential meters at a cost of \$25.00 per standpipe. The Authority reserves the right to restrict the use or limit the number of standpipes to be issued.
- F. The Authority reserves the right to increase or decrease a meter size when the apparent consumption or rate of flow is not within the accurate recording and use range of the meter being used as specified by the meter manufacturer. Any required increase in water meter size will result in an additional charge being placed on the water bill. Said additional charge will be the difference between the tap-on charge of the new meter to be installed and the existing meter cost at current prices. The cost of labor and material shall be as specified in Paragraph B. of this Section. Refunds will not be given when a meter size is reduced to more accurately record consumption.
- G. The Authority may grant a deferred connection/tap-on fee payment plan for qualifying property owners provided that the deferred connection/tap-on fee payment plan must meet all of the following requirements:
 - 1. The facility being served must be a single-family residential unit requiring a 5/8" water meter.
 - 2. The applicant must own the property where water service is to be provided.
 - 3. The applicant must use the property as his or her permanent place of residence.
 - 4. The property cannot be used for any commercial purpose. The property and no portion thereof may be used for rental purposes.
 - 5. The applicant must demonstrate to the satisfaction of the Authority that they have made a valid and good faith attempt to secure a loan for the water service from a local financial lending institution.
 - 6. The applicant must have contacted the appropriate social service agency for assistance, if any.
 - 7. The applicant agrees to sign, on an annual basis, an affidavit prepared by the Authority stating that the gross family income is less than the

currently published U.S. Department of Housing and Urban Development Adjusted Home Income Limits (very low income) for the Atlanta Metro Area, based on the number of persons in the family at the given service location.

All customers requesting a deferred payment plan for the connection/tap-on fee shall comply with the above conditions and shall execute an agreement with the Authority that contains, at a minimum, the following additional conditions:

- a. A minimum down payment of \$200.00 per service at the time of the execution of the deferred payment plan agreement.
- b. A service deposit to be paid at the time of execution of a deferred payment contract.
- c. All payments on the deferred payment plan shall be a minimum of \$25.00 per month in addition to the regular monthly charges for water service.
- d. The total outstanding sum due shall be immediately due and payable if the approved applicant transfers the property to any other individual or entity or at any time fails to comply with the requirements specified in this Section.
- e. 1% interest shall be charged monthly on any outstanding balance.
- f. The applicant agrees to comply at all times with all Authority Rules and Regulations as they exist now or as they may be amended from time to time.
- g. The approved applicant agrees to use the Authority's water service for all domestic purposes, and that an alternate water supply, if any, will be separate and distinct from that portion of the customer's system connected to the utility service owned and operated by the Authority, and any alternate water supply source may be used for outdoor water use only.
- h. The applicant must execute a deed to secure debt conveying an interest in the property served by the water service to secure the performance of the applicant's obligation hereunder. The deed to secure debt shall be supplied by the Authority.

- i. Other items as deemed appropriate by the Authority.

4-8 Fire hydrant use.

- A. The rental fee for a hydrant meter shall be \$25.00 per week or portion thereof.
- B. The deposit for a hydrant meter shall be \$1,250.00, which shall be refunded upon return of the meter in good working condition. Any repairs necessary shall be deducted from the \$1,250.00 deposit with the balance being returned to the customer.
- C. The rate for water metered from the hydrant shall be billed at the established third-tier retail rate.
- D. Unmetered fire hydrant use is not permitted except for purposes of fighting fires.
- E. Hydrant meters shall be brought to the Authority's billing office during regular work hours for purposes of obtaining a meter reading when requested by the Authority. The Authority may permit the meter readings to be called in to or faxed to the Authority billing office by the 10th of each month during regular business hours. Any hydrant meter not brought in to the Authority's billing office when requested shall result in an estimated read and late penalty and/or an illegal water use fine being added to the bill. Failure to have the meter read or to provide meter readings by the 10th of each month to Authority billing personnel in two consecutive months may result in a loss of the right to use Authority hydrants and meter and require the meter to be returned. Only Authority-owned meters shall be used except as approved by the Executive Director or authorized designee.
- F. The Authority may designate the hydrants to be used when issuing a hydrant meter.

4-9 Disconnection and/or restoration of water service.

- A. There will be no charge for restoring water service to a facility if provided to a new owner or tenant. When service must be provided or restored without 48-hour advance notice, a same day service charge of \$50.00 per account shall be levied.
- B. There will be a \$50.00 processing charge for restoring water service to a facility during regular working hours if service has been discontinued due to the nonpayment of bills, the failure to apply for service, the reinstallation of a pulled meter, or the failure to comply with backflow prevention testing requirements.

- C. There will be a \$100.00 processing charge for restoring water service to a facility after normal working hours if water service has been discontinued due to the nonpayment of bills, the failure to apply for water service, or the failure to comply with backflow prevention testing or septic tank pumping requirements.
- D. When water service to a home or business has been interrupted for nonpayment of billed utility service, the failure to apply for water service, the failure to comply with backflow prevention testing, or the failure to comply with septic tank pumping requirements, water service will be restored by the Authority on the next business day following payment or proof of compliance with the requirements to the satisfaction of Authority personnel.
- E. Water service to a premises, if turned off by the Authority, shall only be restored by the Authority. Anyone restoring water service to a property without the express written consent or under the direction of the Authority shall subject the customer and/or owner to those surcharges and fines prescribed in this Chapter.
- F. Emergency disconnection of service will be performed by the Authority if significant water loss is occurring at no cost to the property owner and the owner/customer does not have a shut-off valve immediately downstream of the meter. However, if it is determined by the Authority that the disconnection is not an emergency situation, there will be a charge of \$50.00 for disconnecting service to a facility during regular working hours and a charge of \$100.00 for disconnecting service to a facility after normal working hours.

4-10 Damage or tampering with Authority property.

- A. Damage to any Authority property shall be charged to the property owner or other individual as may be appropriate at the full cost of repair, including overhead in addition to a penalty not to exceed \$1,000.00 per occurrence per day as determined by the Executive Director or designated agent.
- B. If equipment has been damaged or tampered with, including but not limited to, taking water without authorization or without having a hydrant meter installed, the party responsible for the damage, tampering or withdrawal may be charged for the damages caused and for the estimated water and sanitary services utilized, and shall also pay a penalty or surcharge as determined by the Executive Director but not to exceed \$1,000.00 per occurrence per day. Each such action and incident of damage, tampering or withdrawal, shall constitute a separate offense.

- C. Tampering with meters that have been locked off or shut off due to non-payment or for service termination, or unlawfully installing a device in a box with no meter to circumvent an appropriate connection for the purposes of receiving water service illegally may result in fines being levied as described below:

1 st Offense	\$ 100.00
2 nd Offense	\$ 500.00
3 rd Offense	\$ 1,000.00

Additional fines may be levied for additional offenses. Said fines do not preclude the Authority from taking other legal action, including but not limited to disconnecting the water service from the water main and requiring the payment of a new tap fee for reconnection of service.

- D. The cost of repair work to damaged water and/or sanitary sewer lines and appurtenances shall be charged to the party(s) causing the damage. If Authority employees make the repair, the charge shall be \$225.00 per hour per crew, including associated equipment or \$75.00 per person per hour, whichever is appropriate. If the repair is performed by a contractor hired by the Authority, the charge for the repair submitted to the Authority plus fifteen percent (15%) shall be levied against the party(s) causing the damage, excluding any fines imposed by the Authority.
- E. Repair/replacement of meter box, lid, and AMR endpoint. The Authority shall charge up to \$500.00 for the repair or replacement of a meter, meter box, lid, and/or the AMR (automatic meter reading) endpoint due to damage caused by the customer, which charges may be placed on the customer's water bill. This cost will be based on the individual price of the damaged part(s) plus any labor or crew time, as previously stated in this Chapter. Should there be any additional work needed at the site to return the meter to working condition, the cost to the customer could be higher.

4-11 Miscellaneous charges and fees.

- A. Electronic Payment Service Fee. A service fee of \$2.50 shall be charged for each electronic payment transaction processed by the Authority, except that debit/credit card charges that are larger than \$400.00 may be subject to a service fee of 2.95% of the total amount charged.
- B. Clean water connection. Any property with a foundation drain, downspout drain, yard drain, parking lot drain, drop inlet, or any other clean water or stormwater conduit connected to the Authority's sanitary sewer system, which allows clean water or stormwater runoff to enter the Authority's sanitary sewer

system, shall be subject to the following charges and penalties, until the clean water or stormwater conduit is disconnected and corrected:

1. Upon discovery of any such prohibited clean water connection, the Authority shall provide written notice of the violation to the customer identified on the water account for the subject property, allowing the customer thirty (30) days to disconnect and correct the violation. The penalty for the first month of violation shall be \$100.00, which may be added to the water bill for the property.
2. If the property owner or the water account customer for the property fails to disconnect and correct the violation within thirty (30) days, the penalties shall increase as follows:
 - a. The penalty for the second month of violation shall be \$250.00, which may be added to the water bill for the property.
 - b. The penalty for the third month of violation shall be \$500.00, which may be added to the water bill for the property.
 - c. The penalty for the fourth month of violation shall be \$1,000.00, which may be added to the water bill for the property.
 - d. The penalty for the fifth and all subsequent months of violations shall be \$5,000.00 per month, which may be added to the water bill for the property.

In addition to the monetary penalties set forth in Subparagraphs 1. and 2. above, the Authority shall, at any time and without any further notice, be entitled to terminate water service to the property until the violation is corrected to the satisfaction of the Authority, as provided in Chapter 1 of these Rules and Regulations, which authorizes the Authority to disconnect or refuse to connect or reconnect any utility service for violation of any of the Authority's Rules and Regulations or Design and Construction Standards.

- C. Illegal water use. The unauthorized or illegal use of water shall be billed at 150% of the current rate for estimated water consumption. The above charges do not preclude the Authority from levying other charges, including, but not limited to, a penalty not to exceed \$1,000.00 per occurrence per day or taking legal action as deemed appropriate, including injunctive relief.
- D. Fire flow test. One hundred dollars (\$100.00) shall be charged for a standard 24-hour flow and/or pressure tests performed by the Authority. If data for

additional days are needed, the charge for the additional days shall be the cost incurred by the Authority to obtain the data.

E. Laboratory and testing fees.

1. Fees for laboratory testing shall be as follows:

<u>Chemical & Physical Tests</u>	<u>Fee</u>
Alkalinity	\$ 5.00
Aluminum	\$ 5.00
Ammonia (Nitrogen)	\$ 5.00
Chlorine (free or total)	\$ 2.00
Color (apparent)	\$ 1.00
Color (true)	\$ 3.00
Conductivity	\$ 2.00
Copper	\$ 5.00
Fluoride	\$ 5.00
Harness	\$ 5.00
Iron	\$ 5.00
Lead	\$ 25.00
Manganese (low or high range)	\$ 5.00
Nitrate	\$ 5.00
Nitrite	\$ 5.00
Odor (heated/threshold)	\$ 2.00
Oxygen (dissolved)	\$ 5.00
pH	\$ 2.00
Phosphate (meta)	\$ 20.00
Phosphate (ortho only)	\$ 5.00
Phosphorous	\$ 20.00
Turbidity	\$ 2.00
Algae Scan (three plates)	\$ 15.00
 <u>Bacteriological Tests</u>	 <u>Fee</u>
Total Coliform	\$ 15.00
Fecal Coliform	\$ 15.00
Heterotrophic Count	\$ 15.00

In addition, there shall be a \$50.00 trip charge for travel and collection of the samples. Individuals making multiple test requests from the same location at the same time shall be subject to only one trip charge per occurrence.

2. All samples shall be collected by authorized Authority personnel.
 3. Response time for special testing shall be as the Authority's schedule permits.
 4. Contractors, developers and builders of water lines to be given to the Authority for ownership, operation and maintenance after passing all required quality assurance tests shall be provided one turbidity and bacteria test by the Authority at no charge. Subsequent tests, if necessary, shall be conducted at the rates specified in this Paragraph.
- F. Detailed plan review. Contractors, developers, engineers or builders of facilities to be given to the Authority for ownership, operation and maintenance after construction and acceptance by the Authority shall have their plans reviewed by the Authority once without charge. Subsequent plan review by the Authority necessitated by design changes desired by the builder, developer, contractor or engineer or by the failure to make all corrections requested by the Authority after its initial review shall be charged for the time required to re-review the detailed plans at a rate of \$100.00 per hour.
- G. Water use prior to line acceptance. Contractors, developers and builders of water lines to be given to the Authority for ownership, operation and maintenance after passing all required quality assurance tests shall be charged for the water used to flush the water line at the current retail rate per 1,000 gallons after a reasonable period of initial line flushing.
- H. Pressure test. Contractors, developers and builders of water and/or sewer lines shall be charged for the Authority observing the hydrostatic and/or pressure testing at a rate of \$75.00 per hour for any retesting required after the initial line testing is conducted and observed by Authority personnel. The Authority may, in its sole discretion, impose a penalty not-to-exceed \$1,000.00 if the line(s) for which a pressure test has been requested have not been properly flushed prior to the arrival of the Authority's TV crew.
- I. Collection fee. A collection fee not to exceed 35% of the total amount due may be added to all balances turned over to an agency for collection.
- J. Pump station maintenance fee. A pump station maintenance fee of \$5,500.00 per horsepower shall be charged for pump stations up to and including eighty-eight (88) horsepower prior to being owned, operated and maintained by the Authority. The fee shall be based on the horsepower of the largest single pump in a duplex station. For triplex stations, the fee shall be based on the combined horsepower of the largest two pumps. For upgrades from a duplex to a triplex, the fee shall be \$5,500.00 per horsepower for the additional pump. In the

event of the removal of an existing pump station and the installation of a larger pump station, payment will be required based on the horsepower difference between the existing station and the replacement station. The maintenance fee for pumps larger than eighty-eight (88) horsepower shall be determined on a case-by-case basis.

- K. Grease and sand interceptors. Failure to properly maintain grease and/or sand interceptors may result in the assessment of a \$500.00 fine for each citation of such failure in addition to charges for excessive pollutant concentrations as provided for in this Chapter 4, which may be added to the customer's water bill. The Authority also reserves the right to levy other penalties and fines as provided for in this Chapter 4 and to seek other remedies as provided by law.
- L. Soil disturbance and erosion control fees and bonding.

- 1. Residential, commercial, and industrial subdivisions or developments shall require a soil disturbance permit prior to any earth disturbance. The fee payable to the Authority shall be \$250.00 plus \$40.00 per acre or any portion of an acre, which shall be paid prior to the release of the land disturbance activity permit to the developer or the developer's agent. Pursuant to State law, an additional fee of \$40.00 per acre or any portion of an acre shall also be paid directly to the Georgia Environmental Protection Division by the primary permittee as defined in the State General Permit for each acre or any portion of an acre of land-disturbing activity included in the planned development or each phase of development. These additional State fees shall be paid prior to issuance of the land disturbance permit. Proof of payment to the EPD may be required prior to the release of the land disturbance permit to the developer or the developer's agent. Notwithstanding any other provision of this Paragraph, any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. §12-7-17(9) or (10) shall be submitted in full to the Georgia Environmental Protection Division, regardless of the existence of a local issuing authority in the jurisdiction.
- 2. In addition, a \$50.00 soil erosion inspection fee shall be charged for each lot, which shall be paid at the time the water meter is purchased.
- 3. If a land disturbing activity is exempted from the permitting process by State law, the property owner shall be required to notify the Authority of the proposed activity and pay a \$50.00 soil erosion inspection fee prior to commencement of the land disturbing activity. The Authority shall have the right to add the \$50.00 soil erosion inspection fee to the property's water bill, upon discovery of the land disturbing activity, if the proposed activity is not reported prior to commencement.

4. Erosion control performance bonding. Performance bonds, in a form acceptable to the Authority and in an amount equal to \$1,500.00 per disturbed acre (with a \$3,000.00 minimum), shall be provided to the Authority prior to the issuance of a land disturbance permit. Single-lot, single-family residential construction being undertaken by the lot owner with the intent to occupy the structure upon completion and disturbing less than one (1) acre shall be entitled to a waiver of the bond requirement. Construction activities involving the disturbance of public or third-party private property may require additional performance bonding in increased amounts, in the sole discretion of the Authority.
- M. Repealed.
- N. Private estate subdivision water line maintenance assessment. For and in consideration of the Authority as accepting ownership and responsibility for water lines serving a private estate subdivision (which are not located within public road right-of-way and which would otherwise be considered a private line), each property owner/customer within a private estate subdivision shall, at the time of connection to the Authority's water system, pay a private estate subdivision water line maintenance assessment of \$500.00 for each meter.
- O. Waiver of lift station site location and layout requirements. The Authority, in its sole discretion, which shall be exercised on a case-by-case basis, may waive the lift station site location and layout requirements set forth in the Authority's Design and Construction Standards, provided that the party requesting the waiver makes a payment of costs in lieu thereof. The payment of costs in lieu of the off-site location of a lift station shall be in the amount determined by the Authority and shall be based on the estimated costs which would have been incurred if the lift station was located and constructed in accordance with all other provisions of the Authority's Design and Construction Standards. Such payment of costs in lieu of off-site location of a lift station shall be paid as a specific condition precedent to the granting of a waiver under this Section and the approval of development plans under the Authority's Design and Construction Standards.
- P. Maintenance bonding for public structures accepted by the Authority. Maintenance bonds, in a form acceptable to the Authority and based upon the following unit amounts (with a \$2,000.00 minimum), shall be provided to the Authority prior to the acceptance of a project by the Authority:
 1. Water infrastructure:
\$ 35.00 per linear foot of water main installed

2. Sewer infrastructure:

\$ 65.00 per linear foot of gravity sewer main installed
\$ 750.00 per manhole in paved area
\$ 20.00 per linear foot of force main installed
10% of total cost of lift station

3. Stormwater infrastructure:

\$ 50.00 per linear foot of storm pipe installed
\$ 750.00 per manhole in paved area
\$ 20.00 per linear foot of force main installed
10% of total cost for all other stormwater structures

Q. Maintenance bonding for private stormwater structures. (Repealed)

R. Fee-in-lieu of on-site detention for redevelopment projects. The fee-in-lieu of on-site detention shall be determined in the sole discretion of the Authority on a case-by-case basis.

4-12 Water restrictions – fines and penalties.

- A. The Authority shall have the right to disconnect the water service of any person or entity violating the water restrictions imposed by the Authority. The Authority also shall have the right to assess a reconnection charge in the amount of \$100.00 for any person or entity found to be violating the water restrictions.
- B. The Authority shall have the right to take legal action, including a request for injunctive relief, mandamus, and other equitable and legal remedies, for the purpose of enforcing the water restrictions and/or preventing a violation thereof.

4-13 Insufficient fund charges.

A \$30.00 charge will be levied when a check or automatic bank draft is presented against an account with insufficient funds or when a stop-payment has been applied. These instances shall be viewed as nonpayment. After two (2) occurrences within a one-year period of either of these instances, the Authority may require the customer to remit payment in cash only.

A \$50.00 charge will also be levied when a chargeback has been made to the Authority's account for a fraudulent credit card transaction. Such chargeback shall be treated as non-payment. The customer's account will be debited with the amount of the credit card transaction in question plus the chargeback fee of \$50.00. As a result

of such fraudulent activity, the Authority may require the customer to remit payment in cash only.

4-14 Copying charges.

A copying charge of \$0.10 per page of any standard size paper (letter or legal) shall be charged when copies of public documents are made at a customer's request and such documents are readily available. A copying charge of \$1.00 per 11"x17" page or color copies of any standard size paper shall be charged when copies of public documents are made at a customer's request and such documents are readily available. Copies of construction drawings and oversized papers made at the customer's request shall be billed at \$5.00 per page. All other copying charges shall be levied in accordance with the Georgia Open Records Act.

4-15 Septage permit and dumping fee.

Haulers discharging acceptable sludge and/or septage into the Authority's designated receiving facility must have first completed a waste hauler permit form provided by the Authority and paid an annual \$50.00 discharge permit fee.

The permitted waste hauler shall at all times comply with the conditions specified in the waste hauler's permit, supplemental conditions if any, and the Authority's current Rules and Regulations.

In addition, a charge of \$0.10 per gallon shall be levied based on the gallon capacity of the waste haulers' tanker trucks for septage properly dumped at the designated receiving facility.

Authority customers may discharge less than 100 gallons of septage or recreational vehicle sanitary waste at no charge at the designated receiving facility.

The Authority shall refuse any load of sewage if, in the opinion of the Authority, the discharge of said sewage might impair the proper operation of the sewerage disposal system.

Any unauthorized discharge of septage into the sanitary sewer system will be subject to the charges outlined in this Chapter.

4-16 Reservoir charges and fees.

A. Reservoir Usage Fees. Fishing and non-fishing fees are as follows:

	<u>Daily Fees</u>		<u>Annual Pass</u>
	<u>Fishing</u>	<u>Non-Fishing</u>	
Age 11 & under	Free	Free	Free
Age 12 to 15	\$ 2.50	\$ 1.00	\$ 25.00
Age 16 to 64	\$ 5.00	\$ 1.00	\$ 50.00
Age 65 and over	\$ 2.50	Free	\$ 25.00
Disabled or handicapped	\$ 2.50	Free	\$ 25.00
Family pass			\$ 100.00

1. Family passes include immediate family living within the same household only.
2. Each resident may be accompanied by one (1) guest who is a non-resident. The non-resident must pay the appropriate fees.
3. An annual pass includes entry and fishing and expires March 31st of each year. The purchase of an annual pass does not guarantee access to the reservoir during normal operation hours if the maximum number of entrants has been reached or the reservoir has been closed.
4. Non-Douglas County residents owning at least 25% of a business operating in Douglas County where the business is an Authority water and/or sewer customer shall be allowed to utilize the Dog River Reservoir Recreational Complex in the same manner as afforded Douglas County residents, subject to payment of the appropriate fees.
5. All persons under the age of 16 must be accompanied by a paying adult.
6. All entrance passes are non-transferable.
7. Any person who is discovered to be on Authority reservoir property without paying the entrance fees or possessing a valid annual pass shall be fined up to \$500.00. The fine does not preclude the Authority from expelling the person from the reservoir, revoking any and/or all permits, and/or taking legal action as deemed appropriate.

- B. Group and Pavilion Rates. Group rates for entrance into the reservoir and use of the pavilion are as follows:

0 to 14 people	Standard Fees
15 to 25 people	\$25.00
25 to 50 people	\$50.00
51 to 75 people	\$75.00

1. Groups of 15 to 50 may reserve one-half of the pavilion for a reasonable period for \$20.00. There will not be a charge for senior citizen groups reserving the pavilion provided the applicable group rates are paid.
2. Groups of 51 to 75 should notify the Authority in advance of their planned event at the reservoir and will be required to pay an event security fee of \$50.00 per hour (three hour minimum), in addition to all other fees, to cover the costs of the Authority providing an off-duty Douglas County Sheriff's deputy and Authority personnel for the event. No group may exceed 75 people.
3. All group and security fees must be paid seven (7) days in advance of use and are non-refundable.

C. Boating Permits and Fees. Any boat entering the reservoir must have an Authority issued season pass boat permit or pay the daily fee. The charge for boat entry or permit is as follows:

Annual fee	\$ 25.00
Daily fee	\$ 5.00

1. Annual permits expire March 31st of each year. An annual boat permit does not guarantee access to the reservoir during normal operation hours if the maximum number of boats on the reservoir has been reached or the reservoir has been closed.
2. All annual boating permits must be displayed at the entrance gate and remain with the boat at all times. Picture identification must be supplied upon request by an authorized Authority representative.
3. Boating permits do not include any entrance fees to the reservoir. All boaters must obtain daily or annual entrance passes as described in this Chapter.
4. All boating permits are non-transferable.
5. Boats on the reservoir property that have not been permitted shall be fined up to \$500.00. The fine does not preclude the Authority from seeking other or additional remedies, including, but not limited to, expelling the entrants, charging the usual customary charges in addition to the fine, and/or taking legal action as deemed appropriate.
6. Rental boats, if available, may be rented from the Authority on a first-come, first-served basis. A boat rental includes a trolling motor, two

batteries, two paddles, one anchor, and one life vest for each occupant. Rental boat rates are as follows:

1/2 Day	\$15.00
All Day	\$25.00

- D. Dock Permits. The initial cost to obtain a dock permit is \$50.00. In each subsequent season (year), the property owner will be required to pay a renewal fee of \$35.00. A permit will be issued upon inspection of the dock by an Authority representative, provided the dock meets Authority standards. Dock permits expire March 31st of each year.
- E. Reservoir Littering. Anyone using the Authority reservoir property considered, by the Authority, to be littering shall be subject to a fine of up to \$500.00. The fine does not preclude the Authority from seeking other or additional remedies, including, but not limited to, expelling the violator and/or taking legal action as deemed appropriate.

4-17 Billing and delivery; application of payments.

Every account shall be charged and billed separately except as provided in the schedule of rates. The Authority will deliver bills for water service, sewer service, stormwater management service, and miscellaneous charges by depositing the same in the Post Office only as a matter of convenience to the customer. The Authority also offers a paperless option through the Internet payment process that customers may elect to utilize. Failure to receive bills shall not relieve any customer from the obligation to make payment of such bills or constitute a claim for discount.

Payments received by the Authority shall be applied against outstanding charges in the following order of priority:

- (1) charges billed for services performed by the Authority and owed to the Authority, in the following order of priority, which payments shall be applied to the oldest charges first:
 - (a) sanitary sewer,
 - (b) stormwater,
 - (c) water,
 - (d) fire protection, and
 - (e) service charges, penalties, and any other charges owed to the Authority either by the customer or a third party that are included in a payment made by the customer;

and then to

- (2) charges billed on behalf of and owed to a third party.

4-18 Stormwater management services and fees.

A. Stormwater management service charges/user fees. The following rate structures are established to calculate the stormwater service charge user fees to be charged to each property, subject to such credits as may be allowed by the Authority, in its sole discretion:

1. The basis of the user fee shall be the total impervious surface on a given property, based on equivalent residential units (ERUs). An ERU is defined as 2,543 square feet of impervious surface, based on the median impervious surface of a single family residential property in Douglas County. Each ERU shall be billed at the rate of \$4.00 per month.
2. A single family residential property shall be the equivalent of one residential unit (ERU) and shall be billed \$4.00 per month.
3. All other developed properties shall be billed for their actual impervious surface on an ERU basis.
4. The stormwater user fee established by this Section shall be effective as to properties within the City of Douglasville for all bills mailed on or after March 1, 2004 and as to properties within unincorporated Douglas County for all bills mailed on or after March 1, 2005.
5. A fifteen percent (15%) penalty shall be charged for all payments not received by the bill due date. Unpaid bills shall also accrue interest at the legal rate for open accounts under Georgia law.
6. The Authority specifically reserves the right to collect any outstanding and unpaid stormwater management user fees by any means allowed by law, including but not limited to the filing of a civil action for collection in the Magistrate, State, or Superior Court of Douglas County and/or the imposition of all outstanding and unpaid fees against the property at such time as the property may be connected to the Authority's water system.

B. Exemptions.

1. Applicability of stormwater service charges to all properties. Except as provided in this Section, no public or private property located anywhere within the boundaries of the City of Douglasville or unincorporated

Douglas County shall be exempt from stormwater service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the tax status, economic status, race, religion, age, or sex of the owner of the property being served, or based on any other condition unrelated to the provision of stormwater management services, systems, and facilities.

2. Exemptions. The following properties shall be exempt from stormwater service charges, as the same may be determined in the sole discretion of the Authority:
 - a. Undeveloped properties, meaning properties with no impervious surface;
 - b. Railroad tracks and rights-of-way (however, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges); and
 - c. Public roadways and private roadways through single-family residential properties.
- C. Appeals. Any property owner who contends that the amount of the stormwater management services charges established by this Section have been applied in error to the property of such owner may appeal and stormwater management user fees billed, in the following manner and sequence:
 1. Initial appeal to the Engineering Manager. An appeal must be filed in writing with the Authority's Engineering Manager. The Authority reserves the right to require the appellant/property owner to file a copy of a plat or survey prepared by a registered land surveyor or professional engineer licensed in the State of Georgia, containing information on the total property area, the impervious surface area, and any other features or conditions that influence the hydrologic response of the property to rainfall events, if deemed necessary to resolve the issues in dispute.
 2. Review by the Engineering Manager and issuance of initial decision. Using information provided by the appellant/property owner, the Authority's Engineering Manager or his designee shall conduct a technical review of the conditions on the property, and respond to the appeal in writing within thirty (30) days of the date that the filing of the appeal is deemed complete by the Authority. During this review period, the Authority may require the appellant/property owner to submit documentation or written statements in support of the appeal and/or

may hold a hearing concerning the appeal. In response to an appeal, the Authority's Engineering Manager may adjust the stormwater service charge applicable to the property in conformance with the user fee calculation formula established in Paragraph A. above, if he determines that the facts support such an adjustment. The decision of the Authority's Engineering Manager shall be issued in writing setting forth the factual findings and conclusions reached by him. A copy of the decision of the Authority's Engineering Manager shall be served on the appellant/property owner personally or by registered or certified mail, sent to the billing address of the appellant/property owner.

3. Final appeal to the Stormwater Appeal Panel. A decision of the Authority's Engineering Manager that is adverse to an appellant/property owner may be further appealed to the Stormwater Appeal Panel within thirty (30) days of the date that the adverse decision is issued by the Authority's Engineering Manager. The Stormwater Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. Notice of the appeal shall be delivered in writing to the Stormwater Appeal Panel, to the attention of the Executive Director of the Authority. The Stormwater Appeal Panel may require the submission of additional written evidence and/or hold a hearing on the matter. The Stormwater Appeal Panel shall issue a written decision on the appeal within thirty (30) days of the date of delivery to the Executive Director of the notice of appeal. All decisions of the Stormwater Appeal Panel shall be in writing and shall be served on the appellant/property owner personally or by registered or certified mail, sent to the billing address of the appellant/property owner. All decisions of the Stormwater Appeal Panel shall be final.
 4. Appeal process condition precedent to seeking judicial relief. The appeal process established in this Section shall be a condition precedent to an aggrieved property owner seeking judicial relief. Any decisions of the Stormwater Appeal Panel may be reviewed upon petition for writ of certiorari before the Douglas County Superior Court, filed within thirty (30) days of the date of the decision of the Stormwater Appeal Panel.
- D. Credits. Technical credits available to reduce an owner's stormwater service charges are outlined in Chapter 8 of these Rules and Regulations. In addition, the following administrative credits may be allowed by the Authority:

1. Credits for public for attending educational programs. The Authority shall, from time to time, offer a water stewardship program as part of its public education efforts. Each attendee of said water stewardship program shall qualify for a \$2.00 per month credit, to be applied to the non-single-family residential stormwater management account designated by the attendee, for a period of ten (10) years. To qualify for a credit under this Paragraph, an attendee must be a full-time resident of the City of Douglasville or Douglas County or a full-time employee of a business or other institution located in the City of Douglasville or Douglas County. Full attendance of the entire program offered by the Authority shall be required to qualify for the credit. The Authority will issue a Certificate of Attendance to the attendee, indicating the account to receive the credit, upon completion of the program. The total of public educational credits for any given property shall not exceed twenty percent (20%) of the total stormwater management fees for said property. An individual can only qualify for one \$2.00 monthly credit at a time.
2. Credits for schools for conducting educational programs. The owner of property which is used as a site for public or private school and which enters into an agreement with the Authority to teach a water stewardship program approved by the Authority may receive a credit against the stormwater service charge applicable to the property. The amount of the credit(s) given shall be as determined by the Authority and set forth in the written agreement with the school based on the number of contact hours, the number of students, and the curriculum being taught. The educational credit may be taken in addition to any other credit available.

4-19 Repealed.

4-20 Erosion and Sedimentation Control Violations.

- A. Violations of the Authority's local enactment of the Georgia Erosion and Sedimentation Act, set forth in Chapter 7 of these Rules and Regulations, are issued by the Authority through an Assessment of Administrative Fine, which gives notice of the specific violation(s) committed by reference to the specific section(s) of Chapter 7.
 1. If the violation involves a discharge to State waters or presents an imminent threat to public health or State waters, then an administrative fine shall be imposed immediately.

2. All other violations shall follow the notice and warning procedure set forth in Chapter 7 of these Rules and Regulations.
- B. Each violation may be subject to an administrative fine of up to \$2,500.00 per violation per day. The actual amount of the administrative fine to be assessed shall be based on the specific circumstances of each development/permit and shall take into account the following factors:
1. The nature of the violation;
 2. Past performance (i.e., general record of compliance);
 3. General condition of the site; and
 4. Responsiveness of permittee in correcting violations.
- C. Right of Appeal. The recipient of any administrative fine pursuant to this Section shall have the right to appeal said fine by filing a written Notice of Appeal with the Executive Director of the Authority within thirty (30) days of the date of receipt of the Assessment of Administrative Fine. An administrative appeal hearing shall be scheduled within thirty (30) days of the Executive Director's receipt of the written appeal. The Authority's Erosion and Sedimentation Control (E&S) Appeal Panel shall hear all appeals of Assessments of Administrative Fines. The E&S Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. The E&S Appeal Panel shall have the right to review the alleged violations and the administrative penalties de novo. The recipient of the administrative fine shall have a right to attend the appeal hearing and present evidence in its defense. After its de novo review, the E&S Appeal Panel may (1) affirm, reject, or modify the penalties, including but not limited to increasing or decreasing the amount of the monetary penalties reflected in the initial Assessment of Administrative Fine, and/or (2) add or eliminate other conditions of compliance necessary to remedy or otherwise address the violation(s). The E&S Appeal Panel shall issue its decision in writing within thirty (30) days of the date of the appeal hearing. The decision of the E&S Appeal Panel shall be final.
- D. Appeal process condition precedent to seeking judicial relief. The administrative appeal process established in this Section shall be a condition precedent to the recipient of any administrative fine for erosion and sedimentation control violations seeking judicial relief. Any decision of the E&S Appeal Panel established by Paragraph (d) above may be reviewed upon petition for writ of certiorari in the Superior Court of Douglas County, which shall be filed within (30) days of the date of the decision of said Appeal Panel.

4-21 Penalty.

In addition to the charges and fees specified in this Chapter, the Authority reserves the right to charge a penalty of not more than \$1,000.00 per day per violation, unless otherwise specified in this Chapter, until the violation is corrected to the Authority's satisfaction or the cost of the consequential damages whichever is greater. The levying of such fees, charges, amounts and fines does not preclude the Authority from taking other legal recourse provided by law.

CHAPTER FIVE PRETREATMENT REQUIREMENTS

5-1 Purpose and policy.

The purpose of this Chapter is to establish certain guidelines and standards necessary for the control of industrial waste discharged into the Authority's wastewater system in order to prevent the introduction of pollutants into the wastewater system that could interfere with the normal operation of the system or contaminate the resulting sludge.

5-2 Definitions.

The following definitions shall apply to Chapter 5 of these Rules and Regulations:

Acceptable laboratory standard means test procedures for the analyses of pollutants as identified in CFR, Title 40, Part 136.

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Ammonia Nitrogen as N (NH₃-N) means that form of the nitrogen element which, if not adequately reduced, can result in excessive nutrient loadings discharged into receiving streams and contribute to the degradation of these streams and pose a hazard to aquatic life and water quality through the depletion of dissolved oxygen levels, development of increased algae populations and taste and odor problems. Quantitative determinations shall be made using the procedures established in CFR, Title 40, Part 136, and expressed in terms of parts per million (ppm).

Applicable pretreatment standard means the pretreatment limit or prohibitive standard, federal and/or local, deemed to be the most restrictive, with which non-domestic users are required to comply.

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

Authorized representative of discharger means either:

- (a) A principal executive officer of at least the level of vice-president, if the discharger is a corporation;
- (b) A general partner or proprietor if the discharger is either a partnership or proprietorship; or

- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.

Average weekly discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Bacterial enzymes means any man-made or natural bacteria which causes the grease in grease traps to be biologically or chemically decomposed or altered.

Beneficial user means, but is not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by State or federal law.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter using the procedures identified in CFR, Title 40, Part 136, standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade expressed in terms of concentration (milligrams per liter (mg/l) or parts per million (ppm)).

Building drain means all piping within a building that collects wastewater to be conveyed to the private sewer lateral. The building drain and private sewer lateral connection point is three (3) feet measured perpendicular from any outside wall of the building.

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CFR means Code of Federal Regulations.

Chemical oxygen demand (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter using the procedures identified in CFR, Title 40,

Part 136, expressed in terms of concentration (milligrams per liter (mg/l) or parts per million (ppm)).

Cleanout means a physical access point to the sewer system for the purpose of cleaning the sewer.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Commercial user means any user of the sewage system not categorized as residential, institutional, governmental or industrial, including, but not limited to, wholesale or retail trade establishments, general business offices, food services, automotive repair services, and health services.

Compatible pollutant means the BOD, total suspended solids, and pH, plus additional pollutants identified in the Authority's NPDES permit, if the treatment works was designed to treat such pollutants and, in fact does remove such pollutants to a substantial degree.

Composite sample means a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

Contractor means a person retained by a property owner, developer or governmental body to construct water, wastewater, and/or stormwater management structures, facilities, and measures and to implement and maintain the required soil erosion and sedimentation control practices.

Control manhole means a structure that provides access to a sewer lateral. A control manhole may be used as an inspection chamber and may contain certain testing equipment.

Cooling water means the water discharged from use such as air conditioning, cooling, refrigeration, or a use during which the only constituent added to the water is heat.

Customer means every person who is responsible for contracting, expressly or implicitly, with the Authority in obtaining, having, or using water, wastewater, stormwater management, and/or soil erosion and sedimentation control enforcement services from the Authority. Said term shall include the occupants of each unit of a multi-family dwelling unit building as a separate and distinct customer.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

Degreaser means any chemical material or substance that causes the grease in grease traps to become emulsified.

Detailed construction plans means a drawing of standard engineering scale drawn to accurately reflect the location, depth, alignment, and any other relevant items of a proposed sewerage system. Included in detailed construction plans are special notes and details for the purposes of directing the proper construction of the facilities contained herein.

Developer means any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

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

EPA means the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administration or other duly authorized official of such agency.

EPD means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia and may also be used, where appropriate, as a designation for the authorized official of such agency.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Explosive or flammable liquid means pollutants with closed cup flashpoint of less than 140 degrees Fahrenheit (the RCRA ignitability standard for liquid characteristic waste) as determined by: Pensky – Martens closed cup tester (ASTM Standard D93-79 or 80) or Staflash closed cup tester (ASTM D3278-78).

Fecal coliform means any number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.

Force main means a sewer through which sewage is transported under pressure. A force main is a closed system into which no other sewer can be connected.

Floatable oil means oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage means the residue from the preparation and dispensing of food and from the handling, storage and sale of produce.

Governmental user means any user discharging wastewater from premises utilized by public political units, including federal, State, county and municipal units.

Grab sample means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease and oil refers to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "acceptable laboratory standards" as defined in this Section.

Grease and oil of animal and vegetable origin means substances that are of less readily biodegradable nature such as are discharged by meat packing, vegetable oil and fat industries, food processors, canneries and restaurants.

Grease and oil of mineral origin means substances that are less readily biodegradable than grease and oil of animal or vegetable origin and are derived from a petroleum source. Such substances include, but are not limited to, machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

Grease trap means a device or facility used for the removal of oils, greases and food solids from a waste stream.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

Incompatible pollutant means any pollutant that is not a compatible pollutant as defined in this Section.

Industrial waste means any liquid, solid or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concern, manufacturing, business, trade, or research, including the development, recovery or processing of natural resources, or from

sources other than those generating waste defined herein as “normal domestic sewage”.

Influent means the water, together with any waste that may be present, flowing into a sewer drain, receptacle or outlet and then to a wastewater treatment plant.

Inspector means a representative or agent of the Executive Director assigned to observe the installation of water distribution facilities, sewerage facilities, stormwater management facilities, and/or soil erosion and sedimentation control practices, as applicable, to assure compliance with the standards and specifications of the Authority. Where applicable, the inspector may also record quantity, quality, and location of facilities during construction.

Institutional user means any person discharging wastewater from premises serving educational, social or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes and charitable organizations.

Interference means the inhibition or disruption of the wastewater treatment processes or operations that contribute to violation of any requirement of the Authority’s NPDES permits. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, and Toxic Substance Control Act or more stringent State criteria.

Major contributing industry means any user of the Authority’s sewage disposal system which either (1) has a disposal flow of twenty-five thousand (25,000) gallons per average day; or (2) has a flow greater than five (5) percent of the flow in the Authority’s sewage disposal system; or (3) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act; or (4) has significant impact, either singly or in combination with other contributing industries; on the sewage disposal system, the quality of sludge, the system’s effluent quality or air emissions generated by the system.

Manhole means a physical access point to the sewer system for the purpose of cleaning, inspection, metering, observations, etc. A manhole is sized for human and equipment access in the normal operation and maintenance of a sewer system.

Maximum daily discharge limitation means the highest allowable daily discharge.

“May” means that the regulation or requirement is permissive.

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 which applies to a specific category of industrial users.

National pretreatment standards means prohibited discharge standards, categorical pretreatment standards, and local limits.

National pollutant discharge elimination system (NPDES) permit means a permit issued by the State of Georgia, Department of Natural Resources, Environmental Protection Division or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes (under the authority of Section 402 of the Act), into the navigable waters of the United States.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New source means:

- (a) 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:
 - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) 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.
- (b) 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

Subparagraph (a)(2) or (3) above, but otherwise alters, replaces, or adds to the existing process or production equipment.

- (c) Construction of a new source as defined under this Paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) 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
 - (2) 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.

Non-significant discharger means any industry that contributes low-strength or domestic wastes containing pollutants in concentrations that are compatible with wastewater treatment plant operations.

Normal domestic sewage means wastewater created in the preparation of foods, bathing, laundry facilities and sanitary facilities, as resulting from normal individual and group living functions and characterized by a loading of no more than two hundred fifty (250) mg/l BOD and two hundred fifty (250) mg/l total suspended solids per capita.

On-site treatment facilities means any wastewater treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating the wastewater or pretreating the generated wastewater before it enters a public sewer.

Operation and maintenance costs means the current, reasonable and necessary costs of operation and maintenance of the sewage disposal system, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and of interest on obligations

issued to finance the costs of acquisition and construction of the sewage disposal system.

Parts per million (ppm) means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Milligrams per liter (mg/l) is a synonymous term.

Pass through means a discharge which exits the wastewater treatment plant into State waters 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 Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH means the logarithm, base ten, of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in CFR, Title 40, Part 136 and expressed in terms of standard units.

Phosphorus as total "P" means an element which serves as a nutrient food source when, in excessive amounts, contributes to the degradation of receiving streams and pose a hazard to aquatic life and water quality through the depletion of dissolved oxygen levels, development of increased algae populations, and taste and odor problems. Quantitative determinations shall be made using the procedures established in CFR, Title 40, Part 136, and expressed in terms of parts per million (ppm).

Pollutant means the contaminated water, wastewater, garbage, sludge, rock, sand, dirt, and industrial, municipal, commercial, institutional, domestic and agricultural waste.

Pollution means an alteration of the quality of the State waters by waste to a degree that unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. Pollution is the man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

Premises means any piece of real estate having one or more sewers that may be connected either individually or through a common sewer and directly or indirectly to the sewage disposal system.

Pretreatment means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the Authority's sewage disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Chapter.

Pretreatment requirement means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

Private sewer lateral means that section of sanitary sewer owned and maintained by a user which conveys wastewater from the building drain to a public sewer or privately owned and maintained sewer extension.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (1/2) inch in any dimension.

Public sewer means a sewer provided by or subject to the jurisdiction of the Authority. This includes sewers within or outside the Authority's service area that serve one or more persons and ultimately discharge to the Authority's system, even though these sewers may not have been constructed with Authority funds.

Pump or lift station means a structure or structures and all mechanical and electrical equipment used to collect sewage at one location for transportation through a force main to another location, usually at a higher elevation.

Receiving stream means the watercourse, stream or body of water receiving the waters finally discharged from a wastewater treatment plant.

Reimbursable expenses means those costs incurred by the Authority which are passed on to the users on whose behalf the expenses were incurred, including, but not limited to, items or sampling costs and laboratory fees.

Replacement and/or equipment placement costs means any expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage disposal system to maintain the capacity and performance for which such system was designed and constructed.

Residential user means any aggregation of space or area occupied as a residence and generating domestic wastewater. In multi-use premises, only those divisions of the building utilized as domiciles are considered residential users.

Sanitary sewer means a sewer that carries wastewater and to which stormwater, surface and groundwater are not intentionally admitted.

Service area means the geographical area in which the sanitary sewers and water systems are owned, operated and maintained by the Authority, including, but not limited to, all property within the City of Douglasville and the unincorporated area of Douglas County.

Sewage means the water-carried human, animal and household wastes from public or private drains and industrial wastes.

Sewage disposal system means all public facilities for collection, pumping, treating and disposing of sewage and industrial waste, as well as the wastewater treatment facilities. It shall not include plumbing inside or in connection with building drains or private sewer laterals from a building to the public sewer.

Sewer means a pipe or conduit for carrying wastewater.

Sewer permit or sanitary sewer connection permit means a written authorization for an excavator to construct a private sewer lateral and to connect the lateral to the Authority's sewer system or a previously constructed, privately owned and maintained sewer extension.

"Shall" means that the regulation or requirement is mandatory.

Significant discharger means any industry which (1) contributes or is suspected of contributing prohibited pollutants to the sewage disposal system; or (2) uses chemicals listed on a priority pollutant list which, if spilled or discharged, could have an affect on a wastewater treatment plant operations or removal efficiency.

Significant industrial user means:

- (a) A user subject to categorical pretreatment standards; or
- (b) A user that:
 - (1) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the Authority's sewer system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

- (2) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Authority's treatment plant; or
 - (3) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the Authority's operation or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a user meeting the criteria of Subparagraph (b) above has no reasonable potential for adversely affecting the Authority's operation or for violating any pretreatment standard or requirement, the Authority may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with the procedures in CFR, Title 40, Part 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Sludge means any solid, semisolid or liquid waste generated by a governmental, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facilities or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act (P.L. 94-580).

Slug means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge per 40 CFR 403.8(f)(2)(v).

Standard industrial classification (SIC) means a system classifying industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, assigning a code (SIC Code) denoting the manufacturing process.

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Storm sewer means a sewer that carries stormwater, surface water and groundwater drainage, but excludes sewage and industrial wastes.

Stormwater runoff means that portion of rainfall that is or should be drained into storm sewers, storm drains, surface watercourses or surface water impoundments.

Surcharge means the assessment, in addition to the standard fees and charges, which is levied on those persons whose flows or wastes are greater in flow or strength than the values established as representative of normally generated sewage.

Tap-on fee/connection charge means that portion of the charges assessed against a facility at the time of connection to the Authority-owned infrastructure designed to recover the incremental cost of the Authority's capital facilities needed to serve the connecting property.

Total solids means the sum of suspended and dissolved solids.

Total suspended solids (TSS) means solids that either float on the surface of, or are in suspension, or will settle in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in CFR, Title 40, Part 136.

Toxic amounts means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations and/or physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act, as well as any other known potential substances capable of producing toxic effects.

Toxic pollutants means those substances referred to in Section 307(a) of the Act, as well as any other known potential substances capable of producing toxic effects.

Treatment plant – See "Wastewater treatment plant."

Unpolluted water or unpolluted liquid means any water or liquid containing none of the following: Free or emulsified grease or oil; acids or alkalines; substances that may impart taste, odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall not contain more than two thousand five hundred (2,500) parts per million by weight of dissolved solids and no more than ten (10) parts per million each of total suspended solids or biochemical oxygen demand (BOD). Analytical determinations shall be made in accordance with procedures set forth in CFR, Title 40, Part 136.

Upset or operating upset means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation thereof.

User means a person that discharges, causes or permits the discharge of wastewater into the Authority's system.

Volatile organic matter means the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Centigrade for fifteen (15) to twenty (20) minutes.

Waste surcharge means the charge made in excess of the sewer service charge for all wastewater above normal established standards.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the Authority's sewage disposal system.

Wastewater discharge permit means a formal written permit issued by the Authority to deposit or discharge industrial waste into any public sewer.

Wastewater treatment plant means an assemblage of devices, structures and equipment for the treatment of sewage and industrial waste.

Watercourse means a channel in which a flow of water occurs, whether continuously or intermittently.

Water impoundment means any natural or man-made basin that contains water periodically or permanently.

5-3 General sewer use requirements.

A. Prohibited Discharge Standards.

1. General Prohibitions. No user or person shall introduce or cause to be introduced into the Authority's system any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Authority, whether or not they are subject to categorical pretreatment standards or any other national, State, or local pretreatment standards or requirements.
2. Specific Prohibitions. No user or person shall introduce or cause to be introduced into the Authority's system the following pollutants, substances, or wastewater:

- a. Pollutants which create a fire or explosive hazard in the system, including but not limited to wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in CFR, Title 40, Part 261.21; or wastewater causing two readings on an explosion hazard meter at the point of discharge into the Authority's system, or at any point in the Authority's system, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;
- b. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- c. Wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the Authority's system;
- d. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- e. Solid or viscous substances in amounts which will cause obstruction of the flow in the system or result in interference;
- f. Any water or wastes containing substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
- g. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or any substance which may cause the effluent or treatment residues, sludges, or scums to be unsuitable for reclamation, reuse or disposal, or which interfere with the reclamation process;
- h. Any garbage that does not meet the definition of ground garbage;
- i. Any ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, whole blood, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint residues, cannery waste, bulk solids or

any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with proper operation of the sewage disposal system;

- j. Any manufacturing wastes containing ground paper products;
- k. Materials that exert or cause unusual concentrations of inert suspended solids, such as, but not limited to, fullers earth, lime slurries and lime residues, or other dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
- l. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- m. Materials that exert or cause a significant load on the sewage disposal system;
- n. Materials that exert or cause unusual volume of flow or concentration of wastes constituting "slugs" as defined in this Chapter;
- o. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the Authority's system;
- p. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- r. Detergents, surface-active agents, or other substances which may cause excessive foaming in the Authority's system;
- s. Any water, wastes or pollutants containing toxic or poisonous solids, liquids and/or which result in the presence of toxic gases, vapors or fumes in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with the sewage disposal system, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the wastewater treatment plant, including cyanides;

- t. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit;
- u. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chemical requirement, to such a degree that any such material received in the composite sewage at the sewage disposal system exceeds the limits established by the Executive Director as authorized for such materials and which may cause the Authority to violate its NPDES and/or other disposal system permits;
- v. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- w. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
- x. Any medical or lab wastes which contain biologically active materials, to include used culture media and materials, used medical dressings and wastes, human blood the tissues, and any other material which may have any potential to endanger the public health;
- y. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director;
- z. Trucked or hauled pollutants, except at discharge points designated by the Executive Director; and/or
- aa. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharges to receiving waters.

Pollutants, substances, or wastewater prohibited by this Paragraph A. shall not be processed or stored in such a manner that they could be discharged to the Authority's system.

3. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in this Chapter, and which, in the judgment of the Executive Director, may have a deleterious effect upon the sewage disposal system, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Executive Director may:
 - a. Refuse to accept the wastes;
 - b. Require pretreatment to an acceptable condition in accordance with guidelines adopted in these Rules and Regulations for discharge into the public sewers;
 - c. Exert control over quantities and rates of discharge; and/or
 - d. Require payment to cover the added cost of handling and treatment of the wastes not covered by existing sewer fees and charges.

B. National Categorical Pretreatment Standards. The categorical pretreatment standards found at CFR, Title 40, Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these Rules and Regulations by reference thereto.

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

4. A user may obtain a net gross adjustment to a categorical standard in accordance with CFR, Title 40, Part 403.15.
- C. Storm Sewer Discharges. Sanitary wastewater cannot be discharged to a storm sewer; however, the discharge of non-contact cooling or condensing water to a storm sewer may be permitted provided proper permits are secured from the Georgia Department of Natural Resources, Environmental Protection Division and/or the Authority.
- D. Local Limits. The following pollutant limits are established to protect against interference, surface or ground water contamination, sludge contamination, or violation of the facility's discharge permit. Discharges by users of the Authority's collection and treatment systems are limited such that specific pollutants at the influent to the Authority's system do not exceed the concentrations specified below:

Pollutant	Local Limit mg/l
Arsenic	0.02
Cadmium	0.03
Chromium	14.90
Copper	3.70
Cyanide	1.31
Lead	0.92
Mercury	0.0330
Molybdenum	0.19
Nickel	2.07
Selenium	0.07
Silver	3.50
Zinc	2.43
BOD5	250.00
TSS	250.00
COD	500.00
Ammonia Nitrogen	20.00
Total Phosphorus	10.00

All limits are maximum daily concentrations and, for metallic substances, are for total metal, unless indicated otherwise.

- E. Authority's Right of Revision. The Authority reserves the right to establish, by code or in wastewater discharge permits, more stringent standards or requirements on discharges to the Authority's system.

5-4 Special agreements to discharge.

The Authority and any discharger may, by agreement, permit an industrial waste of unusual strength or character to be admitted to the sewage disposal system, either before or after pretreatment, provided there is no impairment of the functioning of the sewage disposal system by reason of the admission of such wastes, no extra costs are incurred by the Authority without recompense by such person, and applicable national categorical pretreatment standards are not waived. Payment for extra strength wastewater or wastewater of unusual character shall be charged as determined by the Executive Director.

5-5 Limit modifications.

- A. As State requirements or limits on discharges to a sewage disposal system are changed, or as national categorical pretreatment standards are adopted or modified, or as Authority supplemental limitations are changed, such revised limitations shall apply to all dischargers.
- B.
 - 1. Any user who commences the discharge of hazardous waste shall notify the Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the Authority's system of a substance which, if otherwise disposed of, would be a hazardous waste under CFR, Title 40, Part 261. Such notification must include the name of the hazardous waste as set forth in CFR, Title 40, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the Authority's system, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this Subparagraph B.1. need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 5-15 of this Chapter. The notification requirement in this Subparagraph B.1. does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 5-15 of this Chapter.

2. Dischargers are exempt from the requirements of Subparagraph B.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 CFR, Title 40, Parts 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 CFR, Title 40, Parts 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Executive Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This Section does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable federal or State law.

5-6 Dilution.

No user shall ever increase the use of potable or process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or, in other cases, when the imposition of mass limitations is appropriate. This shall not prohibit the use of equalization tanks utilized to regulate flows.

5-7 Slug discharges.

No person shall cause the discharge of slugs of water or wastes. Each person producing a discharge into the public sewers in excess of ten (10) percent of

wastewater treatment plant capacity or one hundred thousand (100,000) gallons in any one day, whichever is less, may be required to construct and maintain at his own expense a suitable storage and flow-control facility to ensure equalization of discharge over a twenty-four-hour period. This facility shall have a capacity of at least fifty (50) percent of the total normal volume of a twenty-four-hour production period, and the outlet to the public sewer shall be equipped with a rate-discharge controller or other approved device.

5-8 Accidental discharges.

Each significant industrial user shall provide protection from the accidental discharge of prohibited or regulated materials or substances. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Executive Director for review, and shall be approved by the Executive Director before construction or installation. No discharger shall be permitted to introduce pollutants into the system after the effective date of this Chapter until accidental discharge protection procedures have been approved by the Executive Director.

Significant industrial users shall notify the Executive Director immediately upon the occurrence of a "slugload" or accidental discharge of prohibited substances. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges slugs or accidental discharge of prohibited materials shall be liable for all expense, loss or damage to the sewage system and wastewater treatment works attributable to such discharge; and in addition shall indemnify the Authority for any fine imposed on the Authority as the result of such discharge.

Signs shall be permanently posted in conspicuous places on discharger's premises advising employees of who to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification and control procedures.

Slug Control Plans. At least once every two (2) years, the Executive Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Executive Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Executive Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Executive Director of any accidental or slug discharge, as required by this Section; and
- (d) 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.

5-9 Wastewater discharge permit.

All dischargers shall apply for a wastewater discharge permit in addition to a sewer permit before connecting to or discharging to the Authority's sewage disposal system, in accordance with the Authority's Industrial Pretreatment Program, as approved by the Georgia Environmental Protection Division. Existing significant industrial users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this Chapter. To obtain a wastewater discharge permit, each discharger shall complete and file with the Authority a prescribed permit application containing at least the following information:

- A. Name, address, and location of the discharger.
- B. The standard industrial classification (SIC) number according to the most recent edition of the Standard Industrial Classification Manual, Office of Management and Budget.
- C. The wastewater constituents and characteristics, including, but not limited to, those mentioned in this Chapter. Sampling and analysis shall be performed in accordance with provisions of this Chapter.
- D. Time and duration of discharges.
- E. Average daily wastewater flow rates in gallons per day.
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, accidental discharge facilities, inspection

manholes, sampling chambers and appurtenances by size, location and elevation.

- G. Description of activities, facilities, and plant processes on the premises, including all materials that are or may be discharged to the sewers.
- H. The nature and concentration of any prohibited pollutants or materials. Existing significant industrial users shall include a statement on compliance regarding whether or not compliance is being achieved with this Chapter on a consistent basis or, if not, whether additional operation and maintenance activities and/or additional pretreatment are required for the discharger to comply with this Chapter.
- I. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

5-10 Implementation of pretreatment facilities requirements.

For existing significant industrial users needing additional pretreatment and/or operation and maintenance activities to comply with this Chapter, the discharger shall provide to the Executive Director for approval a schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The schedule shall:

- A. Establish milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for discharger to comply with the requirements of this Chapter, including, but not limited to, completing preliminary plans, completing final plans, commencing construction, completing construction, and all other acts necessary to achieve compliance. The completion date in this schedule shall not be later than the compliance date established for any applicable pretreatment standard.

- B. Provide that no time increment for any single step directed toward compliance may exceed nine (9) months.
- C. Provide that not later than thirty (30) days following each milestone date and the final date for compliance, the discharger shall submit a progress report to the Executive Director, including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports.
- D. Each product produced by type, amount, process or processes and rate of production.
- E. The type and amount of raw materials utilized by average and maximum per day.
- F. Signature by an authorized representative of the discharger.

Within thirty (30) days after full evaluation of the permit application, the Executive Director shall issue a wastewater discharge permit containing the terms and conditions applicable to the discharger or an order declaring the applicant to be a non-significant industrial user exempt from the requirement of a wastewater discharge permit.

5-11 Standards modification.

The Authority reserves the right to amend this Chapter and any wastewater discharge permit issued hereunder in order to assure compliance by the Authority with applicable laws and regulations. Where a discharger, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by this Chapter, the discharger shall apply for a wastewater discharge permit from the Authority within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA. In addition, any discharger with an existing wastewater discharge permit shall submit to the Executive Director within one hundred eighty (180) days after the promulgation of an applicable national categorical pretreatment standard, the information required by the Authority in Sections 5-9 and 5-10, if applicable. The discharger shall be informed of any changes in its permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

5-12 Permit conditions.

Wastewater discharge permits shall specify no less than the following:

- A. Fees and charges to be paid upon permit issuance.
- B. Limits on the average and maximum wastewater constituents and characteristics regulated thereby.
- C. Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization.
- D. Requirements for installation and maintenance of inspection and sampling facilities.
- E. Special conditions as the Executive Director may reasonably require under particular circumstances of a given discharge, including limits, sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
- F. Compliance schedules and interim limits, if applicable.
- G. Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Chapter.

5-13 Permit duration.

All wastewater discharge permits shall be issued for a maximum of five (5) years, subject to amendment or revocation as provided in this Chapter. Under extraordinary circumstances, a permit may be issued for a stated period of time.

5-14 Limitations on permit transfer.

Wastewater discharge permits are issued to a specific operation and are not assignable to another discharger or transferable to any other location without the prior written approval of the Authority.

5-15 Reporting requirements for industrial waste generators.

- A. Baseline Monitoring Reports.
 - 1. 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 CFR, Title 40, Part 403.6(a)(4),

whichever is later, existing categorical users currently discharging to or scheduled to discharge to the Authority's system shall submit to the Executive Director a report which contains the information listed in Subparagraph A.2. below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Executive Director a report which contains the information listed in Subparagraph A.2. below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described in Subparagraph A.1. above shall submit the following information in their reports:
 - a. Identifying Information. The name and address of the facility, including the name of the owner and operator.
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the Authority's system from the regulated processes.
 - d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the Authority's system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in CFR, Title 40, Part 403.6(e).
 - e. Measurement of Pollutants.
 1. The categorical pretreatment standards applicable to each regulated process.
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Executive Director, 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 the procedures set out in Section 5-16 of this Chapter.

3. Sampling must be performed in accordance with the procedures set out in Section 5-17 of this Chapter.
- f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - g. Compliance Schedule. If additional O&M and/or pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional O&M and/or pretreatment. The completion date in such schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Subparagraph must meet the requirements set out in Section 5-10 of this Chapter.
 - h. Signature and Certification of Baseline Monitoring Reports. All baseline monitoring reports must be signed and certified in accordance with Section 5-9 of this Chapter.
- B. Within ninety (90) days following the date for final compliance by a discharger with applicable pretreatment standards or ninety (90) days following commencement of the introduction of wastewater into the sewage disposal system by a new discharger, each discharger shall submit to the Executive Director a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report shall state whether the applicable federal or State pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the discharger.

- C. Every significant industrial user shall submit to the Authority during the months of June and December, or more frequently as required by the Executive Director, a report indicating the nature and concentration of prohibited or regulated substances that are limited by the pretreatment standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement provided, however, where approved by the Executive Director, reports of average and maximum flows may be estimated by verifiable techniques. Reports shall contain all results of sampling and analysis of the discharge, including the flow, nature, concentration and loading, plus production, where required. If a user subject to the reporting requirements in this Section monitors any pollutant more frequently than required by the Executive Director, using the procedures prescribed in Section 5-16 of this Chapter, the results of this monitoring shall be included in the report.
- D. Reports of Changed Conditions. Each user must notify the Executive Director of any planned significant change(s) to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change(s).
1. The Executive Director may require the user to submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a wastewater discharge permit application under Section 5-9 of this Chapter.
 2. The Executive Director may issue a wastewater discharge permit under Section 5-9 of this Chapter or modify an existing wastewater discharge permit in response to changed conditions or anticipate changed conditions.
 3. For purposes of this Chapter, significant changes include but are not limited to flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.
- E. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation.

- F. Off-site Transportation and Disposal of Generated Waste. Users electing to transport and dispose of generated waste in a manner other than into the Authority's sanitary sewer system will be subject to reporting requirements to include:
1. Manifests of all loads removed from the site of the generator to include the name, address, and signature of the receiving disposal site.
 2. A monthly report submitted to the Authority listing all of the loads described above to include gallons per load and total gallons for the reporting month.
- G. Record Keeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the 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 five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority, or where the user has been specifically notified of a longer retention period by the Executive Director.

5-16 Monitoring.

Each discharger designated by the Executive Director shall provide and operate, at the discharger's expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge. Each monitoring facility shall be situated on the discharger's premises, except when otherwise approved by the Executive Director.

The discharger shall be responsible for the collection and testing of the aforementioned samples. All tests shall be done in accordance with acceptable laboratory standards, with a copy of the results forwarded directly to the Douglasville-Douglas County Water and Sewer Authority, Pretreatment Program. Samples shall be collected in such a manner as to be representative of the composition of the wastes. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

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 CFR, Title 40, Part 136, unless otherwise specified

in an applicable categorical pretreatment standard. If CFR, Title 40, Part 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 the EPA.

5-17 Inspection and sampling.

A. Sample Collection.

1. Except as indicated in Subparagraph A.2. below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Executive Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples, where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

B. Representatives of the Authority may inspect the monitoring facilities of any discharger. The Executive Director or his authorized representatives shall have the right to enter upon the premises of the discharger at all reasonable hours for the purposes of inspection, sampling, observation, measurement, testing, records examination or in the performance of any duty. The discharger shall provide records relevant to determining compliance with all requirements. Results of sampling, inspection, monitoring, and metering conducted by the Authority or authorized representative shall be available to the discharger.

5-18 Confidential information.

Information and data furnished to the Executive Director with respect to the nature or frequency of discharge shall be available to the public or other government agency without restriction unless the discharger specifically requests the material be treated as confidential information. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the Executive Director may make the information available to the public without further notice. If a claim is asserted, the information will be treated as confidential as approved by the Executive Director and shall not be made available for inspection by the public, except as may be otherwise required by the Georgia Open Records Act. Confidential information shall be secured and be made available only to

those individuals employed by the Authority that are involved in the Authority's pretreatment program, but such information shall be made available upon written request to governmental agencies for use related to this Chapter.

Information and data provided pursuant to this Chapter that is effluent data shall be available to the public without restriction.

5-19 Prohibitions.

- A. No person shall violate or fail to perform any duty imposed by this Chapter or violate any order, rule, or condition of a wastewater discharge permit issued by the Executive Director. Each day of violation is a separate offense.
- B. No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or with purpose to mislead an Authority official in performing official functions.
- C. No person shall knowingly damage or improperly tamper with any monitoring device or method required or authorized under this Chapter.

5-20 Enforcement.

In the event the Executive Director finds a discharger in violation of this Chapter, he may serve written notice upon the violator stating a brief and concise description of the violation and directing compliance within ten (10) days or other reasonable period as provided by the Executive Director. Service of the notice shall be made personally or by certified mail upon the discharger or authorized representative of the discharger.

If the violation has not been corrected as determined by the Executive Director, the Executive Director may issue a written citation to the discharger. The citation shall contain a brief and concise description of the particulars of the violation, the proposed enforcement action, as well as the time and place of a hearing. The date of the hearing shall be no earlier than thirty (30) days nor later than sixty (60) days from the date of service. Service of the citation shall be made personally or by certified mail upon the discharger or authorized representative of the discharger. Service is complete on the date of mailing.

5-21 Hearing.

The Executive Director or the Executive Director's representative shall conduct the hearing and shall determine the order in which the hearing shall proceed.

At the hearing, both the discharger or its representative or attorney shall be permitted to present its position, arguments and contentions. Evidence may be admitted and witnesses may be examined and cross-examined to either support the discharger's position or to refute evidence and testimony offered by the Authority. Furthermore, the right to proffer evidence into the record shall be recognized. All witnesses shall be placed under oath and the Executive Director shall permit subpoenas to be issued upon written request. If neither the discharger nor its authorized representative appears at the hearing, the Executive Director shall proceed with the hearing.

Within thirty (30) days from the date of the hearing, the Executive Director shall render a decision in writing, supported by conclusions of fact supporting his decision, to all parties. The Executive Director may order any appropriate relief, including dismissal of the citation or termination of wastewater treatment services and the wastewater discharge permit of the discharger. The decision of the Executive Director shall be a final administrative order and any discharger adversely affected by such decision may appeal to a court of competent jurisdiction.

5-22 Emergency suspension of service.

The Executive Director may, for good cause shown, suspend the wastewater discharge permit of a discharger for violation of any pretreatment limits, or when it appears that an actual or threatened discharge presents an imminent, substantial danger to the health or welfare of persons, the environment, or the operation of the sewage disposal system. The Executive Director shall notify the discharger of the suspension of the Authority's wastewater treatment service and the discharger shall cease all discharges as directed. In the event of failure of the discharger to comply with the suspension order within the specified time; the Executive Director may commence judicial proceedings or take other action as deemed appropriate. The Executive Director shall reinstate the wastewater treatment service and the wastewater discharge permit and terminate judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent, substantial danger.

5-23 Revocation of permit.

The Executive Director may revoke the permit of any discharger which:

- A. Fails to factually report the wastewater constituents and characteristics of its discharge, or to report significant changes in wastewater constituents or characteristics; or
- B. Refuses reasonable access to the discharger's premises by the Executive Director or his authorized representatives for the purpose of inspection or monitoring; or

- C. Violates the conditions of its permit, or any final judicial order entered with respect thereto.

5-24 Publication of users in significant noncompliance.

The Executive Director shall publish annually, in the largest daily newspaper published in the municipality where the Authority is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month (6-month) period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month (6-month) period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation that the Executive Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the Authority's personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) which the Executive Director determines will adversely affect the implementation or operation of the local pretreatment program.

5-25 Operating upsets.

Any discharger who experiences a state of noncompliance with this Chapter or a wastewater discharge permit issued hereunder shall inform the Executive Director thereof immediately. Where such information is given verbally, a written follow-up report thereof shall be filed by the discharger with the Authority within five days. The report shall specify:

- A. Description of the noncompliance, the cause thereof and the impact on the discharger's future compliance status.
- B. Duration of noncompliance, including exact dates and times of noncompliance, and the time by which compliance is expected to be achieved.
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of the cause of noncompliance.

5-26 Interpretation of regulations.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Executive Director on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this Chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request may, at the Executive Director's discretion, stay all proceedings pending receipt of the aforesaid written reply.

5-27 Records retention.

All dischargers shall retain and preserve for no less than five (5) years, all records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to materials which are the subject of enforcement or litigation activities brought by the Executive Director pursuant hereto shall be retained and preserved by the discharger for a period of five (5) years from the date of final adjudication.

5-28 Civil penalty.

Any person who discharges or causes a discharge which damages or impairs the Authority's sewage disposal system shall be liable to the Authority for any expense, loss or damage caused by such discharge.

When the Executive Director finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may petition the court having jurisdiction, through the Authority's attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the user. The Executive Director 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.

The Executive Director may commence judicial proceedings to enforce the provisions of this Chapter. Any action under this Chapter is a civil action governed by the rules of practice and procedures applicable to civil actions.

In addition to the charges specified in this Paragraph, the Authority reserves the right to charge a civil penalty of not more than one hundred thousand dollars (\$100,000.00) per day per violation.

CHAPTER SIX

BEAR CREEK AND DOG RIVER RESERVOIRS

6-1 Purpose and policy.

The purpose of this Chapter is to establish reasonable regulations for the protection of the water quality of the Bear Creek and Dog River Reservoirs, to provide for use of the Dog River Reservoir for limited recreational activity and to enable the public to enjoy the benefits provided by the Dog River Reservoir in a safe and unmolested manner.

6-2 Definitions.

The following definitions shall apply to Chapter 6 of these Rules and Regulations:

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

Barricade means a structure built with buoys and nylon cording to close off or restrict a portion of the reservoir.

Bear Creek Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the Chattahoochee River and the easterly land lot line of Land Lot 6, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 6 and Land Lot 7 and Land Lot 8, 3rd District, 5th Section to its intersection with S. River Road; proceeding thence in a westerly direction along the centerline of S. River Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with Big A Road; proceeding thence in a northwesterly direction along the centerline of Big A Road to its point of intersection with State Highway 5; proceeding thence in a northerly direction along the centerline of State Highway 5 to its point of intersection with Central Church Road; proceeding thence in an easterly direction along the centerline of Central Church Road to its intersection with Chapel Hill Road; proceeding thence in a southerly direction along the centerline of Chapel Hill Road to its intersection with West Chapel Hill Road; proceeding thence in a southwesterly direction along the centerline of West Chapel Hill Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the western land lot line of Land Lot 35, 1st District, 5th

Section; proceeding thence in a southerly direction along the western land line of Land Lot 35, 1st District, 5th Section to its intersection with the Chattahoochee River.

Buoy means a marine float anchored in water as a warning of danger.

Class A type boat means any boat less than sixteen (16) feet in length.

County means Douglas County and its agents.

Creel limit means the State of Georgia Department of Natural Resources basket limits on the amount of fish which may be caught and removed from water in one outing.

Dam means the structure causing the water impoundment.

DNR means the State of Georgia Department of Natural Resources.

Dog River Drainage Basin means . . .

ALL THAT TRACT or parcel of land lying and being in Douglas County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the centerline of State Highway 78 with the Douglas/Carroll County line; proceeding thence in an easterly direction along the centerline of U.S. Highway 78 to its intersection with Bright Star Road; proceeding thence in a southerly direction along the centerline of Bright Star Road to its intersection with Central Church Road; proceeding thence in a southeasterly direction along the centerline of Central Church Road to its intersection with State Highway 5; proceeding thence in a southwesterly direction along the centerline of State Highway 5 to its intersection with Big A Road; proceeding thence in a southeasterly direction along the centerline of Big A Road to its intersection with State Highway 166; proceeding thence in an easterly direction along the centerline of State Highway 166 to its intersection with S. River Road; proceeding thence in a southerly direction along the centerline of S. River Road to its intersection with the northern land lot line of Land Lot 7, 3rd District, 5th Section; proceeding thence in a westerly direction along the northern land lot line of Land Lot 7, 3rd District, 5th Section to its intersection with the easterly land lot line of Land Lot 14, 3rd District, 5th Section; proceeding thence in a southerly direction along the easterly land lot line of Land Lot 14, 3rd District, 5th Section and Land Lot 15, 3rd District, 5th Section to its intersection with the Chattahoochee River; proceeding thence along the centerline of the Chattahoochee River to its intersection with the easterly land lot line of Land Lot 30, 3rd District, 5th Section; proceeding thence in a northerly direction along the easterly land lot line of Land Lot 30, 3rd

District, 5th Section and Land Lot 29, 3rd District, 5th Section to its intersection with Five Notch Road; proceeding thence in a northwesterly direction along the centerline of Five Notch Road to its intersection with State Highway 166; proceeding thence in a westerly direction along the centerline of State Highway 166 to its intersection with the Douglas/Carroll County line.

Easement means land surrounding the Dog River Reservoir's edge that the Authority has obtained rights to for the purpose of water level fluctuations. The Authority currently has easement rights to 770 feet above sea level.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Floatation devices means a life vest or jacket that can be worn or thrown or buoyant cushion or ring buoy.

"May" means that the regulation or requirement is permissive.

Moor means to secure a boat with cables or anchors to a dock facility.

Non-resident user means a non-resident of Douglas County who obtains an entrance or boat permit. The rights of a non-resident user shall be limited as set forth in this Chapter.

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Pollutant means contaminated water, wastewater, garbage, sludge, rock, sand, dirt, and industrial, municipal, commercial, institutional, domestic and agricultural waste.

Private dock means a floating platform or t-type dock which is fully described in the Authority's specifications and which is privately owned by a property owner with property adjacent to the reservoir.

Private user means a property owner who owns land fronting on the reservoir who obtains an entrance, boat, and/or dock permit.

Property owner means a party who owns land fronting on the reservoir.

Public dock means public dock facility owned and operated by the Authority and located near the public boat ramp.

Public user means a resident user or a non-resident user.

Reservoir property means the land and easements purchased by the Authority for ownership, operation, and maintenance of the water impoundment known as the Dog River Reservoir and all the structures thereon.

Resident user means a resident of Douglas County who obtains an entrance or boat permit.

"Shall" means that the regulation or requirement is mandatory.

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

User means every person who obtains an entrance, boat, and/or dock permit.

Walkway or boarding ramp means the extension from the floating dock to the shoreline, which is used for boarding or accessing the dock.

6-3 Bear Creek Reservoir.

The Bear Creek Reservoir is used solely for raw water supply storage and is not available to the general public for any purpose. Wading, swimming, or bathing are expressly prohibited at the Bear Creek Reservoir. Private boat docks and the use of boats of any kind or character, regardless of size and type of operation, whether motorized or not, shall be prohibited at the Bear Creek Reservoir. Use of the Bear Creek Reservoir by property owners adjacent to the reservoir may be allowed with the written consent of the Authority. Any restrictions on use of the Dog River Reservoir shall automatically be incorporated by reference for any use of the Bear Creek Reservoir by an adjacent property owner, but shall not grant any rights of use to the general public.

The remaining sections of this Chapter address the Dog River Reservoir.

6-4 Dog River Reservoir hours of operation.

The Authority will permit public user access to the Dog River Reservoir from 7:30 a.m. until dusk, Monday through Sunday. Annual pass holders may use the Dog River

Reservoir year-round, subject to the 7:30 a.m. until dusk, time limit. The Authority does, however, reserve the right to close the reservoir at any time, with or without notice, when deemed appropriate or necessary by the Authority.

6-5 Identification.

Persons using the reservoir facilities may be required to show proper identification, permits, and/or passes upon the request of Authority or DNR personnel.

6-6 Access.

- A. Each person entering the Dog River Reservoir property will be required to pay a daily fee or purchase an annual pass which entitles the purchaser access to the reservoir during public access hours of operation provided the maximum number of customers allowed onto the reservoir has not been reached. Authority personnel shall have the sole discretion to determine when the maximum number of customers has been reached and shall have the power to disallow further entry to the reservoir at such time. Entry shall be granted on a first-come, first-served basis.
- B. Each resident may be accompanied by one (1) guest who is a non-resident. The non-resident must pay the appropriate fees.
- C. Non-Douglas County residents owning at least 25% of a business operating in Douglas County where the business is a WSA water and/or sewer customer shall be allowed to utilize the Dog River Reservoir Recreational Complex in the same manner as afforded Douglas County residents.
- D. All persons under the age of 16 must be accompanied by an adult.
- E. Annual passes expire March 31st of each year. The purchase of an annual pass does not guarantee access to the reservoir during normal operation hours if the maximum number of entrants has been reached or the reservoir has been closed.
- F. All entrance passes are non-transferable.
- G. Any person who is discovered to be on Authority reservoir property without paying the entrance fees or possessing a valid annual pass shall be fined up to \$500.00. The fine does not preclude the Authority from expelling the person from the reservoir, revoking any and/or all permits, and/or taking legal action as deemed appropriate.

- H. The Dog River Reservoir may be used only by those who have paid the appropriate charges and/or secured the proper permits outlined in these Rules and Regulations. Private and resident users shall be entitled to bring guests upon the reservoir property upon the payment of the appropriate charges and/or securing the proper permits outlined herein. Public users may gain access to the reservoir only at the entrance gates located off State Highway 166 or by water entry at the northerly most point of the reservoir property where the mouth of the Dog River feeds into the reservoir.
- I. Non-resident access shall be limited to the right to use the reservoir for a means of disembarkation from the Dog River. Non-resident users shall not have the right to fish on the reservoir or to engage in any activity that interferes with the right of resident and private users to fish on the reservoir. Non-resident users who gain access to the reservoir via the Dog River shall promptly disembark from the reservoir and contact the reservoir attendant and pay the appropriate charges.
- J. Due to the limited size of the reservoir, the Executive Director or designee may limit the number of boats permitted to enter the reservoir on a daily basis. Issuance of an annual fishing or boat permit does not guarantee access to and use of the reservoir. The public boat ramp and reservoir will be available on a first-come, first-enter basis until the maximum number of permitted boats is reached. Water entry from points north of the reservoir is likewise prohibited when the maximum number of boats on the reservoir is reached.
- K. Property owners along the reservoir who have an Authority permitted private dock as provided in this Chapter and who have a boat properly moored may leave the boat in the water unless otherwise directed by the Authority for purposes of maintaining water quality or maintenance of the reservoir.

6-7 Restrictions on use of Dog River Reservoir.

The following is expressly prohibited at the Dog River Reservoir and on Dog River Reservoir property:

- A. The possession or consumption of alcohol, illegal drugs, or any controlled substance.
- B. Wading, swimming or bathing.
- C. The discharge of firearms.
- D. The possession or use of archery equipment, including bows and arrows, or explosives.

- E. The operation or use of any audio or noise producing devices in such a manner as to unreasonably annoy or endanger other individuals.
- F. Pets.
- G. Soliciting.
- H. Glass containers of any kind.
- I. Littering or dumping.
- J. Fishing from roads or bridges overlooking the reservoir.
- K. Boats with internal combustion engines and/or petrochemical fuels.
- L. Boats in excess of sixteen (16) feet in length.
- M. Sailboats, inner tubes, inflatable rafts and floats, and paddle boards.
- N. Cleaning of boats with soaps or solvents.
- O. Boats that are not properly registered by the State and the Authority or that do not carry appropriate floatation devices.
- P. Unlicensed vehicles or unlicensed persons operating licensed vehicles. No person under sixteen (16) years of age may operate a boat of any type on the reservoir.
- Q. Trail bikes, mini bikes, go-carts, or motorcycles that are not equipped and licensed for street use.
- R. The discharge of any pollutant.
- S. Destruction, injury, defacement, or removal of Authority property.
- T. No person fifteen (15) years old or less is permitted on the reservoir unless accompanied by an adult. Sixteen (16) and seventeen (17) year olds are permitted on the reservoir without adult supervision.
- U. Styrofoam coolers, buckets or utensils (reservoir only).
- V. The operation of any boat at a speed greater than 10 m.p.h.

The Authority reserves the right to inspect personal property for compliance with the restrictions listed above at any time. Failure to comply with the restrictions listed above may result in expulsion from the reservoir.

6-8 Fishing regulations.

All resident and private users and their guests that are fishing and/or boating in the reservoir must comply with all fishing and/or boating rules and regulations of the Georgia Department of Natural Resources (DNR) concerning safety, licenses, creel limits, and all other applicable requirements. In the event of a conflict between DNR and Authority requirements, the most stringent regulations and/or rule shall be applicable. Trot lines and set or bank poles are not permitted and there is a limit of two (2) fishing poles per person.

6-9 Bass fishing regulations.

All large-mouth bass fourteen inches (14") and under must be released immediately. In addition, the daily limit for large-mouth bass for any person is five (5) and a maximum of ten (10) per boat regardless of the number of individuals in the craft.

6-10 Fishing.

Fishing is permitted only by resident and private users and their guests in Authority designated areas and from boats located in the reservoir. Fishing from private property is limited to the property owner and guests of the property owner. Fishing from roads and bridges adjacent to or over the reservoir is not permitted.

6-11 Fees for use of reservoir.

Only the Authority may charge for use of the reservoir, including for fishing, boating, or other use of Authority property.

6-12 Boating.

All annual boating permits must be displayed on bow of boat or shown at the entrance gate and should remain with the boat at all times. Picture identification must be supplied upon request by an authorized Authority representative.

Annual permits expire March 31st of each year. The purchase of an annual boat permit does not guarantee access to the reservoir if the maximum number of boats on the reservoir has been reached or the reservoir has been closed.

Boating permits are non-transferable.

All boats on the Dog River Reservoir must be of the Class A type and no greater than 16 feet in length. Internal combustion engines and/or petrochemical storage tanks are not permitted on the reservoir. Vehicles towing a boat with such engine or tanks will not be granted entry to Authority property. All boats must be clean and safe before entering the reservoir and may only enter the reservoir at Authority designated areas. The Authority reserves the right to prohibit any vehicle and/or boat from entering the reservoir property.

6-13 Boating safety.

All boaters must abide by DNR rules, regulations and requirements for the operation of Class A type watercraft. All boats found on the reservoir that do not have a valid pass shall be expelled immediately from the reservoir and the owner or operator shall be required to pay the appropriate fine as described in Chapter 4 (Fees and Charges).

All boaters must abide by the manufacturers' recommended weight limits and boating capacities for their individual craft.

6-14 Boating restricted access.

The Authority has installed barricades and/or buoys at certain points on the reservoir. These barricades and/or buoys designate the restricted areas of the reservoir where boating and fishing are not permitted. All boaters must respect all warning signs and refrain from entering restricted areas and from entering upon private property surrounding the reservoir.

6-15 Violations of restricted areas.

The Authority may immediately revoke without refund the annual and/or daily pass(es) of any boater found within the barricaded areas of the reservoir. The Authority reserves the right to prosecute any violator in addition to the remedies and fines provided for in the Authority Rules and Regulations.

6-16 Restrictive use.

The Authority reserves the right to restrict or prevent the use of the reservoir during periods of emergency or circumstances demanding such restrictions or prevention of use.

6-17 Damage, trespassing.

It shall be unlawful for any person, to damage, tamper with, trespass, or alter any property, barricades, structures or appurtenances owned by the Authority without the express written consent of the Authority.

6-18 Dam and intake restrictions.

The dam, intake structure and immediate surrounding area are not available to the public. No person shall enter the restricted area, attempt to operate or tamper with said structures, physically climb or attempt to reach by shoreline such structures, or in any way attempt to manipulate water levels around said structures.

6-19 Easement maintenance.

The Authority has obtained easements surrounding the Dog River Reservoir for flood control purposes to an elevation of 770 feet above sea level. Normal pool of the reservoir is currently 760 feet above sea level.

Easements belonging to the Authority adjacent to the reservoir must remain in a natural state or if developed by the property owner must be properly landscaped and soil erosion and control measures must be taken prior to any work being performed. The property owner shall not use any chemicals or growth retardants in the easement area. The use of such products on private property adjacent to the reservoir must not affect public land or water quality. Any sea wall construction or other erosion control measures must be in accordance with Authority standards.

6-20 Private property owners along reservoir.

Private property lines do not extend into the reservoir. Adjacent land ownership does not guarantee privacy or imply exclusive use of the shoreline at such time as water levels are less than 760' MSL with the exception of private docks and boat moorings. The rights of property owners adjacent to the reservoir are the same as those rights and privileges granted to the general public except to the extent as otherwise provided.

In addition, individuals owning property adjacent to the reservoir are required to purchase the same daily or annual passes or permits and pay the same fee as the general public.

6-21 Dog River Drainage Basin restrictions.

In order to protect water quality in the Dog River Reservoir, development of property adjacent to the Dog River Reservoir shall be subject to the following restrictions:

- A. Undisturbed Buffer. The two hundred (200) foot undisturbed buffer means an absolute undisturbed vegetative buffer. There shall be no disturbance within the buffer, other than one (1) path per property not to exceed five (5) feet in width. Paths must be perpendicular to the reservoir unless otherwise

specifically approved by the Authority, and no trees greater than two inches (2") in diameter can be removed at any time or for any purpose. There shall be a minimum separation of one hundred fifty (150) feet between any such paths, and all such paths shall be maintained so that no soil erosion occurs. The following restrictions shall apply to the undisturbed buffer:

1. No clearing or thinning of vegetation. Violation of this restriction shall result in the denial of a dock permit to the property owner (and any subsequent owner) or the immediate revocation of the property owner's dock permit, the imposition of appropriate fines as authorized by these Rules and Regulations, and the requirement that the property owner replant and reestablish an appropriate undisturbed vegetative buffer, consisting of such materials, placement, and establishment as may be satisfactory to the Authority, in its sole discretion.
 2. No agricultural activities or the keeping of livestock or other animals, whether domesticated or not.
 3. No fencing.
 4. No fires.
- B. Landscaping Restrictions. For all properties adjacent to the reservoir, landscaping plans, including initial installations and all future additions thereto, shall be subject to the approval of the Authority. The Authority reserves the right to limit the amount of turf or grassing on adjacent properties, it being in the best interest of water quality to landscape such properties in accordance with xeriscape principles. The use of yard chemicals, including but not limited to fertilizers, pesticides, and herbicides that can have an impact on water quality, is prohibited.
- C. Prohibition on Wells. No wells shall be allowed on any property adjacent to the Dog River Reservoir or on any property where any portion of said property lies within one thousand (1,000) feet of the highest existing flood easement elevation (currently 770' MSL) of the Dog River Reservoir.
- D. Septic Tanks. For all properties adjacent to the reservoir, septic tanks shall be of a minimum size of fifteen hundred (1,500) gallons, which minimum size requirements may be increased based on the number of household fixtures to be installed within any residence located on the subject property. All field lines shall be installed as far away from the Dog River Reservoir as possible, but in no case shall any field line be located within the two hundred (200) foot undisturbed buffer.

- E. Sanitary Sewer Extensions. The Authority reserves the right to limit and regulate the design and location of any future sanitary sewer extensions adjacent to, around, or near the Dog River Reservoir, including but not limited to gravity lines, force mains, and lift stations.
- F. Water withdrawals of any kind from the reservoir are prohibited.

6-22 Private dock restrictions.

In addition to the restrictions and Rules and Regulations outlined in this Chapter, the following shall apply to private dock facilities:

- A. No utility service of any kind, either permanent or temporary, may be extended to or used on the dock facility.
- B. No cooking may be done on docks.
- C. No permanent or temporary lighting, gas stoves or grills, barbeque grills, refrigerators or any fixtures may be on the docks.
- D. No storage containers may be placed on the docks, except for those permanently affixed to the dock and approved by the Authority. Gas cans and chemical containers of any type are not permitted on the dock at any time.
- E. No cleaning of docks, decking or boats moored at docks with soaps or solvents while they are floating in or suspended above the reservoir may be done.
- F. No pay for fishing is allowed off private docks or private shoreline property.
- G. No diving, wading or swimming in the reservoir off the docks is allowed.
- H. Any temporary lounging furniture (chairs, loungers, etc.) placed on the dock must be properly secured.
- I. The linking or joining of docks is not permitted.
- J. Docks must remain anchored to the shore at all times.
- K. No fires of any kind or nature are permitted on docks.
- L. No multi-user private or public docks or marinas are permitted, except by specific agreement.

6-23 Private boat dock requirements.

Private floating docks may be permitted by the Authority at the reservoir for those property owners whose property is adjacent to the reservoir and which also meets established requirements. Docks must strictly adhere to the Authority's Design and Construction Standards. Requirements for qualifying for a boat dock are as follows:

- A. Docks must be of the floating platform or t-type dock. The dock must be a floating dock without roof or enclosure of any configuration (always remaining completely open) and must be removable from the reservoir. Multi-level docks are prohibited.
- B. The landowner must have a minimum of five acres of property, including 500 feet of reservoir frontage.
- C. The dock cannot be closer than 100 feet to an existing dock.
- D. Docks will only be permitted at sites that provide a water depth sufficient to allow the dock structure at normal pool elevation of 760 MSL feet to float.
- E. Size of the dock may not exceed 12 x 15 feet with the 15-foot section running parallel to the shoreline, subject to the other restrictions of this Section.
- F. The floating dock and boarding ramp together may not project more than twenty percent (20%) of the reservoir's total width at point of placement and the dock cannot be more than 20 feet from the shoreline at its furthest most point as determined by the Authority.
- G. Other reasonable requirements as may be established by the Authority.

6-24 Obtaining private dock permits.

Prior to the issuance of a dock permit allowing placement of a dock in the reservoir, all Authority Design and Construction Standards must be followed and all applicable Authority fees and charges must be paid.

6-25 Construction of a private dock.

The cost and liability of constructing a private dock facility, including labor and materials, shall be borne entirely by the owner of the property. The Authority assumes no responsibility or liability for the integrity, soundness, structure or materials used for the dock.

6-26 Continued use of private docks.

The Authority reserves the right to require the boat docks to be moved, relocated or removed from the reservoir upon reasonable request at any time during the year for purposes of maintaining water quality or maintenance of the reservoir. Removal, if required, shall be at the property owner's expense.

An application for a boat dock permit must be made on an annual basis on a form provided by the Authority for such purposes. In each subsequent season (year), the property owner will be required to pay a renewal fee as specified in Chapter Four. A permit will be issued upon inspection of the dock by an Authority representative, provided the dock meets Authority standards.

6-27 Maintenance of private docks.

All maintenance, including labor and materials, of private boat docks shall be the responsibility of the dock owner. If during the season a private dock becomes damaged or is deemed in the reasonable opinion of the Authority unsuitable for the reservoir, the dock must be removed from the reservoir at the expense of the owner.

6-28 Noncompliance.

The Authority reserves the right to remove the dock from the reservoir at the owner's expense and without liability for damage to the dock or the owner's private property if the owner fails to comply with the Authority's Rules and Regulations and directions of Authority personnel.

6-29 Private dock ownership.

Upon sale of the property or portion thereof adjacent to the reservoir by an owner who has been issued a dock permit, the seasonal dock permit may be transferable to the new property owner for the current season. New owners must notify the Authority of transfer of property so that the dock permit may be transferred. Failure to notify the Authority may result in the revoking of the permit.

If the new property owner wishes to construct a new dock, the owner must follow the procedures outlined in this Chapter.

6-30 Private docks.

Private docks are not available to the general public and are considered private property.

6-31 Liability

All costs and liabilities, as well as insurance requirements associated with private docks, are to be solely incurred by the private dock owner. The Authority shall be held harmless from any claim, costs, loss or damage which the owner may have against the Authority arising out of or in any way connected with the use of the dock or reservoir facilities.

All users of the Authority reservoir shall hold the Authority safe and harmless from any claim, cost, loss, damage or obligation whatsoever that arises from the use of the Authority property.

6-32 Violations.

The Authority reserves the right to fine, and/or expel persons, either temporarily or permanently, and/or revoke entrance, boating and/or dock privileges for reasons detrimental to the Authority or general public, including, but limited to, the violation of any rule or regulation of the Authority, denying or harassing persons authorized use of the reservoir facilities, and failure to follow the direction of Authority representatives and agents.

Nothing in these regulations shall prohibit or limit the Authority from seeking other remedies as may be provided by law.

CHAPTER SEVEN SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

7-1 Purpose and policy.

The purpose of this Chapter is to provide uniform rules, regulations, and policies regarding soil erosion, sedimentation and pollution control for all properties and land disturbing activities lying within the jurisdictional limits of any municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including but not limited to regulation and enforcement of soil erosion, sedimentation and pollution control, and to provide penalties for violations of this Chapter.

7-2 Definitions.

The following definitions shall apply in the interpretation and enforcement of Chapter 7 of these Rules and Regulations, unless otherwise specifically stated:

Appropriate Governmental Entity means the City of Douglasville, Douglas County, or any other municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including, but not limited to, regulation and enforcement of soil erosion, sedimentation and pollution control.

Authority means the Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

Best Management Practices (BMPs) means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board means the Board of Natural Resources.

Buffer means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel means a person who has successfully completed the appropriate certification course approved by the Commission.

Commission means the Georgia Soil and Water Conservation Commission.

City means the City of Douglasville, Georgia and/or its governing authority or authorized agents or representatives.

County means Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

CPESC means a Certified Professional in Erosion and Sediment Control with a current certification by Certified Profession in Erosion Control, Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department means the Georgia Department of Natural Resources.

Design Professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Director means the Director of the Environmental Protection Division of the Department of Natural Resources or an authorized representative.

District means the West Georgia Soil and Water Conservation District.

Division means the Environmental Protection Division of the Department of Natural Resources.

Drainage Structure means a device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Ephemeral State Waters means streams, ditches and drainage ways that only have flowing water during and immediately after rainfall and do not receive any groundwater flow throughout the year as determined by the "Field Guide for Determining the Presence of State Waters That Require a Buffer" published by the Division and/or the "North Carolina Division of Water Quality Stream Identification Method".

Erosion means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion, Sedimentation and Pollution Control Plan means a plan required by the Erosion and Sedimentation Act (O.C.G.A. Chapter 12-7), that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements of this Chapter.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfills cell that has been certified by the Division for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% of greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or textiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines; a crop of perennial appropriate for the time of year and region; or a crop of annual vegetation and seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground Elevation means the original elevation of the ground surface prior to cutting or filling.

Intermittent State Waters means a stream that has a seasonal dry weather flow or a pond that is charged by groundwater for any period of the year as determined by the "Field Guide for Determining the Presence of State Waters That Require a Buffer" published by the Division and/or the "North Carolina Division of Water Quality Stream Identification Method".

Land-Disturbing Activity means any activity which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in Section 7-3.E. of this Chapter.

Larger Common Plan of Development or Sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For purposes of this term and its usage in this Chapter, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority means the governing authority of the City of Douglasville, Douglas County, or any other municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement, which have each respectively been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division. As provided by the Intergovernmental Agreements, the Authority shall have all the powers that the appropriate governmental entity has as a “Local Issuing Authority,” except the ability to issue the land-disturbing activity permit, which shall only be done by the appropriate governmental entity with the approval of the Authority. When proper, the term “Local Issuing Authority” shall include the Authority as the contractual agent of the appropriate governmental entity for all soil erosion and sedimentation control regulation and enforcement activities described herein.

“May” means that the regulation or requirement is permissive.

Metropolitan River Protection Act (MRPA) means the State law referenced in O.C.G.A. § 12-5-440, et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface means the ground surface in its original state before any grading, excavation, or filling.

Nephelometric Turbidity Units (NTU) refers to the numerical units of measure based on photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NOI means Notice of Intent form provided by the Division for coverage under the State General Permit.

NOT means a Notice of Termination form provided by the Division to terminate coverage under the State General Permit.

Operator means the party or parties that have:

- (a) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) Day-to-day operational control of those activities that are necessary to ensure compliance with an Erosion and Sedimentation Control Plan or stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the Erosion and Sedimentation Control Plan or stormwater pollution prevention plan or to comply with other permit conditions.

Outfall means the location where stormwater in a discernable, confined and discrete conveyance leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Perennial State Waters means streams that flow continuously year round or ponds that hold water year round as determined by the "Field Guide for Determining the Presence of State Waters That Require a Buffer" published by the Division and/or the "North Carolina Division of Water Quality Stream Identification Method".

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this Chapter.

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, estate, commission, board, public or private institution, utility, cooperative, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Phase or Phased means sub-parts or segments of construction projects where the sub-part or segment is constructed or stabilized prior to completing construction activities on the entire construction site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Commission as of January 1 of the year in which the land-

disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of the NOI submittal.

Roadway Drainage Structure means a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation refers to the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

"Shall" means that the regulation or requirement is mandatory.

Soil and Water Conservation District Approved Plan means an erosion and sedimentation control plan approved in writing by the West Georgia Soil and Water Conservation District.

Stabilization refers to the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice, or gravity.

State General Permit means the National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State Waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution Control Practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss.

Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Trout Streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act., O.C.G.A. § 12-5-20, et seq., in the rules and regulations for Water Quality Control, Chapter 39-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown, or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging, or planting, producing long-term vegetative cover; or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

7-3 Exemptions.

This Chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining act of 1968";
- B. Granite quarrying and land clearing for such quarrying;
- C. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities that result in minor soil erosion;
- D. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this Paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements set forth in Sections 7-5 through 7-9 of this Chapter and this Paragraph. For single-family residence construction covered by the provisions of this Paragraph, there shall be a buffer zone between the residence and any State waters classified as trout streams pursuant to Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, commonly known as the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Sections 7-5 through 7-9 of this Chapter and the buffer zones provided by this Section shall be enforced by the Authority.
- E. Agricultural operations as defined in O.C.G.A. § 1-3-3, "Definitions," to include raising, harvesting, or storing of products of the field or orchard; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs, and apiarian products; farm buildings and farm ponds;
- F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Section 7-7,

Paragraphs O. and P. of this Chapter, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

- G. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- H. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any State waters, and for purposes of this Paragraph, "State waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Authority from regulating any such project which is not specifically exempted by Paragraphs A., B., C., D., E., F., G., I., or J. of this Section 7-3; and provided further that this exemption shall have no application to the requirements of Section 7-8 of this Chapter regarding control of disturbed soil on subdivision lots;
- I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the State General Permit, in which case a copy of the Notice of Intent under the State General Permit shall be submitted to the Authority, the Authority shall enforce compliance with the minimum requirements set forth in Sections 7-6 and 7-7 of this Chapter as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- J. Any land-disturbing activities conducted by any electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the State General Permit, in which case the Authority shall enforce compliance with the minimum requirements set forth in Section 7-6 and 7-7 of this Chapter as if a permit had been issued, and violations shall be subject to the same penalties as violations by permits holders; and
- K. Public water system reservoirs, including the Authority's Bear Creek and Dog River Reservoirs.

7-4 Compliance with minimum requirements.

Where Section 7-3 requires compliance with the minimum requirements set forth in Sections 7-6 and 7-7 of this Chapter, the Authority shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

7-5 General provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Chapter and the State General Permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this Chapter shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sections 7-6, 7-7 and 7-13 of this Chapter. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities, and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Chapter and the State General Permit.

7-6 Minimum requirements; Best Management Practices (BMPs).

- A. Best management practices as set forth in Sections 7-6 and 7-7 of this Chapter shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Section 7-6, Paragraph B., or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30(f). As used in this Section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
- B. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the appropriate governmental entity (upon the approval and release by the Authority) or of any State General Permit issued by the Division pursuant to the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30(f), for each day on which the discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This Paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
- C. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by the appropriate governmental entity (upon the approval and release by the Authority) or of any State General Permit issued by the Division pursuant to the Georgia Water Quality Control Act., O.C.G.A. § 12-5-30(f), for each day on which such failure occurs.
- D. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- E. The Authority may set more stringent buffer requirements than stated in Sections 7-7(O) and 7-7(P). The Authority buffer applies to all streams that qualify for a State buffer as determined by the Authority's Engineering

Department using methods published by the Division. Authority buffer requirements vary by stream basin. A summary of buffer requirements is as follows:

Stream Basin	Minimum Undisturbed Buffer	Additional Building Setback	Authority Rules And Regulations
Dog River	200 ft	0 ft	Section 2-20
Bear Creek	100 ft	50 ft	Section 2-21
Sweetwater Creek	100 ft	50 ft	Section 2-22
Other	50 ft	25 ft	Section 2-23

7-7 Minimum requirements – specific.

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1, et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State General Permit, and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- A. Stripping of vegetation, re-grading, and other development activities shall be conducted in a manner so as to minimize erosion;
- B. Cut and fill operations must be kept to a minimum;
- C. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- D. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- E. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- F. Disturbed soil shall be stabilized as quickly as practicable;
- G. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

- H. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- I. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this Section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1, et seq.;
- J. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- K. Cuts and fills may not endanger adjoining property;
- L. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- M. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- N. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 7-6, Paragraph B.;
- O. There is established a 50 foot undisturbed buffer with a building setback of an additional 25 feet along the banks of all perennial and intermittent State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except;
 - (i) As provided by Paragraph P. of this Section;
 - (ii) Where the Director determines to allow a variance that is at least protective of natural resources and the environment;
 - (iii) Where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8;
 - (iv) Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or

- (v) Along any ephemeral stream. As used in this Paragraph, the term "ephemeral stream" means a stream:
 - a. That under normal circumstances has water flowing only during and for a short duration after precipitation events;
 - b. That has the channel located above the groundwater table year round;
 - c. For which groundwater is not a source of water; and
 - d. For which runoff from precipitation is the primary source of water flow.

Unless exempted as provided in this Section, buffers of at least 50 feet with an additional building setback of 25 feet established pursuant to this Chapter shall remain in force unless a variance is granted by the Director as provided in this Paragraph.

The following requirements shall apply to any such buffer:

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- (ii) The buffer established by this Paragraph shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- (a) Stream crossings for water lines; or
- (b) Stream crossings for sewer lines.

P. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the Georgia Water Quality Control Act, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.

The following requirements shall apply to such buffer:

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
- (ii) The buffer established by this Paragraph shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream, cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (a) Stream crossings for water lines; or
 - (b) Stream crossings for sewer lines.

- Q. The Authority has established more stringent buffer requirements on streams that serve as source water for public water supplies as follows:

Stream Basin	Minimum Undisturbed Buffer	Additional Building Setback	Authority Rules And Regulations
Dog River	200 ft	0 ft	Section 2-20
Bear Creek	100 ft	50 ft	Section 2-21
Sweetwater Creek	100 ft	50 ft	Section 2-22
Other	50 ft	25 ft	Section 2-23

- R. Construction site operators must control waste at the construction site that has the potential to cause adverse water quality impacts, including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

7-8 Control of disturbed soil on subdivision lots that are less than one acre.

A. Silt fencing; required.

1. No soil disturbance and no construction shall be performed on any subdivision lot of less than one acre, prior to installation of silt fencing.
2. The silt fencing shall be installed at the perimeter of the lot over at least one-half the perimeter distance. Placement of silt fencing shall be adequate to prevent migration of soil from the lot onto any adjacent street, property, or waterway. Silt fencing shall be installed in accordance with procedures recommended and prescribed by the Department of Natural Resources and the Soil Conservation Service. The required silt fencing shall be maintained throughout the entire period of construction, and shall be removed only after soil on the lot has been stabilized. The required silt fencing shall be installed and maintained so as to withstand any rainfall event of a magnitude of less than a ten-year storm without breakage, undercutting, or other failure.

B. Access pad; required.

1. No soil disturbance and no construction shall be performed on any subdivision lot of less than one acre, prior to installation of an access pad.

2. The access pad shall consist of gravel or coarse aggregate, located at the point of ingress and egress to the lot to be traveled by vehicles. The access pad shall be of sufficient size to accommodate all necessary vehicular traffic onto and off of the lot and to prevent all tracking of soil and mud onto the street. The access pad shall be of sufficient size to make any structure under construction completely accessible for delivery of building materials or for other purposes without the necessity for any vehicle to traverse through unprotected soil. The access pad shall be of sufficient depth to provide a clean driving surface at all times, including but not limited to times during and immediately after a rainfall event. The required access pad shall be maintained throughout the entire period of construction, and shall be removed only after soil on the lot has been stabilized. Any access pad that shows visible signs of contamination, due to overuse or migration of soil, shall be removed and replaced.

7-9 Local authority to exceed minimum requirements.

Nothing contained in O.C.G.A. § 12-7-1, et seq. shall prevent the Authority from adopting rules and regulations, ordinances, design and construction standards, or resolutions that contain stream buffer requirements that exceed the minimum requirements in Sections 7-6 and 7-7 of this Chapter.

7-10 No presumption of violation.

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Chapter or the terms of the permit.

7-11 Application/permit process – generally.

The property owner, developer, and designated planners and engineers shall design and review the general development plans and detailed plans before submittal to the Authority. The Authority shall review the tract to be developed and the area surrounding it. They shall review the appropriate governmental entity's zoning and subdivision ordinances and the Authority's stormwater management regulations, floodplain management regulations, this Chapter, and any other applicable ordinances or Authority Rules and Regulations or Design and Construction Standards which regulate the development of the subject land. However, the owner and/or operator are the only parties who may obtain a permit.

7-12 Application requirements.

- A. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the appropriate governmental entity without first obtaining – the approval of the appropriate governmental entity, depending upon the location of the subject property, and the Authority, by obtaining a land disturbance activity permit, which shall be issued by the appropriate governmental entity and released by the Authority, and providing a copy of the Notice of Intent submitted to the Division if applicable.
- B. The application for a permit shall be submitted to the Authority and must include the applicant's erosion, sedimentation and pollution control plan with such supporting data as will affirmatively demonstrate that the land-disturbing activity proposed will be carried out in such a manner that the minimum requirements set forth in this Chapter shall be met. Said plans shall include, as a minimum, the data specified in Section 7-13 of this Chapter and shall conform to the provisions of Sections 7-6 and 7-7 of this Chapter. Applications for a permit will not be accepted unless accompanied by two copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7.10.
- C. A fee as provided in Chapter 4 of these Rules and Regulations shall be paid to the Authority for each acre or fraction thereof in the project area (see Section 4-14(L)). In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the State General Permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8, half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
- D. Immediately upon receipt of an application and plan for a permit, the Authority shall forward a copy of the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove the plan within thirty-five (35) days of receipt. Failure of the District to act within thirty-five (35) days shall be considered an approval of the

pending plan. The results of the District review shall be forwarded to the appropriate governmental entity. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 7-7, Paragraphs O. and P. have been obtained, and all fees have been paid, and bonding, if required as per Paragraph E.(2) of this Section, has been obtained. Such review will not be required if the appropriate governmental entity and the District have entered into an agreement which allows the appropriate governmental entity to conduct such review and approval of the plan without referring the application and plan to the District. Upon satisfaction of all requirements for the issuance of the permit, the appropriate governmental entity shall issue the permit and provide it to the Authority, and the Authority shall release the permit to the applicant.

- E.
 - 1. If a permit applicant has had two or more violations of previous permits, this Chapter, or the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1, et seq., as amended, within three years prior to the date of filing of the application under consideration, the Authority may deny the permit application.
 - 2. The applicant shall post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, in the amount required by Chapter 4 of these Rules and Regulations prior to the issuance of the permit. If the applicant does not comply with this Chapter or with the conditions of the permit after issuance, the Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor or use the Authority's own forces to stabilize the site of the land-disturbing activity and bring it into compliance. Notice and hearing and administrative appeal and judicial review for any bond forfeiture shall be as provided in Section 7-20 of this Chapter.

7-13 Plan requirements.

- A. Minimum requirements. Plans must be prepared to meet the minimum requirements as contained in Sections 7-6 and 7-7 of this Chapter or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Chapter. The plan for the land-disturbing activity shall consider the interrelationship of soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances, and State laws.

- B. Data required for site plan. The Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted as well as information required by the Authority's Design and Construction Standards.
- C. Maps, drawings, and supportive computations. Maps, drawings, and supportive computations shall bear the signature and seal of a certified design professional who is a registered professional engineer, architect, landscape architect, and/or land surveyor, as applicable to satisfy the requirements of this Chapter. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent upon his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
- D. Maintenance. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the operator.

7-14 Permits.

- A. Permits shall be issued or denied as soon as practicable, but in any event not later than forty-five (45) days after receipt by the Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- B. No permit shall be issued by the appropriate governmental entity and released by the Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Authority has affirmatively determined that the plan is in compliance with this Chapter, any variances required by Section 7-7, Paragraphs O. and P. are obtained, bonding requirements, if necessary, as per Section 7-12.E.(2) are met, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the appropriate governmental entity, including but not limited to all of the Authority's Rules and Regulations and Design and Construction Standards, are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- C. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

- D. The permit may be suspended, revoked, or modified by the Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion, sedimentation and pollution control plan or that the holder or his successor in title is in violation of this Chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit. Transfer of title to any permitted property, prior to termination of the permit, shall not act to release the original title and permit holder from liability for compliance with the terms of this Chapter unless and until such time as:
1. A new permit has been issued to the successor in title; or
 2. The permit has been transferred to the successor in title as follows:
 - a. The successor in title has submitted a request in writing that the permit be transferred to him or her; and
 - b. The successor in title has complied with the bonding requirements of Section 7-12.E.(2); and
 - c. The Authority has approved the transfer of the permit in writing. Any transfer of a permit under the authority of this Paragraph shall bind the successor permit holder to the same plan, requirements, variances, and permit conditions as the former permit holder. All successors in title to permitted properties shall request in writing a transfer of the permit or shall apply for a new permit within 20 days after recording of the deed transferring title; failure of a successor in title to comply with this requirement, whether or not the permit of the former title holder has been terminated, shall subject the successor in title to any and all penalties prescribed by this Chapter.
- E. Every permit or renewal thereof shall be valid for a period of one year, if not sooner renewed, terminated, revoked, or surrendered. Permits shall be eligible for renewal by the Authority within sixty (60) days prior to expiration. The Authority may refuse renewal based on materially changed land conditions or based on any ground that would be the basis for revocation of the active permit.
- F. Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All amendments shall be applied

for in writing and follow the same procedure for approval as original applications for a permit.

- G. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Chapter, and any other ordinances relating to land development, as are applied to private persons and the Division shall enforce such requirements upon the local issuing authority.

7-15 Inspection and enforcement.

- A. The Authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. The Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the State General Permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Chapter, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Chapter.
- B. The Authority shall have the power to conduct such investigations as it may deem reasonably necessary to carry out duties as prescribed in this Chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- C. No person shall refuse entry or access to any authorized representative or agent of the Authority, the appropriate governmental entity, the Commission, the District, or the Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

- D. The District or the Commission or both shall semi-annually review the actions of the Authority and the appropriate governmental entity (Douglas County and/or the City of Douglasville) which have been certified as a Local Issuing Authority pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to the Authority and/or the appropriate governmental entity for the purpose of improving the effectiveness of the Authority's and the appropriate governmental entity's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- E. The Division may periodically review the actions of the appropriate governmental entity which has been certified as a Local Issuing Authority pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of the appropriate governmental entity's ordinances and/or the Authority's Rules and Regulations and review of conformance with an agreement, if any, between the District and the appropriate governmental entity and/or the Authority. If such review indicates that the appropriate governmental entity certified pursuant to O.C.G.A. § 12-7-8(a) and/or the Authority has not administered or enforced its ordinances and/or the Authority's Rules and Regulations or has not conducted its program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the appropriate governmental entity in writing. The governing authority of the appropriate governmental entity so notified shall have ninety (90) days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the appropriate governmental entity does not take the necessary corrective action within ninety (90) days after notification by the Division, the Division shall revoke the certification of the appropriate governmental entity as a Local Issuing Authority.
- F. The Authority must amend this Chapter and local issuing authorities must amend ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7) or the Model Ordinance published by the Division.

7-16 Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Chapter without first obtaining said permit, the person shall be subject to termination of any water service provided by the Authority and revocation of his business license, any work permits, or other authorizations for the conduct of any business, including any land-disturbing activity and utility contracting and associated work activities, including but not limited to all site work, soil erosion

and sedimentation control work, stormwater management work, and water and sewer construction work, within the jurisdictional boundaries of the appropriate governmental entity and the Authority.

7-17 Stop work orders.

- A. For the first and second violations of the provisions of this Chapter, the Authority or the Director shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Authority or the Director shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or State waters or if the land-disturbing activities are conducted without obtaining the necessary permit, the Authority or the Director shall issue an immediate stop work order in lieu of a warning.
- B. For a third and each subsequent violation, the Authority or the Director shall issue an immediate stop work order.
- C. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- D. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Authority or by the Director or his or her designee, have been or are being discharged into State waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sedimentation controls.

7-18 Bond forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond,

if required to post one under the provisions of Section 7-12.E.(2). The Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor or use the Authority's own forces to stabilize the site of the land-disturbing activity and bring it into compliance.

7-19 Monetary penalties.

Any person who violates any provisions of this Chapter, any of the Authority's Rules and Regulations or Design and Construction Standards adopted pursuant hereto, or any permit condition or limitation established pursuant to this Chapter, or who negligently or intentionally fails or refuses to comply with any order or directive of the Authority or any final or emergency order of the Director issued as provided in this Chapter or as otherwise provided by State law may be held liable for an administratively-imposed monetary penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalties not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violation of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Chapter or under County ordinances shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

7-20 Administrative appeal; judicial review.

- A. Administrative remedies. Any person receiving a notice of violation may appeal the determination of the Authority, including, but not limited to, the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the Authority's Rules and Regulations or Design and Construction Standards, or the issuance of a notice of bond forfeiture. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the written notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel. The Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services

Manager, or Management Information Systems Manager. The Appeal Panel shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other applicable local, State, or federal requirements. The decision of the Appeal Panel shall be final.

- B. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.

7-21 Education and certification.

Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.

- A. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the State General Permit, shall have, as a minimum, one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the State General Permit.
- B. Persons or entities involved in projects not requiring a State General Permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- C. If a State General Permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

7-22 Effectivity.

This Chapter shall become effective upon approval by the Authority's Board of Directors, which shall be evidence by a written resolution of the Authority's Board of Directors and which shall set forth the specific effective date for this Chapter and any amendments thereto.

7-23 Validity.

If any Section, Paragraph, clause, phrase, or provision of this Chapter shall be adjudged invalid, unenforceable, or unconstitutional, such decisions shall not affect the remaining portions of this Chapter.

7-24 Liability.

- A. Neither the approval of a plan under the provisions of this Chapter nor the compliance with provisions of this Chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Authority, local issuing authority, or District for damage to any person or property.
- B. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Chapter or the terms of the permit.
- C. No provision of this Chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or any of the Rules and Regulations promulgated and approved thereunder, or to pollute any State waters as defined thereby.

CHAPTER EIGHT

STORMWATER MANAGEMENT REGULATIONS

8-1 Purpose and intent.

The purpose of the stormwater management regulations set forth in this Chapter is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. The goal of proper management of post-development stormwater runoff is to minimize damage to public and private property and infrastructure, to safeguard the public health, safety, environment, and general welfare of the public, and to protect water and aquatic resources. The regulations set forth in this Chapter seek to meet that goal through the following objectives:

- A. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- B. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution, and increases in stream temperature and to maintain the integrity of stream channels and aquatic habitats;
- C. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- D. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- E. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- F. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
- G. Establish administrative procedures for:

1. Submission, review, approval, and disapproval of stormwater management plans;
2. Inspection of approved active projects; and
3. Long-term follow-up.

8-2 Definitions.

The following definitions shall apply to Chapter 8 of these Rules and Regulations:

Applicant means a person submitting a post-development stormwater management application and plan for approval.

Appropriate Governmental Entity means the City of Douglasville, Douglas County, or any other municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including, but not limited to, regulation and enforcement of soil erosion and sedimentation control.

Authority means the Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

BMP or best management practice means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Chapter, when referring to this chapter, includes all provisions set forth in this Chapter 8 of the Authority's Rules and Regulations and all applicable provisions of the Authority's Design and Construction Standards adopted in conjunction herewith.

City means the City of Douglasville, Georgia and/or its governing authority or authorized agents or representatives.

Conservation Easement means an agreement between a land owner and the Authority or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

County means Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

Detention means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention Facility means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Developer means any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

Development means new development or redevelopment.

Drainage Easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and Sedimentation Control Plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Extended Detention means the storage of stormwater runoff for an extended period of time.

Extreme Flood Protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that exceed the banks or walls of a BMP or channel and that overflows onto adjacent lands.

Georgia Stormwater Management Manual (GSMM) means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook and its Appendices.

Greenspace or Open Space means permanently protected areas of the site that are preserved in a natural state.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gas stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Hydrologic Soil Group (HSG) means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups, ranging from group A soils, which have high permeability rates and produce little runoff, to group D soils, which have low permeability rates and produce much more runoff.

Impervious Surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial Stormwater Permit means a National Pollutant Discharge Elimination System (NPDES) permit issued by the Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on the Standard Industrial Classification (SIC) Code.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Land Development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as

described in O.C.G.A. § 12-7-17(5) or silvicultural land management activities as described in O.C.G.A. § 12-7-17(6) within areas zoned for these activities.

Land Development Application means the application for a land development permit on a form provided by the Authority along with the supporting documentation required by this Chapter.

Land Development Permit means the authorization necessary to begin construction-related, land-disturbing activity.

Linear Development Project means a land development project that is linear in nature, including but not limited to (i) the construction of electric and telecommunication utility lines, natural gas and petroleum pipelines, water and sewer lines, and related facilities, including but not limited to electric substations and pumping stations; (ii) construction of tracks, rights-of-way, bridges, communication facilities, and other related facilities of a railroad company; and (iii) road and highway projects.

"May" means that the regulation or requirement is permissive.

New Development means land development activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint Source Pollution means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollution such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

Nonstructural Stormwater Management Practice or Nonstructural Practice means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, including but not limited to riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

NPDES Permit means a national pollutant discharge elimination system permit issued by the State of Georgia, Department of Natural Resources, Environmental Protection Division or EPA pursuant to the Clean Water Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes (under the

authority of Section 402 of the Clean Water Act), into the navigable waters of the United States.

Off-Site Facility means a stormwater management facility located outside the boundaries of the site.

On-Site Facility means a stormwater management facility located within the boundaries of the site.

Overbank Flood Protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain).

Owner means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site.

Person means, except to the extent exempted from this Chapter, any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Post-construction stormwater management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development means the conditions anticipated to exist on-site immediately after completion of the proposed development.

Pre-development means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Previously developed site means a site that has been altered by paving, construction, and/or land disturbing activity.

Redevelopment means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land

disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regional Stormwater Management Facility or **Regional Facility** means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

"Shall" means that the regulation or requirement is mandatory.

Site means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

State Waters means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Stormwater Management Facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Plan means a plan for post-construction stormwater management at the site complying with the provisions of this Chapter, which shall be included as part of the land development application.

Stormwater Management Services, when referring to those services provided by the Authority, means those services provided by the Authority, without limitation, which relate to:

- (a) Transfer, control, conveyance, or movement of stormwater runoff through any part or portion of Douglas County, including the

incorporated limits of the City of Douglasville and the unincorporated limits of Douglas County;

- (b) Maintenance, repair, and replacement of existing stormwater management systems and facilities;
- (c) Planning, development, design, and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
- (d) Regulation of the use of stormwater management services, systems, and facilities; and
- (e) Education of the public as to stormwater issues.

Stormwater Management Standards means those standards set forth in Section 8-6 of this Chapter.

Stormwater Management System means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation, and water quality degradation, and to enhance and promote the public health, safety, and general welfare.

Stormwater Runoff means the flow of surface water resulting from precipitation.

Structural Stormwater Control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Watercourse means a channel in which a flow of water occurs, whether continuously or intermittently.

8-3 Jurisdiction.

- A. The Authority shall have jurisdiction over all stormwater management activities within the jurisdictional limits of any municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services.
- B. Pursuant to Intergovernmental Agreements with the City of Douglasville and Douglas County, the Authority owns or has rights which allow it to operate, maintain, improve, and access those stormwater management systems and facilities which are located:
 - 1. Within public road rights-of-way; or
 - 2. On private property but within easements granted to the Authority, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for operation, maintenance, improvement, and access to the stormwater management systems and facilities.
- C. Operation, maintenance, and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Authority, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use, or other form of dedication thereof to the Authority, which has been expressly accepted by the Authority, for operation, maintenance, improvement, and access of such stormwater management systems and facilities shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the laws of the State of Georgia and the United States.
- D. The Authority shall have the right to regulate, but shall not be responsible for the maintenance of:
 - 1. Stormwater structures completely located on private property;
 - 2. Driveway pipes; and
 - 3. Nonstructural stormwater controls on private property.
- E. General drainage easements are dedicated to the public good; however, they are not owned or maintained by the Authority. Private property owners are responsible for maintaining any drainage easements on or across their property

and for ensuring that debris, yard clippings, fallen trees, etc. do not block, clog, or otherwise impede any pipe inlet, pipe outlet, or watercourse on their property.

- F. Private property owners are responsible for addressing erosion along any creek, stream, drainage ditch, or any other waterway on or across their property, regardless of whether such watercourses are "State waters," so as to ensure that the banks of the watercourse are stabilized and that sediment does not leave their property.
- G. When public safety is at issue:
 - 1. The Authority may participate in a multi-property solution, provided that all affected property owners consent, cooperate, and contribute, as may be appropriate on a case by case basis. The Authority may participate in a one-time repair, replacement, and/or upgrade project on private property, provided that the property owners execute a release, which shall make it clear that the perpetual duty to maintain any structures on private property shall be the responsibility of the property owner, unless otherwise specifically provided in a written agreement executed by the Authority.
 - 2. If a private structure or condition located on private property is contributing to a public safety problem, and the property owner(s) will not consent, cooperate, and contribute to the solution, then the Authority reserves the right to go onto private property for the purpose of correcting the problem. The Authority shall have the right to charge the property owner(s) for said repairs, the cost of which may be included on the property owner(s) utility bill or invoiced separately, at the sole discretion of the Authority.
- H. With respect to flooding, the Authority does not purchase flooded houses (or other structures, whether habitable or not); provided, however, that the Authority may, in its sole discretion, participate in a voluntary buy-out program for single-family residential homes in the floodplain where the Authority qualifies for and is awarded grant monies for this specific purpose. The Authority does not build levies.

It is the express intent of this Section to protect the public health, safety, and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of Douglas County. The Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the Authority, its

officers, employees, and agents arising out of any alleged failure or breach of duty or relationship.

8-4 Applicability criteria for post-construction stormwater management standards.

A. Regulations applicable to all land development. This Chapter shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless specifically exempted pursuant to Paragraph B. below. This Chapter shall apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more;
2. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
3. Any new development or redevelopment, regardless of size, that is defined by the Authority to be a hotspot land use;
4. Land development activities that are smaller than the minimum applicability criteria set forth in subparagraphs 1. and 2., above, if such activities are part of a larger common plan of development, even though multiple, separate, and distinct land development activities may take place at different times on different schedules; or
5. Linear transportation projects that exceed the thresholds in Subparagraphs 1 or 2 above.

B. Exemptions. The following activities are exempt from this Chapter:

1. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
2. Additions or modifications to existing single-family or duplex residential structures;
3. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;

4. Land disturbing activity that consists solely or cutting a trench for utility work and related pavement replacement;
 5. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
 6. Repairs to any stormwater management facility or practice deemed necessary by the Authority, and any other repairs performed by the Authority or its agents;
 7. Agricultural practices as described in O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Subparagraphs A.1 or A.2 above;
 8. Silvicultural land management activities as described in O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Subparagraphs A.1 or A.2 above;
 9. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
 10. Linear transportation projects, or portions thereof, for which the Authority determines that post-construction stormwater management standards may be infeasible for the project in accordance with Georgia Department of Transportation standards. In such case, an infeasibility determination report must be submitted to the Authority that contains adequate documentation to support the determination that post-construction stormwater management standards are infeasible for the project.
- C. Designation of Administrator. The Authority's Engineering Department is hereby appointed to administer, implement, and enforce the provisions of this Chapter.
- D. Compatibility with other regulations. This Chapter is not intended to modify or repeal any other ordinance, rule, regulation, resolution, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, resolution, or other provision of law, and

where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, resolution, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

- E. Severability. If the provisions of any Section, subsection, Paragraph, subdivision, or clause of this Chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Chapter or any Section, subsection, Paragraph, subdivision, or clause of this Chapter.

8-5 Stormwater design manual.

The Authority will utilize the policy, criteria, and information, including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and the technical criteria, specifications, and standards set forth in the Authority's Design and Construction Standards for the proper implementation of the requirements of this Chapter. The Authority's Design and Construction Standards may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

8-6 Stormwater management standards.

Subject to the applicability criteria in Section 8-4, the following stormwater management standards shall apply.

- A. Design of stormwater management system. The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM and the Authority's Design and Construction Standards. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.
- B. Better site design practices for stormwater management. Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable.
- C. Runoff reduction/water quality. Stormwater runoff reduction and/or water quality treatment shall be provided for the site in accordance with the GSMM. Runoff from hotspot land uses and activities identified by the Authority must also implement appropriate pollution prevention practices.

- D. Stream channel protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
1. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
 2. Erosion prevention measures, such as energy dissipation and velocity control; and
 3. Preservation of any applicable stream buffer.
- E. Overbank Flood Protection. Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.
- F. Extreme Flood Protection. Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.
- H. Downstream analysis. Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.
- I. Stormwater management system inspection and maintenance. The components of the stormwater management system that will not be dedicated to and accepted by the Authority, including all drainage facilities, best management practices, credited conservation space, and conveyance systems, shall be covered by and subject to a properly executed Consent to Authority Regulations, as set forth in the Authority's Design and Construction Standards, to ensure that they are properly constructed and maintained in order to function as designed. All new development and redevelopment sites shall be covered by and subject to the Consent to Authority Regulations.

8-7 Concept plan, consultation meeting, and stormwater management plan requirements.

It is recommended that the land owner or developer meet with the Authority for a pre-submittal consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting should take place prior to the time of submittal of the preliminary plat of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities, and potential ideas for stormwater management designs before the formal site design engineering is commenced.

The stormwater concept plan shall be prepared using the following minimum steps:

1. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
2. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection, and extreme flood protection (GSMM Section 2.2).
3. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

The following information shall be included in the concept plan, which shall be submitted in advance of the meeting:

- A. Existing conditions/Proposed site plans: Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.); location of existing and proposed roads, buildings, parking areas, and other impervious surfaces; and existing and proposed utilities and easements.
- B. Stormwater management system concept plan: A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary estimates of unified stormwater sizing criteria requirements; preliminary selection and location, size, and limits of disturbance

of proposed BMPs; location of existing and proposed conveyance systems, such as grass channels, swales, and storm drains; flow paths; location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainages; and preliminary location and dimensions of proposed stream channel modifications, such as bridge or culvert crossings.

8-8 Stormwater management plan requirements.

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Chapter, including the standards set forth in this Chapter and the standards set forth in the Authority's Design and Construction Standards.

The stormwater management plan shall be in accordance with the criteria established in this Chapter and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the Authority's Design and Construction Standards.

The stormwater management plan must ensure that the requirements and criteria of this Chapter, including the Authority's Design and Construction Standards, are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The stormwater management plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The stormwater management plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the Authority's Design Construction Standards, including:

- A. Common address and legal description of site;
- B. Vicinity map;
- C. Natural resources inventory. Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
 - 1. Topography (minimum 2-foot contours) and steep slopes (i.e., areas with slopes greater than 15%);
 - 2. Natural drainage divides and patterns;

3. Natural drainage features (e.g., swales, basins, depressional areas);
 4. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection area and river corridors;
 5. Predominant soils (including erodible soils and karst areas); and
 6. Existing predominant vegetation including trees, high quality habitat, and other existing vegetation.
- D. Existing conditions hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types, and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters, and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
- E. Post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria set forth in this Chapter and the performance criteria set forth in the Authority's Design and Construction Standards; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters, and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria set forth in this Chapter and the performance criteria set forth in the Authority's Design and Construction Standards must be met for the stormwater runoff from the entire site.

- F. Stormwater management system. The description, scaled drawings, and design calculations for the proposed post-development stormwater management system, which shall include: a map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria set forth in this Chapter and the performance criteria set forth in the Authority's Design and Construction Standards; drawings, design calculations, elevations, and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including stormwater drains, pipes, culverts, catch basins, channels, swales, and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- G. Feasibility Analysis for Runoff Reduction. An analysis to determine the level of feasibility of meeting the runoff reduction standard shall be included in the narrative mentioned above, along with all supporting field tests and calculations.
- H. Post-development downstream analysis. A downstream peak flow analysis, which includes the assumptions, results, and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Authority's Design and Construction Standards and/or the Georgia Stormwater Management Manual.

- I. Construction-phase erosion and sedimentation control plan, which shall be in accordance with the Georgia Erosion and Sedimentation Control Act, this Chapter, and any applicable NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls and a description of who will be responsible for their maintenance.
- J. Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas, and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials, and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- K. Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- L. Consent to Authority Regulations. A properly executed Consent to Authority Regulations, in the form designated in the Authority's Design and Construction Standards, shall be included with the plan submittal.
- M. Blanket easement for access and inspection. The Authority shall have a blanket easement upon, over, and across the subject property for access, ingress, egress, inspection, and investigation of private stormwater management facilities, structures, and practices covered by this Chapter or otherwise required by federal, State, or local law, ordinance, or regulation. The Authority shall have the power to conduct such inspections and investigations as it may

deem reasonably necessary to regulate and enforce the private maintenance and repair responsibilities for said private stormwater management facilities, structures, and practices. The Authority shall have the right to enter at reasonable times upon the subject private property for purposes of inspection, investigation, and all other activities or actions reasonably related to the enforcement the requirements of this Chapter.

No person shall refuse entry or access to any authorized representative or agent of the Authority or the appropriate governmental entity who requests entry for the purposes of inspection and/or investigation, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

- N. Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the Authority that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- O. Evidence of acquisition of off-site drainage easements. Recorded copies of all off-site drainage easements required by the Authority's Design and Construction Standards shall be included with the plan submittal.
- P. Redevelopment using existing stormwater management structures. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards, the following must also be included in the stormwater management plan for existing stormwater management structures:
 - 1. As-built drawings;
 - 2. Hydrology reports;
 - 3. Current inspection of existing stormwater management structures with deficiencies noted; and
 - 4. BMP landscaping plans.

8-9 Final survey plat notation regarding ownership and maintenance of stormwater management structures.

Upon completion of construction and as a specific condition of project acceptance, a copy of the proposed final subdivision plat (where applicable), or five (5) copies of a plat of survey in legally recordable form (for non-subdivision projects), must be

submitted to the Authority for review and approval, indicating all stormwater structures and features. The final survey plat must be approved by the Authority, as evidenced by the placement of the following notation on the final plat, which shall be signed by the Executive Director of the Authority or his designee:

"Approval of this plat and acceptance of the project represented herein shall be deemed to be an acceptance by the Douglasville-Douglas County Water and Sewer Authority (the "Authority") of all dedicated water mains, sanitary sewer mains, and lift stations that serve more than one property owner, as well as all stormwater collection and conveyance structures located in the public right-of-way, including inlets, catch basins, pipes, ditches, and channels. Approval of this plat and acceptance of the project represented herein shall not be deemed an acceptance, either express or implied, of any stormwater facilities, structures, or features located outside the public right-of-way on private property. All stormwater facilities, structures, and features located on private property shall be owned and maintained by the property owner(s), in accordance with the requirements of the Authority's Rules and Regulations. The Authority shall not be responsible or liable for any drainage outside of the right-of-way; for any drainage leading from drop inlets, catch basins, or surface drainage; for flooding or erosion from storm drains; or from flooding from high water of natural creeks or rivers. This statement is included on this final plat as a condition of acceptance and shall be in the nature of a covenant running with the land, serving as notice to all future owners of the existence of the drainage easements and stormwater features as shown on the plat and the private duty to maintain them in perpetuity. As a condition of approval of this plat and acceptance of this project by the Authority, the developer and owner hereby covenant that any future deed conveying all or any portion of the property or lots shown herein shall specifically refer to this plat and incorporate this plat by reference."

Said final subdivision plat or final plat of survey of the project shall be recorded in the Records of the Clerk of the Superior Court of Douglas County, Georgia and proof of recording provided to the Authority within ten (10) days of the Authority's acceptance of the project of the appropriate governmental entity's approval of the final subdivision plat, whichever is later. For new development, no water meters shall be sold for the property unless and until proof of the properly recorded plat required by this Section is provided to the Authority. For redevelopment, failure to record the final plat or to timely provide proof of such recording to the Authority shall result in termination of water service to the property. Notwithstanding the specific remedies set forth in this Section, the Authority shall have the right to proceed with such other remedies as may be available under the law to enforce the requirements of this Section.

8-10 Application procedure.

- A. Applications for land development permits shall be filed with the Authority.
- B. Permit applications shall comply with the requirements of this Chapter. Two copies of the stormwater management plan shall also be included.
- C. The Authority shall inform the applicant whether the application and stormwater management plan are approved or disapproved.
- D. If either the permit application or stormwater management plan is disapproved, the Authority shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph C above and this subparagraph shall apply to such resubmittal.
- E. Upon a finding by the Authority that the permit application and stormwater management plan meet the requirements of this Chapter, the appropriate governmental entity may issue and the Authority may release a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met. The stormwater management plan included in an approved application becomes the approved stormwater management plan.

8-11 Compliance with the approved stormwater management plan.

All development shall be subject to the following requirements:

- A. The land development project shall be consistent with the approved stormwater management plan and all applicable land disturbance permits;
- B. The land development project shall be conducted only within the area specified in the approved stormwater management plan;
- C. The Authority shall have the right to conduct periodic inspections of the project;
- D. No changes may be made to an approved stormwater management plan without review and advance written approval by the Authority; and
- E. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by this Chapter.

8-12 Application review fees.

The fee for review of any stormwater management application shall be based on the fee structure established by the Authority in Chapter 4 of these Rules and Regulations and shall be paid prior to the issuance of any building permit for the development by the appropriate governmental entity.

8-13 Modifications for off-site facilities.

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices, and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the Authority that shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Authority that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- A. Increased threat of flood damage to public health, life, and property;
- B. Deterioration of existing culverts, bridges, dams, and other structures;
- C. Accelerated streambank or streambed erosion or siltation;
- D. Degradation of in-stream biological functions or habitat; or
- E. Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

8-14 Post-development stormwater management performance criteria. (Repealed)

8-15 Construction inspections of post-development stormwater management system.

- A. Inspections to ensure plan compliance during construction. Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Authority or conducted and certified by a professional engineer who has been approved by the Authority. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

- B. Final inspection and as-built plans. Upon completion of the development, the applicant is responsible for:
1. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis;
 2. Submitting actual "as-built" plans showing the final design specification for all components of the stormwater management system as certified by a Professional Engineer; and
 3. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan.

8-16 Application for Stormwater Service Charge Credits.

Administrative credits for approved educational programs are outlined in Chapter 4 of these Rules and Regulations. In addition, the technical credits set forth in this Section may be allowed by the Authority.

For purposes of this Section, the term "credit" means a reduction in the amount of a stormwater service charge to the owner of a particular property for the existence and use of privately owned, maintained, and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the Authority's cost of providing stormwater management services, systems, and facilities for that particular property.

- A. Credits generally. Developed land containing more than five (5) ERUs of impervious surface may receive a credit against the stormwater service charge applicable to the property based on the criteria established by this Section. The amount of credits that a property is eligible to receive shall be determined by

the Authority based on information provided by the property owner. Credits may range up to a maximum of eighty percent (80%) of the stormwater service charge applicable to the property. In no event shall credits reduce the stormwater service charge for a property to less than five (5) ERUs.

- B. Credits available for on-site or off-site stormwater controls. The following types of credits shall be available for on-site or off-site stormwater controls and/or practices that are owned, controlled, operated, and maintained by the property owner:

<u>Credit Type</u>	<u>Available Credits</u>
Maintenance/ Pollution Prevention Plan Credit	Up to 10%
Detention Credit	Up to 25%
Water Quality Credit	Up to 25%

1. Maintenance/pollution prevention plan credits. Maintenance of existing facilities and the implementation of a pollution prevention program can be effective in identifying and preventing potential releases of pollutants into State waters. In order to encourage regular and routine maintenance as well as other general good housekeeping measures, the Authority may grant a credit of up to ten percent (10%) of the stormwater service charge applicable to the property for those properties that implement (i) a scheduled maintenance program for their on-site or off-site stormwater controls and/or (ii) a stormwater pollution prevention plan for their property and all facilities located thereon. Property owners who have a National Pollutant Discharge Elimination System (NPDES) permit shall comply with the general permit conditions in order to be eligible to receive any credit from the Authority associated with the NPDES permit. The property owner shall file a copy of the maintenance schedule, pollution prevention plan, and/or NPDES permit with their application for credit.
2. Detention/retention credits. Proper detention/retention of stormwater runoff provides a benefit to the system maintained by the Authority by controlling the release of discharges from the site. This credit is available for stormwater quantity controls. The Authority may grant a credit of up to twenty-five percent (25%) of the stormwater service charge applicable to the property for those properties that control, own, operate, and maintain an on-site or off-site stormwater

detention/retention facility. An existing system that is approved by the Authority and is properly maintained will qualify for up to a maximum credit of twenty-five percent (25%), based on whether the detention/retention facility is meeting current minimum quantity standards established by the Authority's Design and Construction Standards and/or the Georgia Stormwater Management Manual. The level of performance of the facility shall be evaluated using the hydrology study for the property, which shall be performed at the sole expense of the property owner and must meet minimum standards established by the Georgia Stormwater Management Manual in order to be considered by the Authority. The property owner shall file a copy of the hydrology report for the property with their application for credit. Efforts to improve the quantity performance of an existing facility or to construct a new or enhanced stormwater quantity control facility may increase the amount of the credit for which the property is eligible, up to the maximum credit amount of twenty-five percent (25%).

3. Water quality credits. Measures implemented to improve the quality characteristics of stormwater runoff also provide a benefit to the system maintained by the Authority by minimizing the amount of pollutants in discharges from the site. This credit is available for stormwater quality controls. The Authority may grant a credit of up to twenty-five percent (25%) of the stormwater service charge applicable to the property for those properties that control, own, operate, and maintain an on-site or off-site stormwater facility, structure, control, or practice which is shown to improve the quality of the runoff discharged from the site. An existing system that is approved by the Authority and is properly maintained will qualify for up to a maximum credit of twenty-five percent (25%), based on whether the facility, structure, control, or practice is meeting current minimum quality standards established by the Authority's Design and Construction Standards and/or the Georgia Stormwater Management Manual. The level of performance of the stormwater quality facility, structure, control, or practice shall be evaluated using a modeling tool adopted by the Metropolitan North Georgia Water Planning District and known as the Site Development Review Tool (available from the Authority or online at www.northgeorgiawater.com) with input data by the property owner. The property owner shall file a copy of the completed modeling tool with their application for credit. The Authority reserves the right to limit water quality credits for properties with runoff which may include certain detrimental pollutants, such as petroleum, unless additional protective measures are implemented. Efforts to improve the quality performance of an existing facility or to construct a new or enhanced stormwater quality control facility may increase the

amount of the credit for which the property is eligible, up to the maximum credit amount of twenty-five percent (25%).

- C. Application for credits required. In order to obtain a credit for on-site or off-site stormwater controls, the property owner must make application to the Authority on forms provided by the Authority for such purpose. When an application for a credit is deemed complete by the Authority, then the Authority shall issue a decision granting the credit in whole or in part, or denying the credit, within thirty (30) days of receipt of the complete application. A property owner shall not have to reapply annually for the credit granted, but the Authority may review the credit and the basis therefore no more frequently than annually, and may terminate or reduce the credit, upon written notice to the property owner, if it finds grounds for termination or reduction of the credit. If a credit is administratively terminated by the Authority, the property owner may appeal such determination pursuant to the general stormwater appeal procedure established below, or may, if possible, correct the deficiencies which caused the termination and reapply for the credit. Failure to properly operate and maintain a private stormwater control system or facility shall be grounds for the administrative termination of a credit at any time.
- D. Right to review basis for credits. The decision of the Authority to grant a credit does not mean that the Authority has accepted or approved any stormwater control facility, hydrology study, maintenance schedule, or pollution prevention plan on which the credit is based. The Authority reserves the right to randomly audit stormwater control plans, hydrology studies, maintenance schedules, and/or pollution prevention plans which form the basis of any stormwater credit and to review and administratively revoke previously granted credits if the Authority finds that the property owner has failed to adequately implement plans or maintain facilities on which the credit is based. The Authority reserves the right to require the property owner to file updated or current documentation to substantiate or validate the basis for any given credit.

8-17 Long-term maintenance inspection of stormwater facilities and practices.

Stormwater management facilities and practices included in a stormwater management plan must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the plan and this Chapter. All stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

A stormwater management facility or practice shall be inspected on a periodic basis by the owner or other responsible person. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Authority shall notify the owner by mail. The notice shall

specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the owner fails or refuses to meet the requirements of the plan and the ongoing inspection and maintenance requirements set forth in this Chapter, the Authority may correct the violation as provided in this Chapter.

Inspection programs by the Authority may be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

8-18 Right-of-entry for inspection.

As provided in these Rules and Regulations, the Authority shall have the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the Authority has a reasonable basis to believe that a violation of this Chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.

8-19 Records of maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Authority upon request.

8-20 Failure to maintain.

If a responsible person fails or refuses to meet the maintenance requirements of the plan or this Chapter, the Authority, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Authority may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be added to the water bill of the served property and/or all properties draining to the stormwater management structure on a pro-rata basis.

8-21 Violations, enforcement, and penalties.

Any violation of the approved stormwater management plan during construction, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as a violation of this Chapter.

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- A. Letter, Notice of Inspection, or Notice of violation. If the Authority determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Chapter, the Authority shall issue a written letter, notice of inspection, or notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured a permit therefore, the letter or notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The letter or notice shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Chapter and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the letter or notice is directed; and,
6. A statement that the determination of violation may be appealed to the Authority by filing a written notice of appeal within thirty (30) days after the notice of violation.

- B. Enforcement Actions and Penalties. In the event the remedial measures described in the letter or notice have not been completed by the date set forth for such completion in the letter or notice, any one or more of the following actions or penalties may be taken or assessed against the person to whom the letter or notice was directed.
1. Stop Work Order. The Authority may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the letter or notice or has otherwise cured the violation or violations described therein. The stop work order prohibits any construction work or land disturbance on the property except that required to carry out the necessary remedial measures to cure such violations.
 2. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the letter or notice or otherwise fails to cure the violations described therein, the Authority may administratively impose a monetary penalty not to exceed \$1,000.00 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the letter or notice. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
 3. Termination of water service and/or request to withhold Certificate of Occupancy. The Authority may terminate water service and/or request that the City or County refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the letter or notice or has otherwise cured the violations described therein.
- C. Administrative appeal; judicial review.
1. Administrative remedies. Any person receiving a letter or notice may appeal the determination of the Authority, including but not limited to the issuance of a stop work order or the assessment of an administratively-imposed monetary penalty upon finding that the holder is not in compliance with the approved stormwater management plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the Authority's Rules and Regulations or Design and Construction Standards, or the issuance of a notice of bond forfeiture. The notice of appeal must be in writing

and must be received within thirty (30) days from the date of the letter or notice. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the written notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel. The Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. The Appeal Panel shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other applicable local, State, or federal requirements. The decision of the Appeal Panel shall be final.

2. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.

8-22 Operation of or tampering with property.

No person shall open or otherwise tamper with any manhole or other device used to provide utility service, or unlawfully secure service without having first obtained the necessary approval in writing from the Authority. No unauthorized person shall negligently, willfully, or maliciously break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Authority's stormwater collection, transportation, and/or treatment system.

CHAPTER NINE FLOODPLAIN MANAGEMENT REGULATIONS

9-1 Purpose and policy.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Douglasville-Douglas County Water and Sewer Authority, in coordination with Douglas County and the City of Douglasville, Georgia, ordains this Chapter and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas.

The purpose of the floodplain management regulations set forth in this Chapter is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation, and ecological and environmental protection by provisions designed to:

- A. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging, and other development that may increase flood damage or erosion;
- D. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- E. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- F. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

9-2 Definitions.

The following definitions shall apply to Chapter 9 of these Rules and Regulations:

Accessory Structure or Facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

Addition means any walled or roofed expansion to the perimeter or height of a building.

Adjacent to the Floodplain means all land within a development that would flood if the 100-year base flood elevation increased by 10 feet.

Appeal means a request for review of the Authority Engineering Department's interpretation of any provision of this Chapter.

Area of Future-conditions Flood Hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future conditions hydrology (100-year future-conditions flood).

Area of Shallow Flooding means a designated AO or AH Zone on the applicable local Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard means the land area subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 9-5. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on the community's Flood Insurance Rate Map (FIRM) and all floodplain and flood prone areas at or below the future-conditions flood elevation. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

Authority means the Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

Base Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base Flood Elevation means the highest water surface elevation anticipated at any given location during the base flood.

Basement means any area of a building having its floor subgrade below ground level on all sides.

Building has the same meaning as Structure.

Chapter, when referring to this chapter, includes all provisions set forth in this Chapter 9 of the Authority's Rules and Regulations and all applicable provisions of the Authority's Design and Construction Standards adopted in conjunction herewith.

City means the City of Douglasville, Georgia and/or its governing authority or authorized agents or representatives.

County means unincorporated Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

Development means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Elevated Building means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Construction means any structure for which the "start of construction" commenced before August 6, 1979 for structures within the City of Douglasville and February 3, 1987 for structures within unincorporated Douglas County.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed before August 6, 1979 for structures within the City of Douglasville and February 3, 1987 for structures within unincorporated Douglas County.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fair Market Value means the pre-flood market value as determined by an independent property appraisal by a licensed/certified appraiser or the recorded property value assessed by the Douglas County Tax Assessor.

FEMA means the Federal Emergency Management Agency.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or Flood-prone Area means any land area susceptible to flooding.

Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway or Regulatory Floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally Dependent Use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair, but does include long-term storage or related manufacturing facilities.

Future-Conditions Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-Conditions Floodplain means any land area susceptible to flooding by the future-conditions flood.

Future-Conditions Flood Elevation means the highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-Conditions Hydrology means the flood discharge associated with projected land-use conditions based on a community's zoning maps, future land use maps comprehensive land-use plans, and/or watershed study projections without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or waterway, such as bridge and culvert construction, fill, and excavation.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a State inventory of historic places by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Land Development Activities means those actions or activities that comprise, facilitate, or result in development.

Land Development Project means a discrete land development undertaking.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Chapter.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term does not include a "recreational vehicle."

"May" means that the regulation or requirement is permissive.

Mean Sea Level means the datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced. For purposes of this Chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New Construction means any structure (see definition) for which the "start of construction" commenced on or after August 6, 1979 for structures within the City of Douglasville and February 3, 1987 for structures within unincorporated Douglas County and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after August 6, 1979 for structures within the City of Douglasville and February 3, 1987 for structures within unincorporated Douglas County.

Ordinance, when referring to this Ordinance, means Chapter 9 of the Authority's Rules and Regulations regarding Floodplain Management and any applicable provisions set forth in the Authority's Design and Construction Standards. This ordinance is also found in Article 11 of the Douglas County United Development Code and Article 8 of the City of Douglasville Development Code Appendix B.

Owner means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site.

Permit means the land development permit issued by the City or County and released by the Authority to the applicant, which is required for undertaking any land development activity.

Recreational Vehicle means a vehicle that is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodplain means the future-conditions 100-year floodplain where available. Where the future-conditions base floodplain has not been determined, the regulatory floodplain means the existing 100-year base floodplain.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a ten-year (10-year) period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred.

"Shall" means that the regulation or requirement is mandatory.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Start of Construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling;

nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building (including a gas or liquid storage tank) that is principally above ground, or a manufactured home.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Damage could be from a single event or cumulative damage for a period not to exceed 10 years. This term also includes Repetitive Loss.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a ten-year (10-year) period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing State or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Authority or any City or County Code Enforcement official. The term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially Improved Existing Manufactured Home Park or Subdivision means the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Variance means a grant of relief from one or more requirements of this Chapter.

Variance Board means the Appeal Panel designated by the Authority, which shall include the Executive Director, the Chief Financial Officer of the Authority, and Authority Counsel, or their designees, which shall hear and decide appeals and requests for variance from the requirements of this Chapter.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this Chapter. A structure or other development without a required elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

9-3 Applicability.

This Chapter shall be applicable to all Areas of Special Flood Hazard within the jurisdiction of the City of Douglasville and Douglas County, i.e., floodplain and flood prone areas as defined herein at or below the base flood elevation or the regulatory flood elevation (including A, AO, AH, AE, A1-30, or A-99 on the FIRM), and all new or substantial improvement residential units, all subdivisions, non-residential structures, manufactured home, recreational vehicles, and utilities located within these areas. In addition, all streams within a drainage area of 100 acres or more have an area of special flood hazard.

9-4 Designation of administrator.

The Authority's Engineering Department is hereby appointed to administer, implement, and enforce the provisions of this Chapter.

9-5 Basis for Establishing Areas of Special Flood Hazard, Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics – flood area maps and studies

For the purposes of defining and determining "Areas of Special Flood Hazard," "Areas of Future-conditions Flood Hazard," "Areas of Shallow Flooding," "Base Flood Elevations," "Floodplains," "Floodways," "Future-conditions Flood Elevations," "Future-conditions Floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this Chapter, the following documents and sources may be used for such purposes and are adopted by reference thereto:

- A. The Flood Insurance Study (FIS) for Douglas County, Georgia and Incorporated Areas, dated March 4, 2013, as amended, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired through annexation, the current effective FIS and data for unincorporated

Douglas County, dated March 4, 2013, with accompanying maps and other supporting data and any revision thereto.

- B. Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and flood-prone areas including:
 - 1. Any flood or flood-related study conducted by the United States Army Corps of Engineers or the United States Geological Survey or any other local, State or Federal agency applicable to the City of Douglasville and/or Douglas County, Georgia; and
 - 2. Any base flood study conducted by a professional engineer licensed in the State of Georgia which has been prepared utilizing FEMA approved methodology and approved by the Authority and the City of Douglasville and/or Douglas County, Georgia, as applicable.
- C. Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood prone areas including:
 - 1. Any flood or flood-related study conducted by the United States Army Corps of Engineers or the United States Geological Survey or any other local, State, or Federal agency applicable to the City of Douglasville and/or Douglas County, Georgia; and
 - 2. Any future-conditions flood study conducted by a professional engineer licensed in the State of Georgia utilizing FEMA approved methodology and approved by the Authority and the City of Douglasville and/or Douglas County, Georgia, as applicable.
- D. The repository for public inspection of the flood studies, accompanying maps, and other supporting data is located at the Authority's Engineering Department.

9-6 Compatibility with other regulations.

The regulations set forth in this Chapter are not intended to modify or repeal any other ordinance, rule, regulation, resolution, statute, easement, covenant, deed, restriction, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, resolution, or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, resolution, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

9-7 Severability.

If the provisions of any Section, subsection, Paragraph, subdivision, or clause of this Chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any Section, subsection, Paragraph, subdivision or clause of this Chapter.

9-8 Warning and disclaimer of liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create any liability on the part of the Authority or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

9-9 Permit application requirements.

No owner or developer shall perform any land development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located, without first meeting the requirements of this Chapter prior to commencing the proposed activity.

Unless specifically excluded by this Chapter, any owner or developer desiring a permit for a land development activity shall submit a permit application to the Authority or local permitting authority on a form provided by the Authority or local permitting authority for that purpose.

No permit will be approved for any land development activities that do not meet the requirements, restrictions, and criteria of this Chapter.

9-10 Floodplain management plan requirements.

No application for a development project within any Area of Special Flood Hazard established in Section 9-5 will be approved unless it includes a floodplain management/flood damage prevention plan. This plan shall be in accordance with the criteria established in this Section.

The floodplain management/flood damage prevention plan must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of

Georgia, who will verify that all designs are consistent with the requirements of this Chapter.

The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all land development activities will be done according to the plan or previously approved revisions. Any and all land development permits and/or use and occupancy certificates or permits may be revoked and water service may be terminated by the Authority at any time if the construction and building activities are not in strict accordance with approved plans.

The floodplain management/flood damage prevention plan shall include, but not be limited to, the following plans drawn to scale of the site in question and the nature, location, and dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage and stormwater management facilities. Specifically, the following information is required:

A. Site plan drawn to scale, including but not limited to:

1. For all proposed structures in the base floodplain or future-conditions floodplain, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
2. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavations material, and storage of materials and equipment;
3. Proposed locations of water supply, sanitary sewer, and utilities;
4. Proposed locations of drainage and stormwater management facilities;
5. Proposed grading plan;
6. Base flood elevations or future-conditions flood elevations;
7. Boundaries of the base flood or future-conditions flood;
8. If applicable, the location of the floodway; and
9. Certification of the above by a professional engineer or surveyor licensed in the State of Georgia.

- B. Building and Foundation design detail, including but not limited to:
1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 2. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 3. Certification that any proposed non-residential floodproofed structure meets the criteria in Section 9-20.B.;
 4. For enclosures below the base flood elevation, location and total net area of flood openings as required in Section 9-19.F. of this Chapter; and
 5. Design plans certified by a professional engineer or architect licensed in the State of Georgia for all proposed structures.
- C. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed land development project.
- D. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development condition base flood elevations, future-conditions flood elevations, flood protection elevations, areas of special flood hazard and regulatory floodways, flood profiles, and all other computations and other relevant information similar to that presented in the FIS.
- E. Copies of all applicable State and Federal permits necessary for the proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
- F. All appropriate certifications required under this Chapter.

9-11 Construction stage submittal requirements.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the City or County Floodplain Administrator a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction, including the lowest floor elevation or floodproofing level, immediately after the lowest floor or floodproofing is completed. A final Elevation Certificate shall be provided after completion of construction, including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a

land surveyor or professional engineer licensed in the State of Georgia and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect licensed in the State of Georgia and certified by same using the FEMA Floodproofing Certificate. This certification shall also include the design and operations/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The City or County Floodplain Administrator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certifications or failure to make the corrections required hereby shall be cause to issue a stop work order for the project and/or withhold the Certificate of Occupancy.

9-12 Duties and responsibilities of the Authority.

Duties of the Authority shall include, but shall not be limited to:

- A. Review of all land development applications and permits to assure that the requirements of this Chapter have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- B. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or State law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334;
- C. When Base Flood Elevation data or floodway data have not been provided, then the Authority shall require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, State, or other sources in order to meet the provisions of Sections 9-13 through 9-26;
- D. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
- E. Review and record the actual elevation, in relation to mean sea level, to which any substantially improved structures have been floodproofed;

- F. When floodproofing is utilized for a non-residential structure, the Authority shall review the design and operation/maintenance plan and obtain certification from a professional engineer or architect licensed in the State of Georgia;
- G. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- H. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions), the Authority shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
- I. All records pertaining to the provisions of this Chapter shall be maintained in the office of the Authority and shall be open for public inspection;
- J. Coordinate all FIRM revisions with the GA DNR and FEMA; and
- K. Review variance applications and make recommendations to the Variance Board.

9-13 Definition of floodplain boundaries.

- A. Studied "AE" zones, as identified in the Flood Insurance Study, shall be used to establish base flood elevations whenever available.
- B. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Authority. If future-conditions elevation data is not available from the Authority, then it shall be determined by a professional engineer licensed in the State of Georgia using a method approved by FEMA and the Authority, the cost of which shall be paid by the applicant.

9-14 Definition of floodway boundaries.

- A. The width of a floodway shall be determined from the FIS or FEMA approved flood study.

- B. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Authority. If floodway data is not available from the Authority, then it shall be determined by a professional engineer licensed in the State of Georgia using a method approved by FEMA and the Authority, the cost of which shall be paid by the applicant.

9-15 General standards for land development.

- A. No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard that could result in any of the following:
 - 1. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - 2. Reducing the base flood or future-conditions flood storage capacity;
 - 3. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property; or
 - 4. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- B. Any development within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard allowed under Section 9-15.A. shall also meet the following conditions:
 - 1. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-conditions flood and lie either within the boundaries of ownership of the property being developed, or within a permanent, recorded flood control easement, and shall be within the immediate vicinity to the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel.
 - 2. Cut areas shall be stabilized and graded to a slope of no less than two percent (2.0%);

3. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
4. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 9-16;
5. All existing and proposed public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
6. Any significant physical changes to the base flood floodplain or any significant changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Authority and the City or County using the FEMA Community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans that demonstrate general conformance to the approved designs as submitted in the CLOMR application for a final Letter of Map Revision (LOMR). A request for a final Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) must be submitted to FEMA before the Final Plat can be approved or a Certificate of Occupancy can be issued. Significant changes or revisions shall be defined as any change to the FIRM easily observed when plotted at a scale of 1" = 1000'. The changes or revisions may be due to, but are not limited to, more current and/or superior topographic information or compensatory cut and fill grading done as a part of the development.

9-16 Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb the base flood floodplain or future-conditions floodplain. This study shall be prepared by a professional engineer licensed in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the Authority prior to the approval of any permit that would authorize the disturbance of

land located within the base flood floodplain or future-conditions floodplain. Such study shall include:

- A. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- B. Step-backwater analysis, using a FEMA approved methodology approved by the Authority. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood and regulatory flood profiles;
- C. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- D. If changes to the base flood elevation and future-conditions elevation are proposed, profiles of the channel showing the existing and proposed base flood elevations and future-conditions flood elevations must be provided; and
- E. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.

9-17 Floodway encroachments.

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to high-velocity floodwaters, debris, or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- A. Encroachments are prohibited, including earthen fill, new construction, substantial improvements, or other development within the regulatory floodway, except when required for the construction of bridges, culverts, roadways, and utilities, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the regulatory or base flood discharge. A professional engineer licensed in the State of Georgia must provide supporting technical data and certification thereof; and
- B. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be

issued by the Authority until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certificate is approved by the Authority.

9-18 Maintenance requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is not diminished. The Authority may direct the property owner (at no cost to the Authority) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Authority.

9-19 General standards for flood hazard reduction.

In all Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard, the following provisions apply:

- A. New construction of residential buildings, including manufactured homes, shall not be allowed within the limits of the base flood floodplain or future-conditions floodplain;
- B. New construction and substantial improvements of non-residential structures shall not be allowed within the future-conditions floodplain unless all requirements of Sections 9-10, 9-11, 9-15, 9-16, and 9-17 are met;
- C. New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure;
- D. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- E. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- F. Elevated buildings – All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - 1. Designs for complying with this requirement must either be certified by a professional engineer or architect licensed in the State of Georgia to meet or exceed the following minimum criteria:

- a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - 2. So as not to violate the "Lowest Floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and;
 - 3. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- G. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher so as to prevent water from entering or accumulating within the components during conditions of flooding;
- H. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- I. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the Authority to reduce exposure to flood hazards;
- J. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- K. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

- L. On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
- M. Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
- N. Any alteration, repair, reconstruction, or improvement to a structure that is not compliant with the provisions of this Chapter, shall be undertaken only if the nonconformity is not furthered, extended, or replaced;
- O. If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future-conditions elevation and development standards shall take precedence;
- P. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this Chapter; and
- Q. Subdivision proposals and other new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - 1. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage; and
 - 3. Adequate drainage shall be provided to reduce exposure to flood hazards.

9-20 Building standards for structures and buildings within the base flood floodplain or future-conditions floodplain.

- A. Residential Buildings.
 - 1. New construction. New construction of residential buildings, including manufactured homes, shall not be allowed within the limits of the base flood floodplain or future-conditions floodplain.
 - 2. Substantial improvements. Substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no

lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 9-19.F., "Elevated buildings."

B. Non-residential buildings.

1. New construction. New construction of non-residential structures shall not be allowed within the limits of the base flood floodplain or future-conditions floodplain unless all requirements of Sections 9-10, 9-11, 9-15, 9-16, and 9-17 have been met. If all of the requirements of Sections 9-10, 9-11, 9-15, 9-16, and 9-17 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 9-19.F., "Elevated buildings." New construction that has met all of the requirements in Sections 9-15, 9-16, and 9-17 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed in the State of Georgia shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certifications to the Authority using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.
2. Substantial Improvements. Substantial improvement of any non-residential structure located in A1 – 30, AE, or AH zones may be authorized by the Authority to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of

Section 9-19.F., "Elevated buildings." Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed in the State of Georgia shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the Authority using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- C. Accessory structures and facilities. Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities, and other similar non-habitable structures and facilities) which meet the requirements of Sections 9-15, 9-16, and 9-17 and are permitted to be located within the limits of the base flood floodplain and future-conditions floodplain shall be constructed of flood-resistant materials and designed and constructed to provide adequate flood openings in a manner consistent with this Chapter and be anchored to prevent flotation, collapse, and lateral movement of the structure.
- D. Standards for recreational vehicles. All recreational vehicles placed on sites must either:
 - 1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - 2. Meet all the requirements for "Residential Buildings – Substantial Improvements," including the anchoring and elevation requirements of Section 9-20.A.2.
- E. Standards for manufactured homes.
 - 1. New construction or development that involves the placement of manufactured homes within the limits of the base flood floodplain or future-conditions floodplain shall not be allowed.

2. Manufactured homes placed and/or substantially improved within an existing manufactured home park or subdivision shall be elevated as follows:
 - a. The manufactured home shall be elevated such that the lowest floor is elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions floodplain, whichever is higher; and
 - b. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with Section 9-19.H.
 - c. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) of no less than 36 inches in height above grade.

9-21 Building standards for structures and buildings authorized adjacent to the floodplain.

All buildings shall comply with the City's or the County's building codes, in addition to the following:

- A. Residential Buildings. For new construction and substantial improvement to any residential building or manufactured home adjacent to the base flood floodplain or future-conditions floodplain, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the level of the highest base flood (100 year) elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 9-19.F., "Elevated buildings."

General Standards for Flood Hazard Reduction in Section 9-19 shall also apply.

- B. Non-Residential Buildings. For new construction and substantial improvement of any non-residential building, the elevation of the lowest floor, including the basement and access to the building, shall be at least one (1) foot above the level of highest base flood (100 year) elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to

automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 9-19.F., "Elevated buildings."

General Standards for Flood Hazard Reduction in Section 9-19 shall also apply.

9-22 Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-Zones).

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Authority shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation, and floodway data, or future-conditions flood elevation data available from a Federal, State, local, or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- A. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- B. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 9-19.F., "Elevated buildings."
- C. For new homes constructed upstream of and adjacent to a new or existing roadway crossing of a stream where the roadway forms a sag vertical curve, the lowest floor of the lowest enclosed area (including basement) shall be elevated no less than three (3) feet above the top of the roadway or curb, whichever is higher, measured at the low point of the curve.

9-23 Building standards for X Zone areas.

- A. Located outside of A Zones and AE Zones, X Zones include the following:
 - 1. Areas outside the 100-year floodplain but within the 500-year floodplain as determined by a detailed study (spotted X Zones).

2. Areas outside the 500-year floodplain as determined by a detailed study.
 3. Areas that have not yet been studied.
- B. The Authority reserves the right to require further studies for any development within an X Zone, if there is evidence that a potential flood hazard exists. Such evidence may include but shall not be limited to:
1. Eyewitness reports of historic flooding or other reports of historic flooding deemed credible by the Authority.
 2. Geologic features observed that resemble floodplains (such as flat areas along stream).
 3. Proximity to manmade or natural constrictions such as road crossings that can cause backwater effects.
 4. Drainage basin characteristics such as drainage area, slope, percent impervious cover, land use, etc.
- C. For new homes constructed upstream of and adjacent to a new or existing roadway crossing of a stream where the roadway forms a sag vertical curve, the lowest floor of the lowest enclosed area (including basement) shall be elevated no less than three (3) feet above the top of the roadway or curb, whichever is higher, measured at the low point of the curve.

9-24 Building standards for Areas of Shallow Flooding (AO-Zones).

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas, the following provisions apply:

- A. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Flood openings sufficient to facilitate the automatic equalization of hydrostatic flood forces shall be provided in accordance with standards in Section 9.19.F., "Elevated buildings."

The applicant's or owner's engineer shall certify to the Authority that the lowest floor elevation level is at least three (3) feet above the highest adjacent grade, and the record shall become a permanent part of the permit file;

- B. New construction and substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed in the State of Georgia shall certify that the design and methods of construction are in accordance with accepted standards of practice and shall provide such certification to the Authority using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
- C. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

9-25 Standards for Subdivisions of Land.

- A. All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein and provide base flood and future-conditions flood elevation data.
- B. All residential lots in a subdivision shall have sufficient buildable area outside of the base flood floodplain and future-conditions floodplain such that encroachments into the floodplain for residential structures will not be required.
- C. All subdivision plans will provide the elevation of proposed structure(s) and pad(s) in accordance with Section 9-10.

9-26 Standards for utilities.

- A. All new and replacement public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be designed to minimize or eliminate:
 - 1. Infiltration of flood waters into the systems; and
 - 2. Discharges from the systems into flood waters.

- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

9-27 Repetitive loss structures/Substantial Damage.

A. Repetitive loss structures

The City or County Floodplain Administrator may declare any structure as a repetitive loss structure as required to qualify the structure for increased cost of compliance benefits allowed in the National Flood Insurance Program. To be declared a repetitive loss structure, the following conditions must be met:

1. The structure must have a flood insurance policy that includes increased cost of compliance coverage; and
2. The structure must have been flooded at least twice during a ten-year (10-year) period which ends on the date of the second flood; and
3. The cost to repair the flood damage, on average, equaled or exceeded 25% of the fair market value of the structure at the time of each flood event; and
4. The owner, or representative, shall request the declaration in writing and provide supporting documentation to show that the above requirements have been met.

B. Substantial damage

The City or County Floodplain Administrator may declare any damaged structure to have "Substantial Damage" as required to qualify the structure for increased cost of compliance benefits allowed in the National Flood Insurance Program. To be declared as having substantial damage, the structure must have sustained damage as follows:

1. Single event damage of any origin such that the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the fair market value of the structure at the time it received damage.
2. Cumulative damage of any origin over a period of time not to exceed 10 years such that the cumulative cost of repairs equals or exceeds 50% of the current fair market value of the structure.

9-28 Variance procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Chapter.

- A. Requests for variances from the requirements of this Chapter shall be submitted to the Authority. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Authority. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- B. The Variance Board as established by the Authority shall hear and decide requests for appeals or variance from the requirements of this Chapter.
- C. The Variance Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Engineering Department in the enforcement or administration of this Chapter.
- D. Any person aggrieved by the decision of the Variance Board may, after exhausting all administrative remedies, appeal such decision to the Superior Court of Douglas County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- E. Variances may be issued for the repair and rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum to preserve the historic character and design of the structure.
- F. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria in this Chapter are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- H. In reviewing such requests, the Variance Board shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Chapter.
- I. Conditions for variances.

1. A variance shall be issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud on or victimization of the public.
2. The provisions of this Chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.
4. The Authority shall maintain the records of all variance actions, both granted and denied, and report them to the Federal Emergency Management Agency upon request.
5. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Authority and the Variance Board shall deem necessary for the consideration of the request.
- J. Upon consideration of the factors listed above and the purposes of this Chapter, the Variance Board may attach such conditions to the granting of variances as it deems necessary or appropriate, consistent with the purposes of this Chapter.
- K. Variances shall not be issued "after the fact."

9-29 Violations, enforcement, and penalties.

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.

- A. Notice of violation. If the Authority determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
 2. The address or other description of the site upon which the violation is occurring;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Chapter and the date for the completion of such remedial action;
 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 6. A statement that the determination of violation may be appealed to the Authority by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).
- B. Penalties. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties

may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Authority shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Authority may take any one or more of the following actions or impose any one or more of the following penalties:

1. Stop work order. The Authority may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. Termination of water service and/or request to withhold Certificate of Occupancy. The Authority may terminate water service and/or request that the City or the County refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. Suspension, revocation, or modification of permit. The Authority may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Authority may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the Authority shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after

the Authority has taken one or more of the actions described above, the Authority may administratively impose a monetary penalty not to exceed \$1,000.00 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

5. Criminal Penalties. For intentional and flagrant violations of this Chapter, the Authority may request that the City or the County issue a citation to the applicant or other responsible person, requiring such person in Douglas County Superior Court or Douglasville Municipal Court as appropriate to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

C. Administrative appeal; judicial review.

1. Administrative remedies. Any person receiving a notice of violation may appeal the determination of the Authority, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the Authority's Rules and Regulations or Design and Construction Standards, or the issuance of a notice of bond forfeiture. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel. The Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. The Appeal Panel shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other

applicable local, State, or federal requirements. The decision of the Appeal Panel shall be final.

2. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.

CHAPTER TEN ILLICIT DISCHARGE AND ILLEGAL CONNECTION REGULATIONS

10-1 Purpose and policy.

The purpose of the illicit discharge and illegal connection regulations set forth in this Chapter is to protect the public health, safety, environment, and general welfare through the regulation of non-stormwater discharges to the Authority's separate storm sewer system to the maximum extent practicable as required by federal law. The regulations set forth in this Chapter establish methods for controlling the introduction of pollutants into the Authority's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The regulations set forth in this Chapter seek to achieve this purpose through the following objectives:

- A. Regulate the contribution of pollutants to the Authority's separate storm sewer system by any person;
- B. Prohibit illicit discharges and illegal connections to the Authority's separate storm sewer system;
- C. Prevent non-stormwater discharges to the Authority's separate storm sewer system, whether accidental or intentional and including, but not limited to, those generated as a result of spills and/or inappropriate dumping;
- D. Establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter.

10-2 Definitions.

The following definitions shall apply to Chapter 10 of these Rules and Regulations:

Accidental Discharge means a discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.

Appropriate Governmental Entity means the City of Douglasville, Douglas County, or any other municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including but not limited to regulation and enforcement of illicit discharges and illegal connections.

Authority means the Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

Authority's Separate Storm Sewer System means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City or County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (a) Owned or maintained by the Authority in accordance with the Intergovernmental Agreements Regarding Stormwater Management between the Authority and the City of Douglasville and Douglas County;
- (b) Not a combined sewer; and
- (c) Not part of a public-owned treatment works.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.) and any subsequent amendments thereto.

Chapter, when referring to this chapter, includes all provisions set forth in this Chapter 10 of the Authority's Rules and Regulations and all applicable provisions of the Authority's Design and Construction Standards adopted in conjunction herewith.

City means the City of Douglasville, Georgia and/or its governing authority or authorized agents or representatives.

Construction Activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

County means Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Illicit Discharge means any direct or indirect non-stormwater discharge into stormwater, the Authority's separate storm sewer system, State Waters, or Waters of the U.S., except as exempted in Section 10-5 of this Chapter.

Illegal Connection means either of the following:

- (a) Any pipe, open channel, drain, or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and/or wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain, or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency or appropriate governmental entity; or
- (b) Any pipe, open channel, drain, or conveyance connected to the Authority's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency or appropriate governmental entity.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR Section 122.26(b)(4).

"May" means that the regulation or requirement is permissive.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the Georgia Environmental Protection Division (EPD) under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Ordinance, when referring to this Ordinance, means Chapter 10 of the Authority's Rules and Regulations regarding Illicit Discharges and Illegal Connections and any applicable provisions set forth in the Authority's Design and Construction Standards.

Person means, except to the extent exempted from this Chapter, any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or

otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes, sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any waters' physical, chemical, or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

"Shall" means that the regulation or requirement is mandatory.

State Waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

Stormwater Runoff or Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Structural Stormwater Control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

10-3 Jurisdiction and applicability.

- A. Jurisdiction. The Authority shall have jurisdiction over all illicit discharges and illegal connections within the jurisdictional limits of any municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services.

- B. Applicability. The provisions of this Chapter shall apply throughout the jurisdictional limits of any municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services.
- C. Responsibility for administration. The Authority's Engineering Department is hereby appointed to administer, implement, and enforce the provisions of this Chapter.
- D. Compatibility with other regulations. This Chapter is not intended to modify or repeal any other ordinance, rule, regulation, resolution, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, resolution, or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, resolution, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- E. Severability. If the provisions of any Section, subsection, Paragraph, subdivision, or clause of this Chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Chapter or any Section, subsection, Paragraph, subdivision, or clause of this Chapter.

10-4 Prohibition of illicit discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into stormwater, the Authority's separate storm sewer system, State Waters, or Waters of the U.S., any pollutants or waters containing any pollutants, other than stormwater.

10-5 Exempt discharges.

The following discharges are exempt from the prohibition established by Section 10-4:

- A. Water line flushing performed by the Authority or any other governmental entity, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

- B. Discharges or flows from fire fighting and other discharges specified in writing by the Authority as being necessary to protect public health and safety;
- C. Any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the Georgia Environmental Protection Division and/or the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Authority's separate storm sewer system.

10-6 Prohibition of illegal connections.

The construction, connection, use, maintenance, or continued existence of any illegal connection to the Authority's separate storm sewer system is prohibited.

- A. Illegality of past connections. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- B. Illegality of sewage connections. A person violates this Chapter if the person connects a line conveying sewage to the Authority's separate storm sewer system or allows such a connection to continue.
- C. Disconnection of illegal connections. Improper connections in violation of this Chapter shall be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the Authority's centralized sanitary sewer system upon the approval of the Authority. The disconnection of the illegal connection and the redirection to a proper sewage disposal system shall be done at the cost of the property owner or occupant.
- D. Drains and conveyances to be shown on plans. All drains or other conveyances which may be connected to the Authority's separate storm sewer system shall be shown and properly identified on the development plans submitted to the Authority for approval. Any drain or conveyance that has not been documented on plans approved by the Authority shall be located by the owner or occupant of the property upon receipt of written notice of violation from the Authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance shall be identified as storm sewer, sanitary sewer, or other specified discharge, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system, or other

discharge point be identified. Results of these investigations are to be documented and provided to the Authority.

10-7 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authority prior to allowing discharges to the Authority's separate storm sewer system.

10-8 Access and inspection of properties and facilities.

The Authority shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the Authority's Rules and Regulations, including but not limited to the requirements of this Chapter.

- (a) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Authority.
- (b) The owner or operator shall allow the Authority ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination, and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (c) The Authority shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Authority to conduct monitoring and/or sampling of flow discharges.
- (d) The Authority may require the owner or operator to install monitoring equipment and perform monitoring as necessary and to make the monitoring data available to the Authority. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the owner or operator at its own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Authority and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

- (f) Unreasonable delays in allowing the Authority access to a property or facility is a violation of this Chapter.
- (g) If the Authority has been refused access to any part of the premises from which stormwater is discharged, and the Authority is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the community, then the Authority may seek issuance of a search warrant from any court of competent jurisdiction.

10-9 Notification of accidental discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity, or operation or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility, activity, or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Authority's separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the Authority and any other authorized enforcement agency required to be given notice under State or federal law, rule, or regulation within twenty-four (24) hours of the nature, quantity, and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authority within three (3) business days of the notification in person or by phone. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided in this Section or as otherwise provide by State or federal law, rule, or regulation is a violation of this Chapter.

10-10 Violations, enforcement, and penalties.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this Chapter may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Authority is authorized to seek costs of the abatement as outlined in Paragraph E. below.

- A. Notice of violation. Whenever the Authority finds that a violation of this Chapter has occurred, the Authority may order compliance by written notice of violation.

The notice of violation shall contain:

1. The name and address of the alleged violator;
 2. The address when available or a description of the building, structure, or land upon which the violation is occurring or has occurred;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
 5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
 6. A statement that the determination of violation may be appealed to the Authority by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).
- B. Compliance requirements. The notice of violation may require, without limitation, one or more of the following:
1. The performance of monitoring, analyses, and reporting;

2. The elimination of illicit discharges and illegal connections;
 3. That violating discharges, practices, or operations shall cease and desist;
 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 5. Payment of costs to cover administrative and abatement costs; and,
 6. The implementation of pollution prevention practices.
- C. Penalties. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Authority shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Authority may take any one or more of the following actions or impose any one or more of the following penalties:
1. Stop work order. If the violation occurred on a site involving land-disturbing activities or other construction work, the Authority may issue a stop work order, which shall be served on the property owner, contractor, or other responsible person. The stop work order shall remain in effect until the property owner, contractor, or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the property owner, contractor, or other responsible person to take the necessary remedial measures to cure such violation or violations.
 2. Termination of water service and/or request to withhold Certificate of Occupancy. The Authority may terminate water service and/or request that the City or the County refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the property owner, contractor, or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. Suspension, revocation, or modification of permit. The Authority may suspend, revoke, or modify the land disturbance permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Authority may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. Civil Penalties. In the event the property owner, contractor, or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the Authority shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Authority has taken one or more of the actions described above, the Authority may administratively impose a monetary penalty not to exceed \$1,000.00 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

D. Administrative appeal; judicial review.

1. Administrative remedies. Any person receiving a notice of violation may appeal the determination of the Authority, including but not limited to the issuance of a stop work order and/or the assessment of an administratively-imposed monetary penalty. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel. The Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. The Appeal Panel shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right

to add or delete remedial actions required for correction of the violation and compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other applicable local, State, or federal requirements. The decision of the Appeal Panel shall be final.

2. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.
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- E. Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision on appeal of the Authority or its designated appeal board, then representatives of the Authority may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Authority or its designated contractors to enter upon the premises for the purposes set forth herein. In extenuating circumstances when more than thirty (30) days are necessary for correction of the violation, the property owner shall submit a schedule for compliance to the Authority for approval within the original thirty (30) day period.
 - F. Costs of abatement of the violation. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and may be added to the property owner's water bill.
 - G. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety, environment, and general welfare and is declared and deemed a nuisance, which may be abated by injunctive or other equitable relief as provided by law.
 - H. Remedies not exclusive. The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, State, or local law, rule, or regulation, and the Authority may seek cumulative remedies.

- I. Recovery of costs. The Authority may recover attorney's fees and other expenses associated with enforcement of this Chapter, including but not limited to sampling and monitoring expenses.

CHAPTER ELEVEN

LITTER CONTROL REGULATIONS

11-1 Purpose and policy.

Litter found throughout our community often finds its way into our streams, rivers, and lakes and detracts from our quality of life. Pollutants carried into our streams, rivers, and lakes by litter diminish the quality of our water and its aquatic resources.

The purpose of the litter control regulations set forth in this Chapter is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter through provisions designed to:

- A. Provide for uniform prohibition throughout the Authority's service area of any and all littering on public or private property; and,
- B. Prevent the desecration of the beauty and quality of life in the Authority's service area and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

11-2 Definitions.

Litter means any organic or inorganic waste material, rubbish, refuse, junk, garbage, trash, hulls, peelings, debris, construction debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, glass containers, broken glass, dead animals, or intentionally or unintentionally discarded materials of every kind and description, excluding "hazardous waste" as defined and regulated by State and/or federal law.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

11-3 Applicability, compatibility, and severability.

- A. Applicability. The provisions of this Chapter shall apply to all public and private property within the Authority's service area.
- B. Compatibility with other regulations. The provisions of this Chapter are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other

ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

- C. Severability. If the provisions of any article, Section, subsection, Paragraph, subdivision, or clause of this Chapter shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, Section, subsection, Paragraph, subdivision, or clause of this ordinance.

11-4 Prohibition against littering public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, throwing, or leaving of litter on any public or private property within the Authority's service area or any State waters lying or being within the jurisdictional limits of the Authority's service area unless:

- A. The property is designated by the State or by any of the State's agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- B. The litter is placed into a receptacle or container installed on such property; or
- C. The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

11-5 Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of the materials from such load onto the roadway.

11-6 Violations, enforcement, and penalties.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

A. Evidence.

1. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this Chapter.
2. Except as provided in Paragraph 1. above, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this Chapter is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writing(s) which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Chapter.

B. Penalties. Any person who violates this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

1. By a fine of not less than \$200.00 and not more than \$1,200.00; and
2. In addition to the fine set out in Paragraph 1. above, the violator shall reimburse the Authority for the reasonable cost of removing the litter when the litter is or is ordered removed by the Authority; and
3. In the sole discretion of the Authority, the person may be required to undertake one or more of the following remedial actions:
 - a. Pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - b. Pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter.

For purposes of this Section, "pick up and remove" shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

4. The Authority may publish or post the names of persons violating this ordinance.

- C. Administrative remedies. Any person receiving a notice of violation may appeal the determination of the Authority, including but not limited to the assessment of an administratively-imposed monetary penalty or the administrative order to complete remedial actions as outlined above. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the written notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel. The Appeal Panel shall consist of any three (3) of the following, which shall be designated by the Executive Director to serve for the specific appeal at the time of receipt of the written notice of appeal: Executive Director, Chief Financial Officer, Water Operations Manager, Wastewater Operations Manager, Human Resources/General Services Manager, or Management Information Systems Manager. The Appeal Panel shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions. The decision of the Appeal Panel shall be final.
- D. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.
- E. Remedies not exclusive. The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, State, or local law, rule, or regulation, and the Authority may seek cumulative remedies.
- F. Recovery of costs. The Authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this Chapter.

CHAPTER TWELVE
CONSERVATION SUBDIVISION/OPEN SPACE
DEVELOPMENT REGULATIONS

12-1 Purpose and policy.

The regulations set forth in this Chapter are based upon the model conservation subdivision/open space development ordinance promulgated by the Metropolitan North Georgia Water Planning District. Although conservation subdivisions and open space development are primarily zoning issues, the Authority has implemented this Chapter to show its support for and encourage this type of development, when approved by the applicable zoning body and governing entity of the City of Douglasville or Douglas County.

The purpose of the conservation subdivision/open space development regulations set forth in this Chapter is to provide a development option that can help protect, maintain, and enhance water quality in the different watersheds in Douglas County, through provisions designed to:

- A. Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure;
- B. Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
- C. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat;
- D. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- E. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- F. Promote interconnected greenways and corridors throughout the community;
- G. Promote contiguous greenspace with adjacent jurisdictions;
- H. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;

- I. Encourage street designs that reduce traffic speeds and reliance on main arteries;
- J. Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- K. Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and
- L. Preserve important historic and archaeological sites.

12-2 Definition of Open Space.

“Open Space” is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

12-3 Applicability.

The conservation subdivision option delineated in this Chapter shall be available in those zoning districts and/or classifications designated by the applicable zoning body and governing entity of the City of Douglasville or Douglas County. The applicant/developer shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

12-4 Ownership of development site.

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility.

12-5 Housing density determination.

The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the zoning body and governing entity of the City of Douglasville or Douglas County:

- A. Calculation. The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

1. Slopes over 25 percent (25%) of at least 5,000 square feet contiguous area;
 2. The 100-year floodplain;
 3. Bodies of open water over 5,000 square feet contiguous area;
 4. Wetlands that meet the definition of the United States Army Corps of Engineers pursuant to the Clean Water Act; or
 5. Anticipated right-of-way needs for roads and utilities.
- B. Yield plan. The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

12-6 Application requirements.

- A. Site analysis map required. Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this Chapter. The preliminary site plan shall include the following features:
1. Property boundaries;
 2. All streams, rivers, lakes, wetlands, and other hydrologic features;
 3. Topographic contours of no less than 10-foot intervals;
 4. All primary and secondary conservation areas labeled by type, as described in Section 12-7 of this Chapter;
 5. General vegetation characteristics;
 6. General soil types;
 7. The planned location of protected Open Space;
 8. Existing roads and structures; and

9. Potential connections with existing greenspace and trails.
- B. Open Space management plan required. An Open Space management plan, as described in Section 12-10 of this Chapter, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- C. Instrument of permanent protection required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 12-11 of this Chapter, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- D. Other requirements. The applicant shall adhere to all other applicable requirements of the underlying zoning, any applicable subdivision code, all other City or County ordinances, and all other Rules and Regulations of the Authority.

12-7 Standards to determine Open Space.

- A. Minimum area requirements. The minimum restricted Open Space shall comprise at least 40 percent (40%) of the gross tract area. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement, with the exception of historic structures and existing trails, which may be counted towards the 40 percent minimum. Large areas of impervious surface shall be excluded from the Open Space.
- B. Contiguous tract requirements. At least 75 percent (75%) of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
- C. Access requirements. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
- D. Primary conservation areas. The following are considered primary conservation areas and are required to be included within the Open Space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this Article:

1. The regulatory 100-year floodplain;
 2. Buffer zones of at least 75 feet width along all perennial and intermittent streams;
 3. Slopes above 25 percent of at least 5,000 square feet contiguous area;
 4. Wetlands that meet the definition used by the United States Army Corps of Engineers pursuant to the Clean Water Act;
 5. Populations of endangered or threatened species, or habitat for such species; and
 6. Archaeological sites, cemeteries, and burial grounds.
- E. Secondary conservation areas. The following are considered secondary conservation areas and should be included within the Open Space to the maximum extent feasible:
1. Important historic sites;
 2. Existing healthy, native forests of at least one acre contiguous area;
 3. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 4. Other significant natural features and scenic viewsheds, such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
 5. Prime agricultural lands of at least five acres contiguous area; and
 6. Existing trails that connect the tract to neighboring area.

12-8 Permitted uses of Open Space.

Permitted uses of Open Space may include the following:

- A. Conservation of natural, archaeological, or historic resources;
- B. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

- C. Walking or bicycle trails, provided they are constructed of porous paving materials;
- D. Passive recreation areas;
- E. Active recreation areas, provided that they are limited to no more than 10 percent (10%) of the total Open Space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
- F. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts and such activities are not conducted within primary conservation areas;
- G. Nonstructural stormwater management practices;
- H. Easements for drainage, access, and underground utility lines; or
- I. Other conservation-oriented uses compatible with the purposes of this ordinance.

12-9 Prohibited uses of Open Space.

The following uses are prohibited within the protected Open Space:

- A. Golf courses;
- B. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections;
- C. Agricultural and forestry activities not conducted according to accepted best management practices; and
- D. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

12-10 Ownership and management of Open Space.

- A. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the

subdivision and their successors. If a homeowners association is the owner, the homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.

B. Open Space Management Plan. The applicant shall submit a Plan for Management of Open Space and Common Facilities ("Open Space Management Plan") that:

1. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Open Space Management Plan be approved by the applicable governing entity and the Authority; and
4. Provides for enforcement of the Open Space Management Plan.

C. Enforcement of Open Space Management Plan. Notwithstanding any provision set forth in the Open Space Management Plan, in the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, then the Authority may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowners association, or to the individual property owners that make up the homeowners association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

12-11 Legal instrument for permanent protection of Open Space.

The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- A. A permanent conservation easement in favor of either:
1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments

shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or

2. The Authority, which has an interest in protecting water quality and pursuing environmental protection goals compatible with the purposes of this Chapter. If the entity accepting the easement is not the Authority, then a third-party right of enforcement in favor of the Authority shall be included in the easement;
- B. A permanent restrictive covenant for conservation purposes in favor of the applicable governing entity of the City of Douglasville or Douglas County; or
 - C. An equivalent legal tool that provides permanent protection, if approved by the Authority and the applicable governing entity of the City of Douglasville or Douglas County.

The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the Open Space.

CHAPTER THIRTEEN

TOILET REPLACEMENT REBATE REGULATIONS

13-1 Purpose and policy.

The regulations set forth in this Chapter are designed to speed the conversion of older, inefficient plumbing fixtures to current lower flow models, as required by the Water Supply and Water Conservation Management Plan adopted by the Metropolitan North Georgia Water Planning District.

As stated in the Authority's Enabling Legislation, the population of the City of Douglasville and of Douglas County is steadily increasing and the matter of obtaining and distributing potable water to consumers and users therein is of prime importance and essential to the health and welfare of citizens within its boundaries and environs.

The availability, preservation, and protection of the Authority's public water supply are a fundamental necessity and a serious public health issue. Over the years, drought conditions in the State of Georgia and in Douglas County have highlighted the need for all water users to employ reasonable and effective measures to conserve water for the purpose of preserving and protecting the Authority's water supply for its customers.

The Authority believes that enactment of these Toilet Replacement Rebate Regulations is a reasonable and effective measure, as part of an overall water conservation plan, to help its customers control and limit the wasteful use of water and enable the Authority to provide a continuous supply of potable water for domestic service and fire protection to the citizens of the City of Douglasville and Douglas County. Water conservation is not only essential to the Authority in meeting the water demands of the citizens of the City of Douglasville and Douglas County, it is also a cost-effective way to assure sufficient water capacity for existing and new customers, both now and in the future.

While buildings and homes constructed after January 1, 1994 are required to be built with water conserving plumbing fixtures, like ultra low flow toilets that use a maximum of 1.6 gallons per flush and showerheads that emit a maximum of 2.0 gallons per minute, building and homes constructed prior to 1994 do not necessarily contain these water conserving plumbing fixtures. The purpose of this Chapter is to create an incentive to encourage the replacement of older, inefficient toilets with water conserving toilets.

13-2 Definitions.

The following definitions shall apply to Chapter 13 of these Rules and Regulations:

Apartment means one or more rooms intended for occupancy as a separate living quarter with cooking, sleeping, and bathroom facilities provided within the dwelling where the occupants have no ownership interest in the dwelling but rather occupy the dwelling as tenants paying rental payments to a landlord.

Authority means the Douglasville-Douglas County Water and Sewer Authority and its authorized agents.

Dwelling, Multi-family means a building designed for and containing two (2) or more dwelling units.

Dwelling, Single-family means a building designed for and containing one (1) dwelling unit, whether attached (i.e., a dwelling unit on an individual lot attached to another dwelling unit by a common party wall) or detached (i.e., a dwelling unit on an individual lot unattached to another dwelling unit).

Dwelling Unit means one (1) or more rooms, which are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Executive Director means the chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Master Meter means the water meter that records the amount of water consumed by multiple buildings and/or properties owned by one person.

"May" means that the regulation or requirement is permissive.

Person means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, institution, enterprise, governmental entity, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"Shall" means that the regulation or requirement is mandatory.

13-3 Applicability and severability.

- A. Applicability. The goal of the toilet rebate program is to create an incentive for property owners of certain older dwellings with less efficient toilets to replace

and update their dwelling with newer, higher efficiency, low-flow toilets, as part of the Authority's overall water conservation program.

Toilets being replaced must have been installed prior to 1994. The old/replaced toilet cannot be reused. Rebate applicants agree to dispose of all old, outdated toilets that are replaced pursuant to the toilet rebate program created by this Chapter.

- B. Severability. If the provisions of any article, Section, subsection, Paragraph, subdivision, or clause of this Chapter shall be judged invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, Section, subsection, Paragraph, subdivision, or clause of this Chapter. In case of a conflict between these Rules and Regulations and the rebate requirements of Metropolitan North Georgia Water Planning District's Toilet Rebate Programs, the latter shall control.

13-4 Effective date.

The toilet rebate program established by this Chapter shall become effective on October 15, 2009, as amended January 1, 2020.

13-5 Funding of the Toilet Rebate Program.

The Authority shall determine what, if any, funds shall be budgeted for the toilet rebate program annually. If funds are budgeted, such funds shall be placed in a rebate account solely to be used and administered in accordance with the terms of this Chapter.

13-6 District Toilet Rebate Programs.

Effective Calendar Year 2020, the Authority may contract with the Metropolitan North Georgia Water Planning District for participation in their Single-Family and Multi-Family Toilet Rebate Programs.

