

12-0 -0563

(Do Not Write Above This Line)

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND
ARTICLE V OF CHAPTER 154 OF THE
ATLANTA CITY CODE ENTITLED
"SEWAGE DISPOSAL" (§ 154-196 et
seq.); TO ADDRESS FINDINGS OF A
PRETREATMENT COMPLIANCE
AUDIT CONDUCTED BY THE UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY; AND FOR
OTHER PURPOSES.

ADOPTED BY
DEC 02 2013
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 5/7/12
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee City Utilities **First Reading**
 Date May 4, 2012
 Chair Michael G. ...
 Referred To ...

Committee City Utilities
 Date May 15, 2012
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

Committee City Utilities
 Date Nov 6, 2012
 Chair Hal ...
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
U. ...
...
...
...
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 DEC 09 2013
 ATLANTA CITY COUNCIL PRESIDENT
...

CERTIFIED
 DEC 02 2013
 Rhonda Daphnie Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 DEC 11 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 154 OF THE ATLANTA CITY CODE ENTITLED "SEWAGE DISPOSAL" (§ 154-196 *et seq.*); TO ADDRESS FINDINGS OF A PRETREATMENT COMPLIANCE AUDIT CONDUCTED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates the Publicly Owned Treatment Works ("POTW") as defined by section 212 of the Clean Water Act, 33 U.S.C. § 1292; and

WHEREAS, the City is required to operate an Industrial Pretreatment Program under Part III of its National Pollutant Discharge Elimination System (NPDES) Permits for the discharge of wastewater, issued pursuant to O.C.G.A. § 12-5-20 *et seq.* by the Georgia Department of Natural Resources, Environmental Protection Division; and

WHEREAS, Ordinance 98-O-1835, adopted by Council October 5, 1998 and approved by the Mayor October 13, 1998, rescinded Chapter 154 Article V of the Code of Ordinances and substituted in lieu thereof a new Article V of Chapter 154 to provide for regulations, rates and charges, administration, inspection and entry, and enforcement authority for wastewater services; and

WHEREAS, Ordinance 07-O-0937, adopted by Council June 4, 2007 and approved by the Mayor June 12, 2007, amended Article V of Chapter 154 to provide for modification to the Industrial Pretreatment Program and to set allowable pollutant levels; and

WHEREAS, the United States Environmental Protection Agency conducted a Pretreatment Compliance Audit in June 2008 and transmitted the findings of this audit to the City of Atlanta in a letter dated October 27, 2011; and

WHEREAS, the aforementioned audit generally found the City of Atlanta's pretreatment program to be well implemented and its staff very knowledgeable of the federal pretreatment requirements but it also identified deficiencies that it alleges require corrections that include amendments to Article V of Chapter 154 of the Atlanta City Code; and

WHEREAS, it is in the best interests of the City of Atlanta to address the aforementioned alleged deficiencies by amending Article V of Chapter 154 of the Atlanta City Code where appropriate.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
as follows:

SECTION 1: Section 154-196 of the City Code of Ordinances, entitled "Definitions," is hereby amended to add the following:



“(15.1) *Dilute*: To make any pollutant, pollution, waste or wastewater thinner or weaker by adding water or any other substance.

(30.1) *Indirect discharge*: The discharge of treated or untreated wastewater to the Publicly Owned Treatment Works (POTWs) of the City.

(70.1) *Trucked or hauled pollutants*: Any dredged material, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, or agricultural waste discharge transported by truck, rail or dedicated pipeline.”

SECTION 2. Subsection (b) of Section 154-299 of the City Code of Ordinance, entitled “General Discharge Prohibitions,” is hereby amended to add the following:

“(17) Any trucked or hauled pollutants, except at discharge points designated by the Commissioner.

SECTION 3. Section 154-299 of the City Code of Ordinance, entitled “General Discharge Prohibitions,” is hereby amended to add a new subsection which shall read as follows:

(c) No user shall ever increase the use of process water, or in any way attempt to dilute or dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or for any other pollutant-specific limitation developed by the City or the State of Georgia.”

SECTION 4. Subsection (b)(4) of Section 154-214 of the City Code of Ordinance, entitled “Reporting Requirements for the Permittee,” is hereby deleted in its entirety.

SECTION 5. Section 154-214 of the City Code of Ordinance, entitled “Reporting Requirements for the Permittee,” is hereby amended to add the following:

“(b.1) *Compliance with categorical pretreatment standard deadline*: Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the wastewater treatment facility, any industrial user subject to pretreatment standards or permit requirements shall submit to the commissioner a report containing the information described in subparagraphs (a)(5) through (a)(8) of this section. For industrial users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.”



SECTION 6. Section 154-267 of the City Code of Ordinance, entitled "Penalty for Violation," is hereby added and shall read as follows:

"A person convicted of a violation of this article shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months, or any combination thereof. With respect to violations of this article that are continuous with respect to time, each day the violation continues is a separate offense."

SECTION 7. If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 9. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict

A true copy,

A handwritten signature in black ink, appearing to be "K. M. ...", is written over the text "A true copy," and extends down to the title "Deputy Clerk".

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

DEC 02, 2013
DEC 11, 2013

RCS# 3178
12/02/13
3:26 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:EXCEPT
13-O-1333,1334,1264,1395,13-R-3783,3785
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

+

		12-02-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1100	41. 13-R-3792	79. 13-R-3806
2. 13-O-1398	42. 13-R-3850	80. 13-R-3807
3. 13-O-1386	43. 13-R-3851	81. 13-R-3808
4. 13-O-1387	44. 13-R-3852	82. 13-R-3809
5. 13-O-1400	45. 13-R-3853	83. 13-R-3810
6. 13-O-1401	46. 13-R-3854	84. 13-R-3811
7. 13-O-1402	47. 13-R-3855	85. 13-R-3812
8. 13-O-1403	48. 13-R-3856	86. 13-R-3813
9. 13-O-1404	49. 13-R-3857	87. 13-R-3814
10. 13-O-1405	50. 13-R-3858	88. 13-R-3815
11. 13-O-1406	51. 13-R-3859	89. 13-R-3816
12. 13-O-1407	52. 13-R-3869	90. 13-R-3817
13. 13-O-1408	53. 13-R-3786	91. 13-R-3818
14. 13-O-1411	54. 13-R-3846	92. 13-R-3819
15. 13-O-1412	55. 13-R-3849	93. 13-R-3820
16. 13-O-1413	56. 13-R-3871	94. 13-R-3821
17. 13-O-1415	57. 13-R-3872	95. 13-R-3822
18. 13-O-1389	58. 13-R-3795	96. 13-R-3823
19. 13-O-1390	59. 13-R-3796	97. 13-R-3824
20. 13-O-1391	60. 13-R-3873	98. 13-R-3825
21. 13-O-1392	61. 13-R-3874	99. 13-R-3826
22. 13-O-1397	62. 13-R-3875	100. 13-R-3827
23. 13-O-1388	63. 13-R-3876	101. 13-R-3828
24. 13-O-1356	64. 13-R-3877	102. 13-R-3829
25. 13-O-1393	65. 13-R-3878	103. 13-R-3830
26. 13-O-1210	66. 13-R-3782	104. 13-R-3831
27. 13-O-1262	67. 13-R-3860	105. 13-R-3832
28. 13-O-1325	68. 13-R-3777	106. 13-R-3833
29. 13-O-1326	69. 13-R-3779	107. 13-R-3834
30. 13-R-3794	70. 13-R-3797	108. 13-R-3835
31. 13-R-3861	71. 13-R-3798	109. 13-R-3836
32. 13-R-3862	72. 13-R-3799	110. 13-R-3837
33. 13-R-3863	73. 13-R-3800	111. 13-R-3838
34. 13-R-3864	74. 13-R-3801	112. 13-R-3839
35. 13-R-3865	ITEMS ADVERSED ON	113. 13-R-3840
36. 13-R-3866	CONSENT	114. 13-R-3841
37. 13-R-3867	75. 13-R-3802	115. 13-R-3842
38. 13-R-3689	76. 13-R-3803	116. 13-R-3843
39. 13-R-3778	77. 13-R-3804	117. 13-R-3844
40. 13-R-3790	78. 13-R-3805	118. 13-R-3845