

DESOTO COUNTY REGIONAL UTILITY AUTHORITY **COMPREHENSIVE SEWER USE ORDINANCE**

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS TO BE KNOWN AS THE AUTHORITY'S "SEWER USE ORDINANCE"

The Board of Directors of the DeSoto County Regional Utility Authority ordains as follows:

Section 1. General Provisions

This Ordinance shall be known as the DeSoto County Regional Authority's "Sewer Use Ordinance".

Section 1.01 Purpose

This Ordinance sets forth uniform requirements for the collection, distribution, disposal and treatment of wastewater within the jurisdiction of the DeSoto County Regional Utility Authority (wherein after the "Authority"), its Members, and Utilities within the Metropolitan Area of the Authority, to enable the Authority to comply with all applicable state and federal laws, including the "Desoto County Regional Utility Authority Act", the Clean Water Act of 1977 and the Pretreatment Regulations (40 C.F.R. Part 403). The object of this Ordinance is to:

1. Provide general supervision over the design, construction, operation and maintenance of sewerage or wastewater collection, distribution, disposal and treatment systems; to adopt rules governing the design, construction or installation, operation and maintenance of sewerage or wastewater collection, distribution, disposal and treatment systems; to adopt rules establishing performance standards for sewerage or wastewater collection, distribution, disposal and treatment systems and rules concerning the operation and maintenance of same.
2. Protect the health and safety of the people and enhance the environmental quality of DeSoto County and its surroundings;
3. Comply with the laws of the State of Mississippi and of the United States relating to the protection of the environment, control of water pollution, pretreatment of industrial discharges, and the disposal of hazardous wastes to the Authority's System;
4. Prevent the introduction of pollutants into the Authority's System that will interfere with its operation;
5. Prevent the introduction of pollutants into the Authority's System that will Pass Through the System, resulting in the inadequate treatment and discharge into receiving waters or the atmospheres, or otherwise be incompatible with the overall operation of the Authority's System;
6. Ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

7. Protect Authority Personnel who may be affected by wastewater and sludge in the course of their employment;
8. Enable the Authority to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other federal and state laws to which the Authority's System is subject;
9. Provide for the equitable distribution of the cost of operation, maintenance and improvements of the Authority's System; and
10. Establish enforcement procedures and penalties for violations.

Section 1.02 Applicability of the Sewer Use Ordinance

The requirements of this Sewer Use Ordinance are applicable to all Persons, including but not limited to all Members, Users, Public Agencies, Utilities, and Sewer and Water and Sewer Associations or Districts within the Metropolitan Area of the Authority and to all Persons outside the Metropolitan Area of the Authority who are; by contract, agreement or action, Users of the Authority's System; including any and all new and prospective Users.

Except as otherwise provided herein, the Authority's Superintendent shall administer, implement, and enforce the provisions of the Sewer Use Ordinance. Any powers granted to or duties imposed upon the Authority's Superintendent except imposition of fines, penalties, or termination of services, may be delegated by the Superintendent to other Authority, County, Member or Utility Personnel.

Section 1.03 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance Shall be as follows:

ADMINISTRATIVE COMPLAINT: A formal complaint issued by the Authority to any Person who violates any provisions of this Ordinance. The complaint shall allege the act or failure to act that constitutes the violations of the Authority's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

ADMINISTRATIVE ORDER: An enforcement document which directs members or industrial Users to implement corrective or remedial measures.

AUTHORITY: Shall mean the DeSoto County Regional Utility Authority.

AUTHORITY'S SYSTEM: Means all of Authority's facilities for receiving, transporting, treating and disposing of Wastewater together with any improvements enlargements or additions to said facilities and any extensions or replacements of said facilities constructed or otherwise incorporated into said facilities in the future. Said term shall include only those facilities which are used for, constructed or acquired, or the use of which is arranged for, by the Authority and those parts of facilities to afford service to

the Members and other parties using the System by agreement of the Members. The System includes all of the Authority's rights-of-way, Sewer interceptor systems, pump stations, force mains.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND): Shall mean the quantity of oxygen utilized in the biochemical oxidation of the sample under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

CEASE AND DESIST ORDER: An administrative order issued by the Authority requiring a Person to halt the discharge of wastewater in violation of the provisions of this Ordinance.

COMPLIANCE ORDER: An administrative order directing the Person to achieve or restore compliance by a specified date. A compliance order may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the Person to report progress.

CONSENT ORDER: A document establishing an agreement with any Person responsible for noncompliance, and specifying action to be taken by the Person to correct the noncompliance within a time period also specified by the order. Such order may also specify a civil penalty and other costs to be paid by the Person.

CONTAMINATION: An impairment of the quality of the environment, including waters of the State, by waste to a degree which creates a hazard to public health through the spread of disease or the creation of toxic conditions.

DISSOLVED SOLIDS: Solids that are completely dissolved in water and are not removable by standard laboratory filtration

GARBAGE: Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

HORN LAKE CREEK BASIN INTERCEPTOR SEWER DISTRICT means the entity created by Chapter 627, Local and Private Laws of 1971, as amended by Chapter 952, Local and Private Laws of 1980, as amended by Chapter 880, Local and Private Laws of 1990, as amended by Chapter 910, Local and Private Laws of 1992.

INDUSTRIAL USER: Shall mean any "Industrial User" as defined under 40 C.F.R. 35.905.

INDUSTRIAL WASTES: Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary Sewage as defined under "Industrial User" in 40 C.F.R. 35.905.

INFILTRATION AND INFLOW: Shall mean groundwater or other water which is not domestic or industrial wastewater, entering the Authority's System, a Member's Public Sewer or a Utility's Public Sewer. This shall include but is not limited to: stormwater, groundwater, roof runoff, sub-surface drainage, yard and other surface drains, excavation run off, fountains, ponds, pools and lakes.

INTERCEPTOR SYSTEM: The Authority's pipelines, pump stations, manholes and other similar facilities which accept and convey wastewater to the Authority's treatment plants.

INTERFERENCE: Shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources (1) inhibits or disrupts the System, its treatment process or operation, or its sludge processes, use or disposal; or (2) causes a violation of the District's NPDES permit or any other federal or state statutory or regulatory provision or (3) prevents use or disposal of sewage sludge in compliance with any federal or state statutory or regulatory provision,

METROPOLITAN AREA: Shall means all of the area or territory lying with DeSoto County, Mississippi, as more accurately described in Miss. Code Ann. §19-1-33, and any such additional area to be served by the Authority, whether or not such are be contiguous; provided, however, that the metropolitan area shall not include any area located within the corporate limits of a Municipality which is not a Member, nor shall it include the Horn Lake Creek Basin Interceptor Sewer District, should it elect not to be a Member of the Authority.

MEMBER: Shall mean "Member Agency", as defined in House bill 1876, Local and Private Legislation, 2002 Regular Session.

MUNICIPALITY: Shall mean any incorporated city, town or village of the State of Mississippi, whether operating under general law or under special charter, lying wholly or partly within the Metropolitan Area.

NATURAL OUTLET: Shall mean any outlet into a watercourse (continuous or intermittent), pond, ditch, lake or other body of surface or groundwater.

NONCOMPLIANCE: Any violation of any part of this Sewer Use Ordinance, the Wastewater Discharge Permit, or National Categorical Standards.

NOV (NOTICE OF VIOLATION): An official communication from the Authority to a Person informing the Person that a violation has occurred.

ON SITE USER: Shall mean any User which collects, stores, or treats wastewater into a private or individual on-site sewage treatment plant.

PASS THROUGH: Shall mean a discharge which exits the Authority's System into the waters of United States which alone or in conjunction with a discharge from other sources, causes a violation of any requirement of Authority's NPDES Permits, including any increase in the magnitude or duration of a violation.

PERSON: Shall mean the State of Mississippi, a municipality, any public agency or any other city, town, village or political subdivision or governmental agency of the State of Mississippi or of the United States of America, or any private utility, individual, copartnership, association, firm, trust, estate or any other entity whatsoever. For purposes of this Ordinance, the term "person" shall also include the Horn Lake Creek Basin Interceptor Sewer District.

pH: Shall mean the negative of the logarithm of the concentration of hydrogen ions in moles per liter of solution.

PUBLIC AGENCY: Shall mean any county, municipality, or Person, as are defined herein, lying wholly or partially within the Metropolitan Area, any state board or commission owning or operating properties within a Metropolitan Area, a district created pursuant to Section 51-9-101 through 51-9-163 or Section 19-5-151 through 19-5-257, or any other political subdivision

PUBLIC SEWER: Shall mean the pipelines, pump stations, manholes and other similar facilities which are owned, and/or operated by a Member or Utility and used for the collection, transportation and discharge of wastewater to the Authority's System.

SANITARY SEWER: Shall mean a sewer which carries Sewage and to which storm, surface, and groundwater are not intentionally admitted.

SEWAGE: Shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be present.

SEWAGE TREATMENT PLANT: Shall mean a system for collecting, transferring, treating and disposing of wastewater, including, but not limited to, sewerage systems and treatment facilities.

SEWAGE WORKS: Shall mean all facilities for collecting, transporting, pumping, treating, and disposing of Sewage.

SEWER: Shall mean a pipe or conduit for carrying Sewage.

SLUG: Shall mean any discharge of water, Sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation.

STORM SEWER: Shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT: Shall mean that Person(s) so appointed by the Authority to manage the Authority's System or their authorized deputy, agent, or representative.

SUSPENDED SOLIDS (SS): Shall mean solids that either float on the surface of, or are in suspension in water, Sewage, or other liquids and which are removable by laboratory filtering.

USER: Shall mean any Person required under this Ordinance to obtain a Wastewater Discharge Permit.

UTILITY: Shall mean all public and private entities which obtains a Public Convenience and Necessity Certification from the Mississippi Public Service Commission, a district created pursuant to Section 51-9-101 through 51-9-163 or Section 19-5-151 through 19-5-257, or any other political subdivision or public agency which are not a Member and which provide water, sewer or water and sewer service to any Person in the Metropolitan Area.

WASTEWATER: Shall mean collectively Infiltration and Inflow, Sewage, Slug, Suspended Solids and any combination thereof.

WASTEWATER DISCHARGE PERMIT: Shall mean permit issued by the Authority or Superintendent which grants a specific Person permission to discharge wastewater to an appropriate wastewater treatment facility or Public Sewer.

WASTE HAULER: Any Person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of discharging said waste into the Authority's sewerage system.

Section 2.

Authorities and Responsibilities

Section 2.01 Powers and Responsibilities of Authority, Members and Utilities

In order to provide for uniform rules and regulations regarding the collection, discharge, disposal and treatment of wastewater within the Metropolitan Area, the Authority, its Members and Utilities shall have joint jurisdiction over the discharge of sewage within their jurisdictional boundaries. The Authority, its Members and Utilities shall have the authority and responsibility, in addition to such other authority as may be provided in this Ordinance or by other means, to do all of the following:

1. Inspect the premises of any Person discharging waste within the Metropolitan Area, including but not limited to, any areas or points of sampling, discharge, process, storage, or any other areas as deemed reasonable and necessary by the Superintendent to document the Person's compliance with the requirements of this Sewer Use Ordinance or a Wastewater Discharge Permit. The Superintendent and other duly authorized employees of the Authority, its Members or Utilities bearing proper credentials and identification shall be permitted to enter all properties, within their jurisdiction, for the purpose of inspection, observation, measurements, sampling and testing.
2. Witness any sampling and sampling procedures as required of any Person or User as part of a self-monitoring program, or under the terms of this Sewer Use Ordinance or Wastewater Discharge Permit.
3. Obtain copies of any monitoring and sampling records as necessary to establish compliance or non-compliance with the objectives of this Ordinance or a Wastewater Discharge Permit, and if necessary, remove those records from the premises for copying purposes.
4. Require submission of all notices and self-monitoring reports from any Person or User as required by this Sewer Use Ordinance, the User's Wastewater Discharge Permit, or any appropriate State or federal law or regulation.
5. Require any industrial waste discharger to install and operate Pretreatment Facilities as deemed reasonable and necessary by the Authority's Superintendent to meet all National Pretreatment Standards, all provisions of the Wastewater Discharge Permit and all requirements of this Ordinance.
6. Enter all private properties through which the Authority, a Member or a Utility holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Authority's System lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
7. Issue any administrative order, including a consent order, show cause order, cease and desist order, and compliance order to any Person discharging sewage within the Metropolitan Area.
8. Issue an administrative complaint proposing an administrative civil penalty to any Person violating any Pretreatment Standard, any provision of a Wastewater Discharge Permit or any requirement of this Ordinance.

9. Seek injunctive relief for violation of any Pretreatment Standard, any provision of a Wastewater Discharge Permit, or any requirement of this Ordinance.
10. Halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Sewer Use Ordinance, a Wastewater Discharge Permit, or regulatory condition of 40 CFR 403.8(f)(1)(vi)(B), or in the event of an emergency, or a condition in which the safety of humans or the environment is threatened, including, but not limited to the shutting off of water supply to the User or Users.
11. Require spill containment were deemed necessary by the Superintendent.
12. Seek issuance of a search warrant from a proper court of DeSoto County, if the Superintendent or Authorized Agent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community.

Section 2.02 Responsibility of Members

1. Members shall adopt and maintain in effect a Comprehensive Sewer Use Ordinance compatible with the Comprehensive Sewer Use Ordinance of the Authority and in conformity with the standards and restrictions of the EPA, the Mississippi Department of Environmental Quality (MDEQ) and that of any other governmental body having legal authority to set such standards and restrictions. The Member shall periodically review and, if necessary, revise its Comprehensive Sewer Use Ordinance to insure compliance with Federal and State standards and restrictions, including the Authority. Members agree that it will file a copy of its Comprehensive Sewer Use Ordinance with the Authority as soon as the same Comprehensive Sewer Use Ordinance is prepared and available.
2. Members shall comply with and be subject to this Ordinance, including, but not limited to, fines and penalties for Wastewater that exceed the parameters established in this Ordinance.
3. Members shall assume the responsibility for processing applications for discharge of Industrial Wastewater into any Members system which ultimately discharges into the Authority's system to assure compliance with this Ordinance.
4. Members shall coordinate with the Authority on issuance of Wastewater Discharge Permits to ensure compliance with this Ordinance. Neither the Authority nor any Member shall approve any permit application rejected by the other party.
5. Members shall provide to the Authority, in units and terms appropriate for evaluation, all information as may be deemed by the Superintendent to be necessary to evaluate the Wastewater Discharge of all existing Industrial Users and all known future or proposed Industrial Users. This information includes but is not limited to: general information of the Industrial User; flow rates; wastewater constituents and characteristics, time and duration of discharge; peak discharge amounts; locations of all discharge points, pretreatment facilities,

- sampling and monitoring equipment and points; description of activities, facilities and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics;
6. Members discharging to or into the Authority's System shall maintain its Public Sewers in such a manner as to minimize excessive infiltration and inflow, this shall include but not be limited to conducting regular inspections of Users to assure Sewer connections prevent infiltration and inflow;
 7. Member shall cooperate with the Authority in administering the provisions of this Ordinance, including the issuance of Wastewater Discharge Permits, the enforcement for any violation of this Ordinance, Wastewater Discharge Permit or Pretreatment Standard, and future development within the Metropolitan Area.

Section 2.03 Responsibility of Utilities

1. Utilities shall adopt and maintain in effect a Comprehensive Sewer Use Ordinance compatible with the Comprehensive Sewer Use Ordinance of the Authority and in conformity with the standards and restrictions of the EPA, the Mississippi Department of Environmental Quality (MDEQ) and that of any other governmental body having legal authority to set such standards and restrictions. The Utility shall periodically review and, if necessary, revise its Comprehensive Sewer Use Ordinance to insure compliance with Federal and State standards and restrictions, including the Authority. Utilities agree that it will file a copy of its Comprehensive Sewer Use Ordinance with the Authority as soon as the same Comprehensive Sewer Use Ordinance is prepared and available.
2. Utilities shall comply with and be subject to this Ordinance, including, but not limited to, fines and penalties for Wastewater that exceed the parameters established in this Ordinance.
3. Utilities shall assume the responsibility for processing applications for discharge of Industrial Wastewater into the Utility's Public Sewer which ultimately discharges into the Authority's System to assure compliance with this Ordinance.
4. Utilities will coordinate with the Authority on issuance of Wastewater Discharge Permits to ensure compliance with this Ordinance. Neither the Authority nor any Utility shall approve any permit application rejected by the other party.
5. Utilities shall provide to the Authority, in units and terms appropriate for evaluation, all information as may be deemed by the Superintendent to be necessary to evaluate the Wastewater Discharge of all existing Industrial Users and all known future or proposed Industrial Users. This information includes but is not limited to: general information of the Industrial User; flow rates; wastewater constituents and characteristics, time and duration of discharge; peak discharge amounts; locations of all discharge points, pretreatment facilities, sampling and monitoring equipment and points; description of activities, facilities and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics;

6. Utilities discharging to or into the Authority's System shall maintain its Public Sewers in such a manner as to minimize excessive infiltration and inflow, this shall include but not be limited to conducting regular inspections of Users to assure Sewer connections prevent infiltration and inflow;
7. Utilities shall cooperate with the Authority in administering the provisions of this Ordinance, including the issuance of Wastewater Discharge Permits, the enforcement for any violation of this Ordinance, Wastewater Discharge Permit or Pretreatment Standard, and future development within the Metropolitan Area.

Section 2.04 Responsibility of the Authority

1. The Authority shall exercise all powers and responsibility granted to its Members and Utilities under this Ordinance;
2. The Authority may, in cooperation with any Member or Utility, enforce any provision of this Ordinance or may on its own enforce any provision of this Ordinance.
3. The Authority shall cooperate at all times with its Members and Utilities to provide wholesale sewer service to its Members and Utilities provided that the Authority's System has the available capacity and that the Member's or Utilities' discharge will not cause detrimental harm, Interference, Pass Through or damage to the Authority's System.
4. The Authority shall cooperate with its Members and Utilities to provide wholesale sewage treatment, to plan for future development, to construct and build treatment facilities to help its Members and Utilities to provide retail sewer service to its exiting and future Users.
5. The Authority shall cooperate with its Members and Utilities in meeting their needs for future growth within the Metropolitan Area.

Section 3.

Sewer Connection Required

At each home where people reside and at each establishment, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Metropolitan Area of the Authority there shall be provided a sanitary method for the disposal of all human excreta and other liquid waste adequate to the needs of the people to be served.

1. All such homes, buildings, or property used for human occupancy, employment, recreation, or other purposes, where a system of Public Sewers is available shall have a properly constructed sewer connection to said Public Sewer into which all human excreta and other liquid waste shall be disposed.
2. Where a system of Public Sewers is not available, all human excreta and other liquid waste shall be disposed of into a properly constructed and maintained individual on-site wastewater disposal system. No such system shall be permitted to discharge in a manner which may create a public health hazard or which may result in the wastewater leaving the property of the generator.
3. Members and Utilities shall require that the owners of any house, building, structure or property used for human occupancy, employment, recreation, or other purpose shall, within 180 days after receiving notice of the availability of public sewer service shall connect to the available public sewer system. For this purpose, a Public Sewer shall be deemed available to the premises if the Public Sewer lines are within 200 feet or less distance from the nearest point on the property line. A Public Sewer at a distance greater than 200 feet from the nearest property line may be deemed available by a Member or Utility to any development, multi-family resident, commercial or industrial building or facility.
4. The Authority shall require that the owners, Members or Utilities which owns or operate a treatment facility, discontinue the use of the treatment facility and connect to the Authority's System when Sewers are available. The cost of connecting to the Authority's System shall be bourn by the owner, Member or Utility of the treatment facility. Once the treatment facility is taken off-line and connected to the Authority's System, the owner, Member or Utility shall properly close the facility in accordance with a closure plan approved by the Mississippi Department of Environmental Quality and the Authority.

Section 4.

Regulations Governing Use of Public Sewers

Section 4.01 System and Connections

1. No owner, lessee, developer or Person shall construct or place a residence, building, facility or development which may require the connection to water or sewer, nor shall any owner, lessee developer or Person design, construct or install such a connection, without having first obtained a Wastewater Discharge Permit from the Authority and if necessary from a Member or Utility pursuant to this Ordinance;
2. No Person shall uncover use, alter or disturb the Authority's, a Member's, or Utility's sewer system without first obtaining written approval from the Authority, Member or Utility, which owns the sewer system.
3. No Member, Utility, Public Agency or Person shall expand, increase, extend or design, construct or install any new sewerage or wastewater collection, disposal or treatment system or Public Sewers without first obtaining a Wastewater Discharge Permit from the Authority, pursuant to this Ordinance.
4. Issuance of a permit from the Authority does not relieve the Person from obtaining any additional permits from Members, Utilities, MDEQ or the Public Service Commission.

Section 4.02 Member's Extension or Expanding Services

Upon the effective date of this Ordinance, Members who desire to extend or expand the Member's Public Sewer must first obtain a Wastewater Discharge Permit from the Authority. The Member shall submit, on forms provided by the Authority, a permit application, 90 days prior to preliminary approval of such extension or expansion by the governing body of the Member. The permit application shall provide a description of the geographic territory to be served by the new service, the time frame for construction and connection to the Authority's System, estimated flow and characteristics of wastewater and all other information as deemed by the Authority necessary to determine the Authority's capacity to treat and dispose of the wastewater from the proposed new service area.

The Authority may refuse to grant a permit application to any Member on the basis of a use detrimental to the Authority sewerage system or for lack of capacity, until such time as additional capacity may be added to the Authority's System. Upon denial of a Member's Permit Application to expand its Public Sewer, the Authority shall notify the Member of the specific reason for denying the permit application. If the permit application is denied for lack of capacity, the Authority shall provide in writing the Authority's schedule for increasing the capacity of the Authority's System. The denied permit application will remain on file with the Authority. In the event, more than one permit application is denied due to lack of capacity, the Authority shall approve the Member's permit application once sufficient capacity is added to the Authority's System, in the order in which the permit application were received.

Upon receipt of a complete application and written approval of the application by the Authority, the Member may begin construction of the new services.

Section 4.03 Utility's Extension or Expanding Services

Upon the effective date of this Ordinance, Utilities who desire to extend or expand the Utilities' Public Sewer must first obtain a permit from the Authority. The Utility shall submit, on forms provided by the Authority, a permit application, 90 days prior to primarily approval of such extension or expansion by the governing body of the Utility. The permit application shall provide a description of the geographic territory to be served by the new service, the time frame for construction and connection to the Authority's System, estimated flow and characteristics of wastewater and all other information as deemed by the Authority necessary to determine the Authority's capacity to treat and dispose of the wastewater from the proposed new service area.

The Authority may refuse to grant a permit application to any Utility on the basis of a use detrimental to the Authority sewerage system or for lack of capacity, until such time as additional capacity may be added to the Authority's System. Upon denial of a Utility's Permit Application to expand its Public Sewer, the Authority shall notify the Utility of the specific reason for denying the permit application. If the permit application is denied for lack of capacity, the Authority shall provide in writing the Authority's schedule for increasing the capacity of the Authority's System. The denied permit application will remain on file with the Authority. In the event, more than one permit application is denied due to lack of capacity, the Authority may approve the Utility's permit application once sufficient capacity is added to the Authority's System. The Authority may grant priority to Member application.

Upon receipt of a complete application and approval of the application by the Authority, the Utility may begin construction of the new services.

Section 4.04 Permissible Discharges

Wastewater may be discharged into public sewers of, the Authority, a Member or Utility for conveyance, treatment, and disposal by the Authority, provided that such wastewater discharge is in compliance with this Ordinance and the conditions of any Wastewater Discharge Permit; and further provided that the Person pays all applicable Authority, Member, and/or Utility sewer connection and use charges, including any penalties or charges assessed under this Ordinance. Notwithstanding any provision within this Ordinance, no Person shall obtain or otherwise acquire a right to continue discharging to the System, whether or not such Person has obtained a Wastewater Discharge Permit pursuant to the terms of this Ordinance. The Authority retains the power to, at any time, modify the terms of this Ordinance and/or any Wastewater Discharge Permit issued pursuant hereto, if such is required in the discretion of the Authority, in order to carry out the objectives of this Ordinance.

Section 4.05 Non-permissible Discharges

1. No Person shall discharge, or cause to be discharged, any pollutant or wastewater into a public sewer which will result in nuisance, contamination, or pollution in receiving water or groundwater.
2. No Person shall discharge wastewater in excess of any applicable federal or State discharge regulations, or provision of this Ordinance.
3. No Person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Public Sewer. Storm water and all other unpolluted drainage shall be discharged to such separate Sewer as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the Superintendent, Member, Utility or the MDEQ.
4. No Person shall discharge or cause to be discharged any pollutant or wastewater which may result in a Pass Through or Interference.

Section 4.06 Prohibited Effects

No Person shall discharge or cause to be discharged wastewater into a Public Sewer if it contains substances or has characteristics which, as determined by the Superintendent, alone or by interaction with other wastewaters, cause or threaten to cause:

1. Damage to the Authority's System, a Member's Public Sewer, or a Utilities' Public Sewer.
2. Pass through, interference with, or impairment of the operation or maintenance of the Authority's System
3. Obstruction of flow in the Authority's System
4. Obstruction of flow in any Member's or Utilities Public Sewer;
5. Danger to life or safety of any Person
6. Interference with or overloading of treatment or disposal processes
7. Flammable or explosive conditions in the Authority's System or any Public Sewer:
8. The Authority's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation, reuse, or disposal, or to interfere with any processes for reclamation
9. Noxious or malodorous gases or odors
10. Discoloration or any other condition which affects the quality of the Authority's treatment plant influent or effluent in such a manner that inhibits the Authority's ability to meet receiving water quality, sludge quality, or air quality requirements established by the MDEQ or EPA.
11. Conditions which violate any statute, or any rule, regulation, or ordinance of any public agency or regulatory agency having jurisdiction over the operation of or discharge of wastewater through the Authority's System
12. Contamination of groundwater by penetration of the sewer lines.

Section 4.07 Prohibited Substances or Characteristics

No Person shall discharge, or cause to be discharged either directly or through the Authority's System, a Member's Public Sewer or a Utilities' Public Sewer any of the following described water or wastes to the System:

1. Any unpolluted storm water, surface water, swimming pool water, groundwater, roof runoff, or subsurface drainage
2. Any water or wastes having a pH lower than 5.0 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and Personnel of the Authority
3. Any solid or viscous substances in amounts or of such size capable of causing or threatening to cause obstruction to flow in Sewers or other interference with proper operation or maintenance of the Sewage Works
4. Any waste or waters containing hazardous, toxic or poisonous solids, liquids or gases, either singly or by interaction with other wastes, may cause injure or interfere with any Sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Authority
5. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which alone or in combination with other pollutants, will cause interference or pass through, or will constitute a hazard to humans or animals
6. Any waste or waters containing excess quantities of any compound or combination of, including but not limited to volatile organic compounds, which may adversely affect air quality
7. Any substance in violation of any pretreatment standards, nor shall any Person increase the use of process water or dilute a discharge in any way as a partial or complete substitute for adequate treatment to comply with categorical or other pretreatment standards
8. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, including but not limited to waste stream with a characteristic of ignitability as defined in 40 C.F.R. Part 261.21.
9. Any water or wastewater containing a substance that is defined as a hazardous substance by the State or federal regulatory agencies
10. Any trucked or hauled wastes not in accordance with Section 10.0 of this Ordinance
11. Any medical or infectious waste, without prior written approval by the Authority Superintendent
12. Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the Authority's sewerage system
13. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

Section 4.08 Prohibited Discharge Locations

No Person shall discharge or cause to be discharge any wastewater or any other substance directly into a manhole or other opening in the Authority's System, a Member's Public Sewer, or a Utilities Public Sewer other than in accordance with requirement established in this Ordinance and through service Sewers approved by the Superintendent except that the Superintendent may grant permission and establish requirements and policies for such direct discharges.

Section 4.09 Regulated Discharges

No Person shall, either directly or through the Authority's System, a Member's Public Sewer, or a Utilities' Public Sewer, discharge or cause to be discharged the following described substances, materials, waters, or wastes without first applying for and obtaining a Wastewater Discharge Permit from the Superintendent. The Superintendent in forming his judgment as to the acceptability of these wastes, will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of the Sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant and other pertinent factors.

1. Any discharge over a 24-hour period in excess of 25,000 gallons or containing the pounds of BOD or TSS equivalent to the poundage contained in 25,000 gallons per day of domestic sewage containing 180 mg/l of BOD or TSS (37.5 pounds per day)
2. Any liquid or vapor having a temperature higher than 120 °F (49°C).
3. Any discharge which contains fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 °F (0 to 65 °C)
4. Any Wastewater having a pH lower than 5.5 or higher than 8.0.
5. Any Garbage that has not been properly shredded.
6. Metals, including but not limited to arsenic, cadmium, copper, lead, mercury, nickel, silver, chromium and zinc;
7. Any discharge which contains any of the following substances in excess limits or conditions established by the Authority Superintendent
 - a) Metal pickling wastes or plating solutions
 - b) Phenols or taste or odor producing solutions
 - c) Soaps and detergents
 - d) Organic solvents
 - e) Chlorinated compounds
8. Any storm water, surface water, swimming pool water, ground water, roof runoff, subsurface drainage, cooling water, or industrial process water which the Authority's Superintendent has determined to be polluted or otherwise unacceptable for discharge into a storm water drain system or natural outlet.

9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable Federal and State regulations.
10. Materials which may exert or cause one or more of the following conditions;
 - a) Unusual concentration of inert suspended solids (such as, but not limited to, soil solids, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate)
 - b) Excessive discoloration such as but not limited to dye wastes and vegetable tanning solutions
 - c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage works or cause interference with the system.
11. Unusual volume of flow or concentration of wastes constituting "Slugs"
12. Wastewater or materials, alone or in conjunction with other sources, which causes the treatment plant's effluent to fail to meet the requirements of a State or Federal agency having jurisdiction over discharge to the receiving waters.
13. Any waste prohibited by 40 C.F.R. Part 403.

Section 4.10 National Pretreatment Standards

All industrial and commercial process wastewater shall, if necessary, be pretreated prior to discharge to the Authority's System, a Member's Public Sewer, or a Utilities' Public Sewer in accordance with the provisions of the EPA, MDEQ, the Authority, a Member or Utility, whichever is more stringent.

Section 4.10.1

Specific Pollutant Limitations

The minimum pretreatment requirements are as follows:

Parameter	Maximum Concentration (mg/l)
BOD ₅	300.00
Suspended Solids (SS)	300.00
TKN	30.00
Oil or Grease	150.00
Arsenic	0.05
Barium	5.00
Boron	1.00
Cadmium	0.05
Chromium	0.10
Copper	0.05
Cyanide	0.05
Lead	0.10
Manganese	1.00
Mercury	0.05
Nickel	0.10
Selenium	0.05
Silver	0.10
Zinc	0.10

Any non-conventional parameter that is specific to an individual process that results in a discharge of BOD, SS and TKN may be increased by written approval of the Authority's Superintendent for a limited period of time.

The determination of maximum concentration limits for those parameters identified above shall be based on any applicable EPA categorical industrial guidelines, receiving stream water quality standards/criteria, biological process threshold inhibition levels and sludge quality criteria.

Section 4.10.2 Pretreatment Facilities

All industrial and commercial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Pretreatment Standards. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, maintained and modified as necessary at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to

produce an effluent acceptable to the Authority under the provisions of this Ordinance, the Wastewater Discharge Permit, or the National Pretreatment Standards all as currently enacted or as later amended or modified. Any subject changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

Pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the User at User's expense, to the satisfaction of the Authority, a Member or Utility.

Section 4.10.3 Additional Pretreatment Measures

Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow or loading periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate domestic sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the sewage system and determine the User's compliance with the requirements of this Ordinance.

The Superintendent may require any User to install and maintain, on the User's property and at the User's expense, a suitable storage and flow control facility to ensure equalization of flow.

The Superintendent may upon determination that a User's discharge may have a deleterious effect upon the Authority's System, a Members Public Sewer or Utilities' Public Sewer, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or constitutes a public nuisance; or results in a violation of the Treatment Plants discharge permits, may require the User to stop discharging wastewater, or require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provision of the User Charge Ordinance.

Section 4.11 Authority's Right of Revision

The Authority reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the Authority's System, a Member's Public Sewer, or Utilities Public Sewer if deemed necessary to comply with the objectives presented in this Ordinance. No revision of limitations or requirements hereunder shall subject the Authority to civil liability or penalty for interference with a right, vested or otherwise, of any User.

Section 4.12 Special Agreement

The Authority may enter into special agreements with Industrial Users setting out special terms under which such Users may discharge to the Authority's System, a Member's

Public Sewer or a Utilities' Public Sewer. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the Industrial User may request, and if appropriate, receive a net gross adjustment to a categorical standard in accordance with 40 C.F.R. §403.15. An Industrial User may also request a variance from the categorical pretreatment standard from EPA and/or MDEQ. Such a request will be approved, if at all, only if the Industrial User can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA or MDEQ when establishing that pretreatment standard.

Section 4.13 Permits

All Persons must obtain a permit from the Authority prior to construction of any residence, building, facility or development within the Metropolitan Area. The User shall submit to the Authority and/or Member/Utility a permit application approved by the Authority.

Members and Utilities shall ensure that all Persons shall comply with this ordinance. The Authority shall not approve any application which has been rejected by a Member or Utility. A Member or Utility shall not approve any permit which has been rejected by the Authority. This ordinance shall not prevent any Member or Utility from requiring limits, conditions or standard more stringent than those in this Ordinance.

Section 4.14 Revocation of Permit

The Authority, Member or Utility may revoke a permit for good cause, including but not limited to:

1. Failure to notify the Authority, Member and/or Utility of significant changes to wastewater discharge;
2. Misrepresentation or failure to disclose all relevant information to the Authority, a Member or an Utility;
3. Falsifying information provided to the Authority, a Member or Utility;
4. Refusing to allow the Authority, a Member, or Utility or their representatives timely access to the premises and records;
5. Failure to meet limits, terms or conditions of the Wastewater Discharge Permit;
6. Failure to provide advance notice of a transfer of the ownership of the facility;
7. Violation of this Ordinance or any applicable pretreatment standard or requirement; or
8. Tampering with monitoring equipment.

Section 4.15

Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The Superintendent may impose mass limitations on Users to prevent dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Section 4.16 Grease, Oil and Sand

Grease, oil and sand interceptors shall be provided at the Users expense, when in the judgment of the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All intercepting devices shall be of a type and capacity approved by the Superintendent and shall be located so as to be available for inspection by the Superintendent at all reasonable times. Manholes shall be vandal, tamper and child resistant. When a grease interceptor is required or used, only kitchen wastewater shall pass through the interceptor. All such devices shall be maintained in continuously efficient operation at all times by the User.

Section 4.17 Spill Containment and Slug Control Plan

All Users shall provide spill containment for protection against discharge of prohibited materials or other wastes regulated by this Ordinance into the Authority's System, a Member's Public Sewer or Utilities' Public Sewer. Such protection shall be designed to secure the discharges and to prevent them from entering into the System or Public Sewer in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.

The Superintendent may require any User to develop a discharge/slug control plan that outlines discharge practices, including nonroutine batch discharges, describes stored chemicals, and contains procedures both to notify the Authority and Member or Utility immediately of slug discharges and to prevent adverse impacts from any accidental spills, and submit for approval and implement such a plan. Alternatively, the Superintendent may develop such a plan for any User at the expense of the User.

Section 5.

Use of On-Site Wastewater Disposal

Where a Public Sewer service is not available, the owner of property shall connect to a On-Site Wastewater Disposal System, complying with this Ordinance. No Person shall construct a On-Site Wastewater Disposal System after the effective date of this Ordinance without first obtaining a permit from the Authority.

The developer, owner or owners or their agent, of any such property mentioned herein shall be responsible for submitting a Permit Application to the Authority prior to constructing or placement of a mobile, modular or permanently constructed residence which may require the installation of an on-site wastewater disposal system or other wastewater disposal facility and shall be responsible for proper operation and maintenance of such system.

No new residential water service connection shall be provided to any mobile, modular or permanently constructed residence, building or facility within the Metropolitan Area unless the owner, lessee or developer shows proof of Permit from the Authority. Upon receipt of the Permit, the owner, lessee or developer shall follow the rules and regulations established by the DeSoto County Health Department, the Mississippi Department of Health, the MDEQ or EPA concerning the design, construction, installation, maintenance, and operation of an on-site waste water disposal system or any other wastewater disposal system.

All on-site systems shall be installed by a professional engineer registered in Mississippi or a person who holds a license from the Mississippi State Department of Health pursuant to Miss. Code Ann. §§43-3-15(3)(n) and 41-67-5. All on-site systems shall be adequately inspected at a frequency as specified in the permit, by an individual holding a Mississippi Wastewater Operators Certificate. The owner of an on-site system shall provide a copy of the inspection report to the Authority, along with a description of corrective actions taken if such actions are needed. Upon installation of the on-site system, the permit holder shall submit to the Authority, on forms provided by the Authority, a certification that the on-site system was installed according to the DeSoto County Health Department rules and regulations.

Section 6.

Administration

Section 6.01 **Classification of Users**

The Superintendent will classify all Users of wastewater disposal purposes in accordance with the principal activity conducted upon the premises. The purpose of classification is to facilitate regulation of discharge of wastewater, on the basis of each User's waste characteristics and flow; to provide an effective means of industrial and commercial waste source control; and to establish a system of sewer use charges based upon flow and waste strength which will insure equitable recover of the Authority's capital and operating costs. As defined in Section 1, these Users are

1. Industrial Users
2. Commercial Users
3. Residential Users
4. On-Site Users

All Users are subject to the prohibitions set forth in this Ordinance, with such federal and state statutes and regulations as may apply and the specific pollutant limitations as may be promulgated by the Authority either by Ordinance or resolution.

Section 6.02 **Wastewater Discharge Permit**

Section 6.02.1 **Wastewater Discharge Permit Application**

All Persons shall file a Permit Application on a form provided by the Authority at least five (5) days prior to the construction of any residence or single family home. A permit fee, payable at time of submittal of the permit application may be assessed. In support of the application, the Person shall submit, in units and terms appropriate for evaluation, all information as may be deemed by the Authority to be necessary to evaluate the Permit Application.

All Persons shall file a Permit Application on a form provided by the Authority at least sixty (60) days prior to the construction of any multi-family residence, building, facility, or development. A permit fee, payable at the time of submittal of the permit application may be assessed. In support of the application, the Person shall submit, in units and terms appropriate for evaluation, all information as may be deemed by the Authority to be necessary to evaluate the Permit Application. This information may include but is not limited to: identifying information; flow rates; wastewater constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics.

Upon request, Industrial Users shall submit to the Authority, within ninety (90) days after commencement of discharge to the Authority's System, a Member's Public Sewer or Utilities' Public Sewer, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 4 of this Ordinance.

The Superintendent may evaluate the data furnished by any Person and may require additional information.

Wastewater Discharge Permits shall require the User to comply with all terms and conditions of this Ordinance and all appropriate State and federal laws and regulations and may contain provisions, requirements and standards appropriate to carry out the objectives of this Ordinance, including but no limited to, the following:

1. Limits on the average and maximum wastewater discharge constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.
2. Limits on average and maximum rate and time of discharge or requirements for flow regulations and/or equalization.
3. Specific maximum flow and loading rates, in accordance with the applicable fee paid when filing for sewerage service or increasing said service, pursuant to the applicable Connection Fee Ordinance.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, detection and reporting limits, number, types and standards for tests and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or periodic compliance reports.
8. Requirements for record-keeping and provisions allowing the Authority the right to inspect and copy all such records.
9. Requirements for notification of the Authority of the introduction of new or increased pollutants or any changes in plant processes or in the volume or character of the wastewater constituents being introduced into the Authority's sewerage system.
10. Requirements for prompt notification of slug discharges, spills, discharges that would violate limitations, or any discharges that would violate a specific prohibition under 40 C.F.R. 403.5(b), with procedures for follow up written notification within a specified time period.
11. Requirements for providing the Authority with a slug control plan that outlines discharge practices, including nonroutine batch discharges,

- describes stored chemicals and contains procedures both to notify the Authority and Member or Utility immediately of slug discharges and to prevent adverse impacts from any accidental spills;
12. Requirements for providing the Authority with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence;
 13. Requirements for providing the Authority with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the Authority's Superintendent may reasonably request that pertains to the industrial User's operation;
 14. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system;
 15. Requirements for the notification of the Authority of planned alterations of the operations or processes of the Industrial User, which could result in an alteration of the User's process discharge or the potential for an accidental spill or slug discharge;
 16. Requirements that the User notify the Authority prior to any proposed bypass other than due to accident or emergency;
 17. Requirements to have emergency spill plans on file with the Authority;
 18. Requirements to certify that the Industrial User has not discharged hazardous materials to the sewerage system and has not discharged substances which have been stored or used in the User's process and which the User contends will not, in the ordinary course of the User's operation, enter the Authority's System or any Public Sewer;
 19. Requirements, in accordance with 40 C.F.R. 403.12(g), for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or will be taken to prevent a recurrence of the violation.
 20. Requirements for providing access to Authority Personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to waste streams, including the actual wastewater discharge.
 21. Requirements for providing the Authority with operation and maintenance records for the wastewater pretreatment facility, including periodic updates, as appropriate.
 22. Requirements for segregation of domestic sewage and industrial or commercial wastewater upstream of the public sewer.
 23. The prohibition of dilution of regulated discharges as partial or complete substitute for adequate treatment to achieve compliance with Wastewater Discharge Permit conditions.
 24. Signatory requirements specifying the responsible corporate officer for the User.
 25. Other conditions as deemed appropriate by the Authority Superintendent to ensure compliance with this Ordinance.

26. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the Authority Superintendent, may be necessary to insure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include, among others, conditions requiring continuous monitoring, training Personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
27. Provisions for a zero discharge limitation which specifically prohibits the discharge of any process wastewater or specific constituents contained therein.

Section 6.02.2 Changed Conditions

Pursuant to the applicable Authority Sewer Fee Ordinance, no Industrial User shall discharge new or increased pollutants, or make changes in the nature of its pollutants without applying for and receiving a modification to its Wastewater Discharge Permit.

Section 6.02.3 Permit Duration

Permits issued to Industrial Users and On-Site Users shall be issued for a specific time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for Wastewater Discharge Permit reissuance a minimum of 120 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Authority during the term of the Wastewater Discharge Permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his Wastewater Discharge Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

Section 6.03 Permit Modifications

In the event the Authority determines that it is necessary, in order to comply with the objectives of this Ordinance, to impose more stringent limitations or requirements on discharges to the wastewater disposal system than are set forth in an existing Wastewater Discharge Permit, the Authority shall have the authority to require modifications of an existing Wastewater Discharge Permit to incorporate such limitations or requirements.

After consultations with the User regarding such Wastewater Discharge Permit modification, a compliance schedule shall be issued which shall set forth a schedule for the User to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. If the Wastewater Discharge

Permit modification will require construction or acquisition of equipment related to pretreatment, the compliance schedule shall provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the Authority Superintendent that good cause exists for an additional period. During the period of compliance schedule, to the extent that the User remains in compliance with the Wastewater Discharge Permit conditions in effect prior to amendment and is complying with the terms of the compliance schedule, the User shall not be liable pursuant to the terms of this Ordinance for noncompliance with the more stringent standards or requirements.

Section 6.03.1 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific location and operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior approval of the Authority. For purposes of this Ordinance, a transfer of permit is required if more than fifty percent (50%) of the ownership of the entity changes.

However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing Wastewater Discharge Permit holder.

Section 6.03.2 Permit Revocation, Suspension, or Restrictions

A Wastewater Discharge Permit may be revoked or suspended, or restrictions may be imposed, by the Superintendent for failure of the permittee to comply with conditions of the Wastewater Discharge Permit or failure of the permittee to pay when due any charges.

When the Superintendent has reason to believe that grounds exists for Wastewater Discharge Permit revocation, suspension, or restrictions, he shall give written notice thereof by Personal service or by registered or certified mail to the User setting forth a statement of the facts and grounds deemed to exists, together with the time and place where the charges shall be heard by the Superintendent. The hearing date shall be not less than fifteen (15) days after the mailing of such notice.

At the hearing, the User shall have an opportunity to respond to the allegations set forth in the notice by presenting written and oral evidence. After the conclusion of the hearing, the Superintendent shall make his determination. The written decision and order of the Superintendent shall be sent by registered or certified mail to the User or its representative at the permittee's or representative's

business address. In making the determination, the Superintendent shall consider the significance of the violations in terms of the ability of the Authority's System to meet its requirements, with the following exception: when the User is in violation of federal, State, or local laws or regulations, the Wastewater Discharge Permit may be revoked without considering whether the Authority's system is meeting its requirements.

Unless directed otherwise in the order or revocation or suspension of a Wastewater Discharge Permit, the User shall cease discharging at the effective time of said revocation or suspension, or shall conform to all restrictions, conditions, or limitations in the order at the effective time of such requirements.

Any further application for a Wastewater Discharge Permit at any location within the Metropolitan Area by any Person subject to an order of revocation will be considered by the Authority after fully reviewing the records of the revoked Wastewater Discharge Permit, which records may be the basis for denial of a new Wastewater Discharge Permit.

A Wastewater Discharge Permit may be temporarily suspended by the Superintendent at any time if continued discharge of the User's wastewater would, whether or not combined with other discharges, jeopardize ability of the Authority's treatment system to meet water quality requirements or threaten damage to the Authority's System or any Public Sewer or cause a nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the Superintendent may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made there under as is deemed necessary to safely assure that water quality requirements will not be violated, or to alleviate the unsafe conditions. The Superintendent shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the permittee's discharge is in violation of federal, State, or local laws or regulations.

Notice of temporary suspension or imposition of temporary restrictions, conditions, or limitations shall ordinarily be given in writing by the Superintendent or his agent to the User at least forty-eight (48) hours prior to the time such suspension, restrictions, conditions, or limitations are to become effective. If the Superintendent determines that an emergency exists involving the public health or safety or significant impairment of the treatment process, an immediate notice with an immediate effective time of such suspension, restrictions, conditions or limitations may occur.

Section 6.04

Signatory Requirements

Where specified by the Superintendent, all applications, reports or other information submitted to the Authority must contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and 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(s) who manage the system, or those directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. 403.6(a)(2)(ii)).

This statement shall be signed by the owner, developer, lessee, or an authorized representative of the Industrial or Commercial User as defined in 40 C.F.R. 403.12(1)(1-4).

Section 6.05 **Publication of Users in Significant Noncompliance**

Pursuant to federal requirements, the Authority shall annually publish in the newspaper in the Metropolitan Area, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Requirements and Standards of this Ordinance.

Section 6.06 **Records Retention**

All records relating to compliance with Pretreatment Requirements and Standards shall be made available to officials of the EPA, MDEQ, and the Authority, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or three (3) years from the date any investigation or enforcement action undertaken by the Authority, State, or EPA has been concluded, whichever occurs later. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the User has been notified by the Superintendent of a longer retention period.

Section 6.07

Confidentiality of Information

Information and data on a User obtained from reports, applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without notification unless the User specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by a User furnishing information to the Authority, the portions of that information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to the Authority and other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the User. Wastewater constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restrictions.

In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or state laws, the Authority shall have the option, in its sole discretion, of defending itself in such action or requiring the User to provide a defense. If the Authority makes written tender upon a User to defend such an action and such User does not appear in and assume the defense of such action within the time specified in the tender, the Authority shall be free to disclose the information to the party making request thereof. In any event, the User shall be liable to the Authority in defending such action and for any judgment rendered against the Authority in such action. Payment of all such amounts shall be made by the User within 30 days of billing.

Section 7.

Reporting Requirements

Section 7.01 Notification of Slug Load or Inconsistent Discharge or Spills

It is the responsibility of every Person to immediately telephone and notify the Authority at the telephone number provided therefore in the case of any slug load or discharge or spill not entirely consistent with the terms and conditions of a Wastewater Discharge Permit. Notification shall include location of discharge, type of waste, concentration and volume and corrective action taken by the Users.

Within five (5) days following such discharge, the Industrial or Commercial User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the incident and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial or Commercial User of any expense, loss, damage, or other liability which may be incurred as a result of disruption or damage to the Authority's sewerage system, or damage to natural resources, or to Person or property, or incurred in an attempt to avoid such disruption or damages; nor shall notification relieve the Industrial or Commercial User of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

Industrial and Commercial Users shall permanently post a notice on their bulletin board or other prominent place advising employees whom to call in the event of such a discharge. The Industrial and Commercial User shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedures.

Failure to notify the Authority of potential problem discharges shall be deemed a separate violation of this Ordinance.

Section 7.02 Monitoring and Discharge Reports

Any Industrial User subject to a pretreatment standard and specified by the Authority to conduct self-monitoring shall, at frequency determined by the Superintendent or his agent but in no case less than twice per year (June 30 and December 31), shall submit to the Authority a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and a record of the measured or estimated average and maximum daily flows for the reporting period. All monitoring reports shall be submitted with forth-five (45) days from end of last date of the reporting period. All compliance reports must be signed and certified in accordance with Section 6.04 of this Ordinance.

In addition to any other reports required by this Ordinance, the Superintendent may require discharge reports, including, but not limited to technical reports, sampling reports, test analyses, and periodic reports of wastewater discharge. The discharge report may include, but is not limited to, nature of the process, volume and rates of wastewater flow,

elements, constituents, and characteristics of the wastewater, together with any information required by the Superintendent. The Superintendent may install, maintain and operate sampling and flow monitoring devices for the purpose of evaluating the Industrial User's wastewater discharge. All cost incurred by the Authority will be at the Industrial User's expense.

Section 7.03 Compliance Schedule Progress Report

All Persons found to be in violation of this Sewer Use Ordinance, a Wastewater Discharge Permit, or any State or federal regulation prohibiting or limiting waste discharge, may be required to prepare a schedule of actions to bring the discharge into compliance under the direction of the Superintendent. The schedule shall contain progress increments in the form of dates for the commencement and completion of minor events leading to the construction and operation of additional pretreatment facilities required for the User to meet the applicable pretreatment standards. The Person shall submit a progress report to the Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the User to return to the established schedule. All compliance schedule progress reports must be signed and certified in accordance with Section 6.04 of this Ordinance.

Section 7.04 Report of Changed Conditions

Each Industrial User is required to notify the Authority of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

The Superintendent may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a Permit Application. The Superintendent may issue a new or modified Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

Section 7.05 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a Person indicates a violation, the Person must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The Person shall repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation.

Section 8. Inspection and Monitoring

Section 8.01 Rights of Entry

The Authority shall have the right to enter the facilities, property, or building of any Person to ascertain whether the purpose of this Ordinance, and any Wastewater Discharge Permit or order issued hereunder, is being met and whether the Person is complying with all requirements thereof. All Persons shall allow the Superintendent and/or his agent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a Person has security measures in force which require proper identification and clearance before entry into its premises, the Person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, Personnel of the Authority will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

While performing the necessary inspection, sampling or work, the Superintendent and/or authorized employees of the Authority shall observe all safety rules applicable to the premises established by the Person.

Unreasonable delays in allowing the Authority Personnel access to the Person's premises shall be a violation of this Ordinance.

Section 8.02 Monitoring Facilities

The Superintendent may require any Industrial User to construct, at the Industrial User's own expense, a sampling and monitoring facility and/or control structure together with necessary monitoring and sampling equipment. The sampling facility and/or control structure shall be constructed at a location approved by the Superintendent which will allow access by the Superintendent to the facility at all times. Construction shall be completed within a reasonable period after written notification from the Superintendent.

When required by the Superintendent an Industrial User shall install and maintain, at Industrial User's expense, an approved flow recording device for continuous measurement of the flow rate and volume of waste discharged to the public sewer. The Superintendent may utilize metering of the Industrial User's water supply instead of, or in addition to, Authority metering of the wastewater discharge.

Section 8.03

Self-Monitoring

The Authority may require any Person to monitor its discharge and report the results of the monitoring to the Authority periodically. These monitoring and reporting requirements are specific to the Person and may be listed in the wastewater discharge permit. The Superintendent may require additional monitoring and reporting to document compliance.

Section 8.03.1 Sampling

A Person shall sample its discharge at the frequency provided in the Wastewater Discharge Permit or as deemed reasonable and necessary by the Superintendent to demonstrate compliance. The Person's sampling equipment and methods shall be observed by the Superintendent upon his request. Before conducting initial sampling, the Person shall notify the District three days in advance and schedule a time for the Authority Personnel to be present to observe the sampling procedure. All sampling costs are at the expense of the Person. No Person shall tamper with a sampling procedure or misrepresent a sampling analysis required by this Ordinance.

Section 8.03.2 Analytical Procedures

All measurement, tests and analyses of the characteristics of discharges required under this Ordinance or by the Superintendent shall be conducted in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, Methods of Chemical Analysis of Water and Wastes published by EPA and 40 C.F.R. 136. Unless approved otherwise by the Authority, all analyses shall be performed by a laboratory(s) certified by the State for the specific pollutants and matrix to be analyzed. In addition, unless approved by the Authority, all sampling, other than pH shall be obtained from 24-hour composites of all outfalls, pH measurements shall be by grab sample.

Section 8.03.3 Sampling Records

For each sampling event the discharger shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the Person(s) taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques and methods used, including detection limits.
7. The results of such analyses.
8. Any unusual observations or conditions (equipment or sample) noted during acquisition or analysis.

Section 9. Enforcement

Section 9.01 Enforcement Mechanisms

It is the intent of this Article to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all Persons. These enforcement provisions apply to all Persons to the extent such Person violates any provision of this Ordinance or administrative order of the Authority pursuant to this Ordinance. To achieve compliance, the Authority will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The Authority may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of Mississippi and the United States of America. Nothing in this Ordinance is intended to prevent State and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of federal or State statutes and regulations.

Section 9.02 Notice of Violation

Whenever the Superintendent finds that any Person has violated or is violating this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment requirement, the Superintendent may serve, by Personal service, or by registered or certified mail, upon said Person a written notice of violation (NOV). Within thirty (30) days of the receipt of this notice, or such shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Person to the Superintendent. Submission of this plan in no way relieves the Person of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the power of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a NOV, or before expiration of the response period.

Section 9.03

Administrative Orders

Section 9.03.1 Consent Orders

The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such orders will include specific action to be taken by the Person to correct the noncompliance within specific time period. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 9.3.3 and 9.3.4 below and shall be judicially enforceable.

Section 9.03.2 Show Cause Hearing

The Superintendent may order any Person which causes or contributes to any violation of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why a proposed enforcement action should not be taken. The notice of the hearing shall be served Personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the Person. Whether or not the Person appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the Person.

Section 9.03.3 Compliance Order and Compliance Schedule

The Superintendent, upon determination that a Person has violated or continues to violate the Ordinance, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment standard or requirement, may issue an order to the Person responsible for the violation that the Person come into compliance within a time period specified by the Superintendent. If the Person does not come into compliance within the period so specified, sewer service and/or water service shall be discontinued until such time as the Person comes into compliance.

Upon determination by the Superintendent that a Person has violated or continues to violate the Ordinance, a Wastewater Discharge Permit, or an order issued hereunder, or any other pretreatment standard or requirement, and needs to construct and/or acquire and install equipment related to treatment or pretreatment, the Superintendent may issue a compliance schedule which will, upon the effective date of the compliance schedule, amend the Person's Wastewater Discharge Permit. The compliance schedule may contain terms and conditions by which a Person must operate during its term and may provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment.

Compliance orders and compliance schedules may also contain other requirements to address the noncompliance, including additional self-monitoring, submittal of drawings or reports, audit of waste minimization practices, or other provisions to ensure compliance with this Ordinance. Compliance orders and compliance schedules may not extend the deadline for compliance established by federal or State pretreatment standard or requirement, not do they relieve the Person of liability for any violation, including any continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other action against the User or discharger.

Section 9.03.4 Cease and Desist Orders

When the Superintendent finds that any Person is violating this Ordinance, a Wastewater Discharger Permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the Person's past violations are likely to recur, the Superintendent may issue an order to the Person directing it to cease and desist all such violations and direct the Person to:

1. Immediately comply with all requirements;
2. Take such appropriate remedial and preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the Person.

Section 9.04 Administrative Complaints

The Authority may issue an administrative complaint to any Person who violates any provision of this Ordinance. The administrative complaint shall allege the act or failure to act that constitutes the violation of the Authority's requirements, the provisions of law authorizing the civil liability to be imposed, and the proposed administrative civil penalty.

The Administrative Complaint shall be served by Personal delivery or certified mail on the Person subject to the Authority's discharge requirements, and shall inform the Person served that a hearing shall be conducted with forty-five (45) days after the Person has been served. The hearing shall be before the governing body of the Authority.

If after the hearing, it is found that the Person has violated reporting or discharger requirements, the Authority may assess an administrative civil penalty against the Person. In determining the amount of the administrative civil penalty, the Authority may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective actions, if any, attempted by the Person.

These Administrative civil penalties shall be as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedule established by the Authority.
3. In an amount which shall not exceed five thousand (\$5,000.00) per violation for each day for discharges in violation of any waste discharge limitation, Wastewater Discharge Permit condition, or requirement issued, reissued, or adopted by the Authority.
4. In an amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibited act issued, reissued or adopted by the Authority.
5. The amount of any administrative penalties imposed under this section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharger originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 7 years from the time of recording unless sooner released and shall be renewable in accordance with Mississippi Law.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days.

Counsel for the Authority, or other special counsel designated by the Authority Board, shall institute appropriate court actions authorized by the above referenced sections to affect statutorily authorized remedies, upon order of the Board.

Section 9.05

Emergency Suspensions

The Superintendent may immediately suspend a Person's discharge whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the environment, or to the health or safety of Persons, or that threatens to interfere with the operation of the Authority sewerage system.

1. Any Person notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a Person's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer or water connection, to prevent or minimize damage to the Authority sewerage system, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the Person to recommence its discharge when the Person has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings set forth in Section 7.6 are initiated against the Person.
2. A Person that is responsible in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measure taken to prevent any future occurrence to the Superintendent, prior to the date of any show cause or termination hearing. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this action.

Section 9.06 Termination of Discharge

In addition to those provisions in Section 4.14 of this Ordinance, any Person which violates the following conditions of this Ordinance, a Wastewater Treatment Discharge Permit, or an order issued hereunder, is subject to discharge termination. Termination may include immediate disconnection or obstruction of the building or service sewer so as to prevent discharge into the public main from such Person. Discharge may include domestic, toilet and sink waste.

1. Violation of Wastewater Discharge Permit conditions
2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the Person's premises for the purpose of inspection, monitoring or sampling.
5. Violation of the pretreatment standards in Section 4.10 of this Ordinance.
6. Failure to pay any fees or charges to the Authority.

Such Person will be notified of the proposed termination of its discharge and a hearing on an order to show cause under Section 9.03.2 of this Ordinance why the proposed action should not be taken.

Section 9.07 Injunctive Relief

Whenever a Person has violated a pretreatment standard or requirement or continues to violate the provisions of this Ordinance, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment requirement, the Superintendent may petition the Court for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the performance by the User of such acts as will bring the Person into compliance with the Wastewater Treatment Permit, order, or other requirement imposed by this Ordinance. Such other action as is appropriate for legal and/or equitable relief may also be sought by the Authority. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a Person.

Section 9.08 Civil Penalties

Any Person who violates any provision of this Ordinance, a wastewater discharge permit, an order of the Authority or Superintendent or a pretreatment standard or requirement relating to:

1. Pretreatment of any industrial wastewater
2. The prevention of the entry of such industrial waste into the Authority's sewerage system;

may be civilly liable to the Authority in a sum not to exceed \$25,000.00 per day for each day and each event in which such violation occurs. Remedies under this section are in addition to and do not supersede or limit any other remedy, civil or criminal.

Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a Person.

Section 9.09 Liability for Certain Costs Incurred by the Authority

Any Person causing expense, loss, damage or other liability to the Authority as a result of any discharge as set forth in Section 4 shall be liable to the Authority for such expense, loss, damage or other liability and shall pay the same to the Authority within thirty (30) days of billing.

Section 9.10 Remedies Nonexclusive

The provisions of Section 9 are not exclusive remedies. The Authority reserves the right to take any, all or any combination of these actions against any Person. The Authority is empowered to take more than one enforcement action against any Person.

Section 9.11 Appeals

Any Person, with standing, may appeal any decision of the Superintendent to the Executive Director within 10 days of the Superintendent's decision. Any Person, with standing, may appeal any decision of the Executive Director to the full Board and may request a hearing on the appeal. A written Notice of Appeal shall be initiated and delivered to the Executive Director within ten (10) days of the subject action, decision or interpretation of this Ordinance. Said Notice of Appeal shall describe the action, decision or interpretation for which the appeal is being filed including times, dates and Persons involved, and the contentions of the Person filing the appeal. Upon receipt of such a request for hearing, a hearing shall be set at a regular meeting of the Board of the Authority within 45 days of receipt of the request. The Board shall conduct a hearing on the appeal and appellant shall have the right to call witnesses and be represented by counsel. The Board shall render a decision in writing at the next regular meeting following the hearing. Said decision shall contain findings of fact and determination of the issues and shall provide notice to the appellant that the time which judicial review must be sought is governed by Miss. Code Ann. §11-51-75.

Section 10.

Waste Hauler Program

Section 10.01 Permissible Waste Hauler Dischargers

It is the intent of the Authority that the Treatment Facility shall only be used for the disposal of wastes which are compatible with the treatment plant process and the continued operation of the treatment plant as a nonhazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by both federal or State statute and regulation, whichever is more stringent and, further, to prohibit all such wastes as are prohibited within Section 3.2 through 3.4 of this Ordinance, when such wastes are trucked to the Authority's sewerage system and discharged pursuant to the Authority's Waste Hauler Program.

Section 10.02 Waste Hauler Discharge Permit

No Person shall discharge trucked-in waste to any part of the Authority's System, a Member's Public Sewer, Utilities' Public Sewer or to the environment with in the Metropolitan Area unless and until such Person has complied with all of the requirements of this Section, and has received a valid Waste Hauler Discharge Permit.

Section 10.02.1 Waste Hauler Discharge Permit Term

The Superintendent may issue waste hauler discharge permits for a period of one (1) year, which such permits being renewable on further application from the permittee for additional one-year periods.

Section 10.02.2 Waste Hauler Discharge Permit Conditions

The Authority may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and policies of this Ordinance, as well as the stated purpose of the Waste Hauler Program as set forth herein. The conditions upon which a Waste Hauler's Discharger Permit will be issued may include, but are not limited to, the following:

1. Proof of a DeSoto County or State of Mississippi Waste Hauler Registration;
2. Provision of a list with license numbers of each vehicle which the waste hauler proposes to use for discharge of waste at the Authority's sewerage system;
3. Certification that the waste hauler has in place, and will maintain, vehicle insurance coverage which insures the waste hauler and the Authority against claims of Personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the Authority);
4. The furnishing of a cash deposit or other security acceptable to the Authority; and
5. The payment of all such fees as may be prescribed from time to time by the Authority Board.

Section 10.03 Cash Deposit – Security

To ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, as cash deposit, or other security acceptable to the Authority, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the Superintendent determines the cash deposit should be increased in order to protect the interest of the Authority based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the Superintendent may increase such cash deposit or security to an amount sufficient to protect the interests of the Authority. The security amount shall not exceed five thousand dollars (\$5,000.00), without prior Board approval.

Section 10.03.1 Time for Payment

The cash deposit or acceptable security shall be posted prior to the issuance of the Waste Hauler Discharge Permit. To the extent the Authority draws on such cash deposit or security for costs, fees, payments or penalties, as authorized hereunder, the permittee shall deposit with the Authority such additional funds as may be required to bring its cash deposit or security up to the total amount required under the Waste Hauler Discharge Permit prior to the continued discharge of waste. If the permittee fails to maintain a sufficient deposit with the Authority to meet the Waste Hauler Permit conditions, the Authority may suspend the Waste Hauler Discharge Permit (and permission to discharge) until such time as a sufficient deposit or security has been tendered and accepted.

Section 10.03.2 Forfeiture of Deposit

All or a portion of the cash deposit or acceptable security may be forfeited to the Authority if any of the following actions occur:

1. The permittee knowingly provides false information on any application, Wastewater Discharge Permit, or manifest form;
2. The permittee discharges a non-domestic waste which does not comply with this Ordinance, including the provision of local limits and the general and specific prohibitions contained herein;
3. The permittee disposes of a waste regulated under this Ordinance in an unlawful manner in any location within the Authority service area;
4. The permittee becomes delinquent in making payment of applicable charges and fees for discharge of waste; and/or
5. The permittee otherwise fails to comply with provisions contained in this Ordinance.

Section 10.04 Waste Hauler Discharge Permit Revocation, Suspension or Restriction

A Waste Hauler Discharge Permit may be revoked by the Superintendent or his agent for failure of the permittee to comply with conditions of the Waste Hauler Discharge Permit or failure of the permittee to pay when due any charges.

When the Superintendent has reason to believe that grounds exists for Waste Hauler Discharge Permit suspension, revocation or restrictions, the Superintendent shall give written notice thereof by registered or certified mail or by Personal service to the permittee setting forth a statement of the facts and grounds deemed to exist.

Unless directed otherwise on the notice of revocation or suspension of Waste Hauler Discharge Permit, the permittee shall cease discharging into the public sewer at the effective time of said revocation or suspension, or shall conform with temporary restrictions, conditions, or limitations at the effective time of such requirements.

Any further application for a Waste Hauler Discharge Permit by any Person subject to an order of revocation will be considered by the Authority after fully reviewing the records of the revoked Waste Hauler Discharge Permit, which records may be the basis for denial of a new Waste Hauler Discharge Permit.

A Waste Hauler Discharge Permit may be temporarily suspended by the Superintendent at any time if continued discharge of the permittee's wastewater into the Authority's or its Members' sewerage system would, whether or not combined with other discharges, jeopardize ability of the treatment system to meet water quality requirements or threaten damage to the sewerage system or cause a nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the Superintendent may impose, such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made there under as is deemed necessary to safely assure that water quality requirements will not be violated, or to alleviate the unsafe condition. The Superintendent shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the permittee's discharge is in violation of federal, State, or local laws or regulations.

Section 10.05

Manifest and Reporting Procedures

Any waste hauler who is discharging at an Authority or Member facility shall be required to comply with the manifesting and reporting requirements established by the Superintendent. Each discharger shall be required to provide a manifest document which shall indicate the source of all wastes contained within the waste load to be discharged. The Superintendent may promulgate such other requirements with regard to manifesting as are in the determination of the Superintendent necessary to properly carry out the objectives of this Ordinance and the intent of the Waste Hauler Program.

Section 10.06 Regulations of Procedures

The Superintendent shall adopt such procedures as may be appropriate for the implementation of the Waste Hauler Program. These procedures may include, but are not limited to, regulation of the times for discharge, the amount of discharge and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge, and reporting of the ultimate disposal location for wastes which are not accepted at a Authority's or Member's facility on the basis of analytical results.

Section 11.

Use of Interim Treatment Facilities

The purpose of this subsection is to provide wastewater treatment and disposal services to individual development's that are occurring within the rapidly developing areas of the Metropolitan Area, when the Authority, Member or Utility is unable to immediately provide such service. This objective shall be obtained through the use of interim wastewater facilities and developer participation; provided, however, such use of the interim wastewater treatment facility is found to be consistent with the planned and orderly development of the Authority's System, a Member's Public Sewer or Utilities' Public Sewer, their long range plans, and the policy guidelines as provided in this subsection.

1. Prior to utilization of an interim wastewater treatment facility, the Person shall have first applied for wastewater service for the project and shall have received written notification from a Member or Utility that Public Sewers are unavailable at this time or in reasonable time to meet the Person's building schedule.
2. If the utilization of an interim wastewater treatment facility is the only reasonable alternative available to the Person for the project, the Authority shall approve the use of an interim wastewater treatment facility within the guidelines set forth in this subsection
3. The interim wastewater treatment facility shall serve a unified development subject to an approved wastewater collection system master plan. The project to be served must be able to generate wastewater flows in proportion to the design capacity of the interim wastewater treatment plant.
4. The Person shall assume all installation and initial operation costs associated with the interim wastewater treatment plan. This shall include but not be limited to engineering, design, permitting, site improvement, piping, site restoration, and installation/removal of the interim wastewater treatment plant.
5. Sufficient effluent disposal shall be provided within each project to meet the needs of the interim plant's rated and permitted capacity.
6. Necessary easements and permits for the operation of the plant and effluent disposal facilities shall be provided by the Person to the Authority.
7. The Authority shall bear no costs for the start-up and operation of the interim wastewater treatment plant.
8. The Authority may operate and maintain the plant and effluent disposal facilities.
9. The Person shall pay guaranteed monthly operating revenues to the Authority as necessary to offset actual monthly operating cost of the interim wastewater treatment facility pursuant to the Service Agreement.
10. Any appropriate interim wastewater treatment plant Service Agreement shall be prepared and approved by the Authority for each project which proposes to utilize an interim wastewater treatment plant for treatment and disposal. The Service Agreement may provide for the transfer of the plant to the Authority, a Member or Utility and may provide for payment of all expenses for operation, maintenance and closure of the interim treatment plant.
11. The Authority shall have the right at all times to refuse to extend service on the basis of a use detrimental to the sewer system or for lack of capacity.

Section 12. Agreements or Contracts for Service

Sewage disposal service on a volume basis may be obtained by means of cost-sharing arrangements outlined in contractual agreements with the Authority. Such agreements apply only to Members. All other bulk service Users shall pay for services at the rates established from time to time by the Authority.

Section 12.01 Utility Agreements

Publicly or Privately Owned Utilities certificated by the state public service commission seeking to receive bulk sewage service from the Authority pursuant to this section, shall submit a written application indicating the amount of service to be required, the number of customers serviced by the requesting utility, a description of the geographic territory served by the requesting utility and the time at which and for which such service is requested.

The Authority shall have the right to refuse to extend service on the basis of a use detrimental to the Authority's System, that the Utility is in competition with existing or planned Authority facilities, the lack of payment of required fees, the lack of sufficient excess capacity to meet the request, the presence of constituents in the discharge of the requesting utility which may be detrimental to the Authority's wastewater treatment system, the refusal to commit to pay for associated capitol costs, replacement costs and expansion costs, that the requested service would not be cost-effective for the Authority or for any reason which, in the opinion of the Authority, will cause the extension not to be in the public interest. No payment of any costs, submitting of any application or any other act to receive bulk sewage service shall guarantee the service.

Upon receipt of a complete application and approval of the application by the Authority, the Authority will provide wholesale disposal and treatment of sewage under the following terms and conditions:

1. Appropriate bulk wastewater impact fees as approved by the Authority must be paid by the applicant prior to connection or if approved by the Authority, the applicant may pay a volume surcharge in addition to the bulk treatment for all existing flow at the time of connection in accordance with the schedule approved by the Authority.
2. The Utility agrees that the Authority shall be the sole provider of wastewater treatment service for the area requested by the Utility and that any and all existing wastewater treatment facilities owned or operated by the Utility will no longer be utilized for the area, unless otherwise approved by the Authority.
3. The agreement for such bulk wastewater service will be for a period of not less than ten years and the Utility agrees that all new development or new connections to its system shall pay impact fees to the Authority.
4. The Utility agrees to comply with all provisions of this Ordinance and agrees to abide by the Authority's limitations on discharge as set forth in the Service Agreement.
5. The Utility shall pay such rates as established from time to time by the Authority for bulk customers receiving such wastewater service from the Authority.

Section 13.

Severability

Section 13.01 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 13.02 Prior Ordinance Inconsistent Herewith

To the extent of any existing and prior ordinance of the Authority applicable to its sewer systems, works, and facilities are inconsistent herewith, all such prior ordinances shall be and the same shall be deemed revoked upon this Ordinance becoming effective.

Section 13.03 Effective Date of Ordinance

That this Ordinance shall become effective 30 days after its enactment, and shall be posted and published as required by law.