

HARRISON COUNTY DEVELOPMENT COMMISSION

WATER AND SEWER USE POLICY



Harrison County, Mississippi

This policy was formally adopted by the Harrison County Development Commission and became effective July 2020.
Revised and approved by BOC 3/9/2021



OFFICIALS OF THE

HARRISON COUNTY DEVELOPMENT COMMISSION

AT THE TIME OF THIS POLICY REVISION

COMMISSIONERS

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CHAPTER ONE

WATER USE POLICY



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SECTION 1-1 – TITLE

- 1-1.1 This Policy may be cited as the “Harrison County Development Commission Water Use Policy”

SECTION 1-2 – BASIC REQUIREMENTS

- 1-2.1 General - Except as in compliance with this policy, the connection to any one of the Commission’s Commission Systems by any person is unlawful and is prohibited.
- 1-2.2 Applicability - This policy shall be applicable to the provision of potable water only. Any person requiring water for process or other industrial purposes shall provide it through the drilling of private onsite wells. Such wells shall be drilled in accordance with the applicable State and Federal requirements, and the Commission shall be notified of such activity and be given a copy of any permit resulting therefrom.

SECTION 1-3 – CONNECTIONS

- 1-3.1 Connection to Distribution System - All persons, or their duly constituted agents thereof, owning, leasing, or occupying improved real property in areas under the jurisdiction of the Commission, shall make a written application to connect their property to the Commission’s Commission System. Policy including application is available at the Commission’s office and can be found website: mscoast.org
- 1-3.1.1 It is unlawful and is prohibited for any person or persons to tamper with, remove, adjust, repair, or make any connection with any part of the Commission’s Commission System, including the water meter and all accessories without written approval.
- 1-3.1.2 It is unlawful and is prohibited for any person or persons to tamper with, connect to, or turn on any of the Commission System hydrants without written approval.
- 1-3.2 Separate Connections - Each parcel or lot shall be separately connected to the Commission System and such connections shall have a separate cut-off valve, water meter and a backflow preventer. The owner or lessee of each parcel or lot shall be responsible for the charges for all water consumed in each premise at the established rates.
- 1-3.3 Contractor Meter Connections for Bulk Water Use – Portable meters are available for purchase through the Harrison County Development Commission for Contractor bulk water usage. Long- and short-term permits are available to contractors requiring bulk water connections. See staff for details and permit application.
- 1-3.4 Manner of Connections - Connections to the Commission’s Commission System shall be made in accordance with the rules and regulations of the Mississippi State Board of Health and with the rules and regulations contained in this Policy.

- 1-3.5 Commission’s Connection Responsibilities - The service line connection from the Commission System to the property line will be made by the Commission and will include the installation of the cutoff valve, meter and meter box. Backflow preventers, if required, shall be provided and installed by the customer. If a backflow preventer has previously been installed by previous tenant HCDC will determine if it needs to remain and be serviced by new tenant.

After the initial installation of the service connection, the service line from the meter to the building or service location is owned and maintained by the property owner. Any damage from freezing, vandalism and leaks are the sole responsibility of the property owner or customer responsible for water and sewer account.

- 1-3.6 Owner/Lessee’s Connection Responsibilities - Each property owner or lessee who connects to the Commission’s Commission System shall make all required connections from his property line to the premises, including the installation of a backflow preventer. The customer will maintain fixtures and pipes beyond the Commissions meter connection. (Property side of the meter) In no case will the Commission be liable for damages caused by water running, open or faulty fixtures or from broken or damaged pipes beyond the Commissions meter connection.

- 1-3.7 Commission Approval

- 1-3.7.1 Plans and specifications of the water system from the property line up to and including the premises shall be submitted to, and approved by the Commission, prior to connection to the Commission System. The plans and specifications shall be prepared by or under the direct supervision of an engineer licensed in Mississippi and be stamped by same.

- 1-3.7.2 Unmetered fire protection systems will not be permitted without prior approval from the Commission.

- 1-3.8 Disinfection

- 1-3.8.1 All pipe fittings, valves, etc., used in making connections to the Commission’s System must be properly disinfected in accordance with American Water Works Association (AWWA) Standard C-601 “Standard for Disinfecting Water Mains”, and flushed prior to being placed in service.

- 1-3.8.2 All disinfection procedures shall be observed by a responsible agent of the Commission.

SECTION 1-4 – MATERIALS

- 1-4.1 Water Lines (4” and Larger)

- 1-4.1.1 All water lines with a nominal diameter of four (4) inches and larger shall be either ductile iron or polyvinyl



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chloride (PVC). Ductile iron pipe shall conform to AWWA Standard C-150 and C-151. The pipe shall be class 52 and shall meet all requirements for push-on rubber gasketed joints in accordance with AWWA Standard C-111. All ductile iron pipes shall be cement lined and seal coated in accordance with AWWA Standard C-104, standard thickness. PVC pipe shall conform to AWWA Standard C-900. The pipe shall be class 150, DR-18.

- 1-4.1.2 Manufacturer's Certificate of Conformance with these standards shall be furnished to the Commission when the material is delivered to the site.
- 1-4.2 Water Lines (Smaller Than 4") - All water lines and fittings with a nominal diameter of smaller than four (4) inches shall be polybutylene pressure pipe meeting the requirements of AWWA Standard C-902. The pipe shall be Class 200, DR-9 with fusion fittings. Only compression-couplings with inserts or flared couplings shall be acceptable. Hot flared or hose connections will not be permitted.
- 1-4.3 Fitting (4" and Larger) - All fittings for use on water lines with a nominal diameter of four (4) inches or larger shall be ductile iron conforming to AWWA Standard C-110. The fittings shall have a pressure rating of 250 pounds per square inch and be cement lined and seal coated in accordance with AWWA Standard C-104, standard thickness.
- 1-4.3 Corporation Stops - Corporation stops shall be of standard manufacture and shall be installed with service clamps.
- 1-4.4 Backflow Preventers
 - 1-4.4.1 Backflow preventers 2" and larger shall be of the reduced pressure principal type (for high hazard connections) in conformance with AWWA Standard Specification C-506, flanged ends, Cla-Val Co., Model RP-4, or approved equal. For low hazard double checks may be used.
 - 1-4.4.2 Backflow preventers shall be equipped with non-OS and Y shutoff valves, automatic pressure differential relief valve, check valves, and four (4) test cocks.
 - 1-4.4.3 Backflow preventers ¾" through 1-1/2" shall be of the reduced pressure principles type, Cla-Val Co., Model RP-2, or approved equal.

SECTION 1-5 – CHARGES AND FEES

- 1.5.11 New Service Lines & Connection Fees
Based on the estimated water needs listed on the Application, and expected peak flows, the Commission

will assign a service connection to each applicant. The following are estimated rates for connections to the water system. Actual costs to the new applicant will be provided upon completion of each application.

<u>Size of Tap and Meter</u>	<u>Cost of Connection</u>
¾" up to 2"	\$2,000.00
3"	\$3,000.00
4"	\$4,500.00

- 1-5.1.2 Any applicant who has performed its own water needs evaluation may request a desired service line size by submitting supporting data with their Application.
- 1-5.1.3 Charges shall be due and payable upon written application for water service and prior to connection by the Commission.
- 1-5.2 Charges for Non-Payment and Delinquent Accounts - If water service to a customer is discontinued by the Commission due to non-payment of the water bill or delinquent account, a service charge of \$25.00 will be charged for the reinstatement of water service. Any checks returned by financial institution as Non-Sufficient Funds will be subject to a \$25.00 fee. In the event of payment default and customer's failure to cure the default, after proper notice by HCDC, HCDC may refer the delinquent balance to a 3rd party agency for collection. Customer will be responsible for any fees associated with pursuing that past due balance.
- 1-5.3 Monthly Water Rates - The following monthly rates shall be charged for water service furnished by the commission:

Administrative Monthly Service Fee	\$35.00
Metered water usage of each 1,000 gallons or Fraction thereof	\$ 2.43

Please note: 5% rate of escalation to per one thousand (1,000) gallons per month rate effective October 1st annually. Example: Effective October 1st, 2020 rate will be adjusted to \$ 2.43 per one thousand (1,000) gallons per month.
- 1-5.4 Reconnection fees - The Commission shall charge a one-time reconnection fee for any changes in accounts as follows:
Reconnection of an existing account
\$200.00

SECTION 1-6 The Harrison County Development Commission is the owner of a sewage and water system located in the area generally described in the Tariff on file with the Commission and referred to herein and subject to the "terms and conditions set out in this Agreement to Furnish Sewage and Water Services. The Harrison County Development Commission hereby agrees to furnish sewage and water services to Second Party. **Please remit signed application and fees to:** 12281 Intraplex Parkway, Gulfport, Mississippi 39503

- DATE _____
- APPLICATION IS FOR: BUSINESS _____ RESIDENTIAL _____ (CHECK ONE)
- BUSINESS NAME _____
- INDIVIDUAL NAME _____
- NAME OF PERSON RESPONSIBLE FOR WATER BILL _____
- DRIVER'S LIC # _____ DOB _____
- EMAIL ADDRESS _____
- BILLING ADDRESS FOR SERVICE _____
- MAILING ADDRESS (IF DIFFERENT) _____
- TELEPHONE # _____
- OWN () RENT () OWNERS NAME: _____ PHONE # _____
- CONNECT FEE REQUIRED = \$50.00 DUE IMMEDIATELY
- DATE FOR SERVICE TO BEGIN _____
- SERVICES REQUESTED: *Water Meter* _____ *Inches*; *Sewer Tap* _____ *Inches*; *Fire Protect* _____ *Inches*
- *MDEQ NUMBER (If applicable):* _____ (*Four-digit number*)
- I have received the Harrison County Development Commission's Policy for Water and Sewer Services and accept the compliance requirements as outlined within the policy.
- I understand and agree tampering with any utility equipment or stealing service will be grounds for discontinuance of water and sewer service. A tamper fee of \$500.00 will be applied to the account if any tampering of Harrison County Development Commission property.
- I understand fully that all maintenance, repairs and upgrades to any fixtures and pipes beyond Commission's meter connection is my responsibility.
- I understand this is a request for service and the HARRISON COUNTY DEVELOPMENT COMMISSION will inform me by letter the amount of the connection fee.

Applicant	Title	Date
Date sewer and water locations marked: _____		
Date sewer Connection Made: _____		
Date Water Meter Installed: _____		
Meter Number and Size: _____		

FINAL COST \$ _____
 Location of Requested Service Connection: _____ (Parcel No. And Road Name) _____



Bulk

SECTION 1-6 – SAFE DRINKING WATER ACT

1-6.1 **Policy Requirement** - This policy has been required by the Mississippi State Board of Health pursuant to the Mississippi Safe Drinking Water Act of 1997 (Sections 41-26-1 through 41-26-101, Mississippi Code of 1972, Annotated).

1-6.2 **Definitions**

- a) Commission - shall mean Harrison County Development Commission.
- b) Director - shall mean the Executive Officer of the Harrison County Development Commission or authorized agent.
- c) Policy - shall mean primary drinking water regulations promulgated by the Commission pursuant to the Mississippi Department of Health primary drinking water regulations.
- d) Backflow - shall mean the reversal of normal flow direction where water flows from the intended point of delivery towards the supply.
- e) Cross Connection - shall mean any direct interconnection between a public water system and a non-public water system or other source, which may result in the contamination of the drinking water provided by the public water system. This definition includes any arrangement of piping where a potable water line is connected to non-potable water; it may be a pipe-to-pipe connection where potable and non-potable water lines are directly connected or a pipe-to-water connection where the potable water outlet is submerged in non-potable water. If the potable and non-potable source are separated by gate valves, check valves or devices other than the appropriate backflow preventer as outlined by this regulation, a cross connection exists. By-pass arrangements, jumper connections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur is considered to be cross connections.

1-6.3 **Coverage**

This regulation shall apply to each water system customer of the Commission, except it shall not apply to a private water system:

- a. Which consists only of distribution and storage facilities which do not have any connection to the Commission's water facility.
- b. Which obtains all of its water from, but is not owned or operated by, a customer of the Commission to which such regulation applies; and
- c. Does not sell water to any Commission customer.

1-6.4 **Cross Connections**

1-6.4.1 **Cross Connections** - No Commission Customer shall install, permit to be installed, or maintain any cross connection between the Commission's water system and any other Commission customer's water system or a line from any container of liquids or other substances, unless an approved backflow prevention assembly is installed between the Commission's water system and the source of contamination. Direct connections between the Commission's water supply and sewer or storm sewer are prohibited.

1-6.4.2 **Low Hazard Cross Connection** - A connection between the Commission's water system and a service or other water system not hazardous to health but not meeting established water quality standards for public water systems and not cross connected within its system with a potentially dangerous substance shall be considered a low hazard category cross connection. An appropriate backflow prevention assembly or device approved by the Director for low hazard cross connections shall be installed.

1-6.4.3 **High Hazard Cross Connection** - A connection between the Commission's water system and a customer's water system or other source of contamination which has or may have any material in the water dangerous to health, or connected to any material dangerous to health, that is or may be handled under pressure, or subject to negative pressure, shall be considered a high hazard category cross connection. The cross connection shall be eliminated by air gap separation or shall be protected by the installation of an appropriate backflow prevention assembly or device approved by the Development Commission Director or his designee.

1-6.4.4 **Distinction Between Low and High Hazard Cross Connection** - The distinction between low hazard cross connection and high hazard cross connection shall be made by an authorized representative of the Commission's water system subject to review by the Mississippi Department of Health.

1-6.5 **Responsibility of Commission Customer**

1-6.5.1 **Cross Connection Control** - All public water supplies are required to enforce a cross connection control policy or policy that is equivalent to or more stringent than the standard policy format provided by the Mississippi Department of Health. This policy or policy shall establish a cross connection control program consisting of the following:

- a. Locating and eliminating unprotected cross connections.
- b. Preventing the occurrence of new cross connections within the public water system.
- c. Maintaining records pertaining to the location of existing backflow prevention assemblies, type and size of each assembly and results of all tests performed on backflow prevention assemblies by a tester certified by the Department.

1-6.5.2 **Cross Connection Surveys** - It shall be the responsibility of the customer to conduct surveys and on-site visits as



- necessary to locate existing cross connections. This survey shall be performed by an authorized representative of the customer's water system utilizing established written guidelines as published by the Mississippi Department of Health.
- a. Each customer of the Commission's water system shall complete an initial cross connection survey within one year of connection to the commission's water system or the effective date of this policy. The Commission may authorize an extension of time for completion of the survey based upon written evidence of good cause.
 - b. Upon completion of the required cross connection survey, the responsible official of each customer of the Commission's waster system shall certify to the Commission that the required survey has been properly completed in accordance with the written guidelines published by the Mississippi Department of Health.
 - c. hen a cross connection is identified, the customer of the Commission's water system shall notify in writing, within ten (10) days, the Commission of the cross connection and that the cross connection must be eliminated or protected by the installation of the appropriate backflow preventer within the given time.
 - d. If the Commission determines that the cross connection is a high hazard category cross connection, it shall be eliminated or protected by the installation of the appropriate backflow preventer within ninety (90) days of notification.
 - e. If the Commission determines that the cross connection is a low hazard category cross connection, it shall be eliminated or protected by the installation of the appropriate backflow preventer within one (1) year of notification.
 - f. Any backflow prevention devices or assemblies installed to protect the Commission's water system against the possibility of backflow from a customer's water service prior to the adoption of these regulations shall be governed by these regulations. Each customer of the Commission's water system shall ensure that existing backflow preventers are inspected and tested within ninety (90) days of identification.
- 1-6.6 **Installation of Backflow Preventer** – All customers of the Commission's water system shall install the proper type of backflow prevention assembly after the water meter. All backflow prevention devices shall be installed at a final elevation of at least fourteen (14) inches above final grade.
- 1-6.7 **Commission Water System Enforcement Actions**
In the event a customer refuses to comply with the cross-connection control provisions of this policy or the installation of a backflow preventer device the Commission's water system shall discontinue water service to the customer until such time as the customer complies with this regulation.
- 1-6.8 **Approved Backflow Preventers** – The Commission shall review and approve all backflow prevention assemblies prior to installation and use by the customer.
- 1-6.9 **Installation Requirements**
- 1-6.9.1 Reduced pressure principle backflow prevention assemblies, double check valve assemblies, and pressure vacuum breaker assemblies shall be installed in a location that provides adequate access for testing and repair of the assembly.
 - 1-6.9.2 Reduced pressure principal backflow prevention assemblies and double check valve assemblies shall not be subject to possible flooding. Reduced pressure principal backflow assemblies and double check valve assemblies shall not be located in a pit below ground level. Installation elevation shall be at least fourteen (14) inches above final finish grade.
- 1-6.10 **Testing of Backflow Prevention Assemblies**
- 1-6.10.1 **Testing Requirements** - When a backflow prevention assembly, is installed to protect the Commission's water system by the Customer.
- a. The Customer shall be responsible to have the assembly inspected and tested by an individual who has been licensed as a Certified Tester by the Mississippi Department of Health.
 - b. The assembly shall be inspected and tested by a Certified Tester after installation and before use by the customer. The assembly shall be inspected and tested at least once a year by a Certified Tester, thereafter.
 - c. The Certified Tester shall provide the property owner and the public water system with a written report of the inspection and test results on each assembly tested. The report shall be prepared and submitted by the Certified Tester making the inspection and performing the test. The Certified Tester and the Commission's water system will retain all test and inspection results for at least five (5) years from the date of test and inspection.
 - d. Any backflow preventers found to be non-functional shall be repaired and re-tested within 14 days of the initial test.
 - e. Each assembly shall be inspected and tested by a Certified Tester immediately after repairs of any kind are made to the assembly.
- 1-6.11 **Emergency Conditions and Enforcement**
- 1-6.11.1 The Director or designee is authorized to develop and implement a plan for the provision of safe drinking water in emergency circumstances for the Commission's system.
- 1-6.12 **Enforcement** - Violations of any requirement of this regulation shall be subject to the enforcement provisions of the Mississippi Safe Drinking Water Act of 1997 as found at Sections 41-26-1 through 41-26-101, Mississippi Code of 1972, Annotated.

CHAPTER TWO

SEWER USE POLICY

2-1	<u>Section 2-1 – Title</u> – This policy may be cited as the Harrison County Development Commission Sewer Use Policy.	pursuant to and in compliance with a permit issued therefore by the Mississippi Department of Environmental Quality, Bureau of Pollution Control.
2-1.1	<u>Section 2-2 – Basic Requirements</u>	<u>Section 2-3 – Building Sewers and Connections</u>
2-2.1	<u>General</u> - Except as in compliance with this Policy, the discharge of any wastewater into the Commission’s Sewer Systems by any person is unlawful and is prohibited.	2-3.1
2-2.2	<u>Domestic Waste Discharges</u> - All discharges of domestic waste shall be made into the public sanitary sewerage system.	No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written connection permit from the Commission.
2-2.3	<u>Industrial Waste Discharges</u> - Discharges of industrial waste shall be made to the public sanitary sewerage system only in compliance with a pretreatment permit issued by the Bureau unless an NPDES permit has been obtained from the State.	2-3.2
2-2.4	<u>Prohibited Discharges on Property</u> – It is unlawful and is prohibited for any person to place, deposit or permit to be deposited in any manner on public or private property within the Bernard Bayou Industrial Park any human or animal excrement, garbage, or other commercial or industrial wastes or waste liquids without proper permits from the State of Mississippi and/or the Commission.	The owner shall be required to advise the Commission and obtain the necessary connection permits for commercial and / or industrial sewerage service.
2-2.5	<u>Prohibited Discharges in Natural Outlets</u> - It is unlawful and is prohibited to discharge to any state waters within the Commission’s property any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Policy.	2-3.3
2-2.6	<u>Privies, Similar Facilities Prohibited</u> - Except as provided in this Policy, it is unlawful and is prohibited to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.	All costs and expenses incidental to the installation and connection of the building sewer to the public sewer shall be borne by the owner. The owner shall indemnify the Commission for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
2-2.7	<u>Duty of Property Owner</u> - The owner of all buildings or properties used for employment, recreation or other purposes is hereby required at his expense to install suitable sewage disposal facilities therein, and to connect such facilities with the proper public sewer in accordance with the provisions of this Policy.	2-3.4
2-2.8	<u>Protection Against Accidental Discharges</u> - Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes to the sanitary sewer system regulated by this Policy. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commission for review, and shall be approved by the Commission before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Policy.	A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, passageway, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer at the discretion of the Commission.
2-2.9	<u>Connections</u> - All connections to the public sanitary sewerage system shall be made in the manner and subject to the limitations set forth herein.	2-3.5
2-2.10	<u>Permits Required</u> - No discharge of industrial waste shall be made to the sanitary sewer system except	Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Commission, to meet all requirements of this article. The owner of the property is responsible for all examination and testing costs in connection therewith.
		2-3.6
		The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing, backfilling the trench, shall all conform to the requirements of the Southern Building and Plumbing Code and other applicable rules and regulations of the Commission.
		2-3.7
		Whenever possible, all building sewers shall be brought to the public sewer by gravity flow from a point below the bottom floor or building slab. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be pumped by means approved by the Commission and discharged into the public sewer. All installation costs, operation, and maintenance of said individual mechanical sewage lifting devices are the responsibility of the Owner. This approved pumping mechanism shall be constructed inside Owner’s property, unless the Commission agrees otherwise as their interest may best be served.
		2-3.8
		No person shall make connection of roof downspout, exterior foundation



- drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- 2-3.9 Connection Standards - The connection of the building into the public sewer shall conform to the requirements of the Southern Building and Plumbing Code and other applicable rules and regulations of the Commission, and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, as amended. All such connections shall be gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.
- 2-3.10 Notice to Inspect; Supervision of Connection - The applicant for the building sewer permit shall notify the Commission when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commission.
- 2-3.11 Protection at Excavations; Restoration of Public Property - All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, driveways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commission. Applicant shall indemnify and hold harmless the Commission or its agents or employees and defend all claims in connection therewith.
- Section 2 - 4 Private Disposal Systems**
- 2-4.1 Private disposal of industrial waste is prohibited unless the Commission determines that a valid NPDES permit is in force.
- 2-4.2 In those limited cases where private disposal of industrial waste occurs, the special safeguards and requirements of this Policy shall be applied.
- 2-4.3 Discharges into private sewage disposal systems of domestic waste and industrial waste allowed by this Policy shall comply with the rules, regulations, and provisions of this Policy, the Mississippi Department of Health, the Mississippi Department of Natural Resources, the Bureau of Pollution Control; and / or the USEPA.
- 2-4.4 Requirements Applicable to All Private Sewerage Disposal Systems
- 2-4.4.1 Permit - Before commencement of construction of a private sewerage disposal system or within ninety (90) days from the effective date of this Policy, if construction of the system is already commenced at that time, the owner or disposer or prospective disposer shall obtain a written construction permit issued by the Commission. The application for such permit shall be made on a form furnished by the Commission, which the applicant shall supplement with plans, specifications, and any other information or documents deemed necessary by the Commission.
- 2-4.4.2 Inspection, Approval Required - A discharge permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Commission and an NPDES permit is obtained. Authorized personnel of the Commission shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Commission in writing when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Commission and, if all the requirements of this Policy have been met, a Certificate of Final Inspection shall be given by the Commission which will allow the system to become operative. A copy of the NPDES permit shall be sent to the Commission and will constitute the discharge permit as required by this Policy.
- 2-4.4.3 Standards Prescribed - The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the Mississippi Department of Health; Mississippi Department of Natural Resources, Bureau of Pollution Control; and / or the USEPA. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 2-4.4.4 Operation and Maintenance - The owner shall operate and maintain at his expense the private sewage disposal facilities in full compliance with all requirements of this Policy and all applicable Federal and State laws and regulations.
- 2-4.4.5 Authority of Health Officer - No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Mississippi State Health Officer or the USEPA.
- 2-4.4.6 Connection to the Public Sewer - Upon connection to the public sewer, the private sewage disposal system shall then be cleaned of sludge and any underground tanks filled with clean bank-run gravel or dirt at the expense of the owner of the property.
- 2-4.5 Industrial Waste Discharges into Private Sewerage Disposal Systems.
- 2-4.5.1 Any discharge of industrial waste into a private sewage disposal system and any discharge from such a system into any lands, waters, or receiving streams, shall comply with this Policy; and no person shall discharge or permit to be discharged, from a private sewage disposal system to any public or private lands, waters, or receiving streams, any wastewater which exceeds any of the prohibitions or limitations listed in this Policy, or the applicable NPDES permit.
- 2-4.5.2 The owner and operator of any private disposal system shall be responsible for the final disposition and disposal of the waste or other product of the system through and including the point of final disposition.
- Section 2-5 Prohibitions and Limitations on Discharge into the Public Sanitary Sewerage System.**



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- 2-5.1.1 The public sanitary sewerage system exists to provide for and allow the collection and /or removal of polluted wastewater compatible with normal domestic sewerage treatment practices and procedures from public and private property. It is in the public interest that reasonable rules and regulations be applied to discharges into the sanitary sewerage system so as to prevent the system from being unnecessarily burdened or excessively burdened, and so as to enable the Commission to ensure that effluent from the public sanitary sewerage system will comply with all applicable Federal and State environmental laws and regulations.
- 2-5.1.2 Proper operation of the public sanitary sewerage system requires, among other things, the prohibition of any discharge components which would not be compatible with, or which would be harmful to or would interfere with the system. Proper operation of the system also requires that the system not be burdened with storm water runoff and similar wastewater which should be discharged through the storm drainage system. Safe operation of the system also requires that discharge of toxic substances and other harmful materials into the system be regulated.
- 2-5.2 General Prohibitions and Limitations
- 2-5.2.1 No person shall discharge or deposit or cause to permit to be discharged or deposited to the public sanitary sewerage system any wastewater containing any pollutant or other material of such character or quality that will:
- 2-5.2.2 Not be susceptible to or compatible with treatment by the system, or interfere with or damage the system or the efficient operation thereof.
- 2-5.2.3 Constitute a hazard to human life, or to the stream or water course receiving the effluent of the system.
- 2-5.2.4 Violate any pretreatment standard or effluent limitation as defined by the Bureau.
- 2-5.2.5 Cause the system to violate any applicable NPDES permit or any applicable receiving water quality standard.
- 2-5.2.6 Violate any of the specific prohibitions or limitations established by this Policy.
- 2-5.3 Specific Prohibitions and Limitations - No person shall discharge or deposit or cause to permit to be discharged or deposited to the public sanitary sewerage system any wastewater which at the point of connection to the system has or contains any of the following:
- 2-5.3.1 Unpolluted Water - Any unpolluted water including but not limited to non-contaminated storm water, surface water, ground water, roof runoff, or subsurface drainage. These waters shall be discharged into the public storm drainage system, pursuant to applicable Commission requirements.
- 2-5.3.2 Oils, Grease and Wax
- 2-5.3.2.1 More than 10 lbs. per day of wax, grease, or oil or at a concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65 degrees C) at the point of discharge into the system.
- 2-5.3.3.2 Any oil, wax or grease, whether emulsified or not, which will or may:
- 2-5.3.3.2.1 Deposit oil, grease, or wax in the sewer lines in such manner as to clog the sewers or impede the flow;
- 2-5.3.3.2.2 Overload the sewage treatment facility's skimming and grease handling equipment;
- 2-5.3.3.2.3 Not be amenable to biological oxidation and may therefore pass to the receiving stream without being affected by the normal sewage treatment process; or
- 2-5.3.3.2.4 Have any other deleterious effect on the sewage treatment process due to excessive quantities or concentrations.
- 2-5.3.2.3 Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing free or emulsified oil and / or grease exceeding 50 mg / l, or any flammable wastes, or other harmful ingredient except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commission and shall be located so as to be readily and easily accessible for cleaning and inspection.
- 2-5.3.3 Explosive Mixtures - Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion (or be injurious in any other way to sewerage facilities or to the operation of system). At no time shall two successive readings on a US Bureaus of Mines approved explosion hazard meter.
- 2-5.3.4 Noxious Material - Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to human life, or may be sufficient to prevent entry into a sewer for its maintenance and repair. In no event shall any waste be discharged containing phenols at a concentration greater than 0.20 mg / l or other taste or odor producing substances in such concentrations as to affect the taste and odor of the receiving stream after passage through the sewage treatment process.
- 2-5.3.5 Color - Wastes causing discoloration not readily removable by the normal sewage treatment process.
- 2-5.3.6 Improperly Shredded Garbage - Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in



the public sewers, with no particle greater than one-fourth (1/4) inch in any dimension.

2-5.3.7 Radioactive Wastes - Radioactive wastes or isotopes of such half-life or concentrations that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which exceed the standards of the State of Mississippi and / or the United States of America, or which will or may cause damage or hazards to the system, to personnel operating the system, or to receiving waters or the animal life therein.

2-5.3.8 Solid or Viscous Wastes - Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, improperly comminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, cutback asphalts, residues from refining or processing of fuel or lubricating oil, and similar substances.

2-5.3.9 Excessive Discharge Rate - Any waters or wastes with unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

2-5.3.10 Toxic Substances - Any toxic and / or Poisonous substance in sufficient quantity to injure or interfere with the existing sewage treatment process or with the biological processes or efficiency thereof.

2-5.3.11 Incompatible or Corrosive Wastes.
2-5.3.11.1 Any waste containing any incompatible pollutant or any substance which may cause corrosion or deterioration of the treatment system. Prohibited materials include, but are not limited to, acids, sulfides, concentrated halogen compounds and substances which will react with water to form acidic products.

2-5.3.11.2 Substances which are not amenable to such treatment but do not have deleterious effects on the treatment system only to such degree, that the effluent of the system cannot meet the requirements of applicable Federal and State laws and regulations or the requirements of any applicable NPDES permit.

2-5.3.11.3 Nothing in this subsection shall be construed to prohibit discharge of components of domestic waste in amounts which are normal for discharges of domestic waste and insignificant in relation to their effect upon the effluent of the system.

2-5.3.12 pH. - A pH of less than 6.0 or greater than 9.0.

2-5.3.13 Temperature - A temperature of greater than 140 degrees F (60 degrees C).

2-5.3.14 Suspended and Dissolved Solids - Total suspended solids (TSS) at a concentration greater than 300 mg / liter

2-5.3.15 B.O.D. and C.O.D - B.O.D. at a concentration greater than 350 mg / liter

2-5.3.16 Total Kjeldahl Nitrogen (TKN) - TKN at a concentration greater than 40 mg / l as N.

2-5.3.17 Heavy Metals –

Any of the following elements at monthly average or maximum daily concentrations greater than those allowed by the Mississippi Department of Environmental Quality, Bureau of Pollution Control:

Arsenic	Copper	Nickel
Barium	Cyanide	Selenium
Boron	Iron	Silver
Cadmium	Lead	Tin
Chromium	Manganese	Zinc
Cobalt	Mercury	

The following metals are not permitted above their detectable levels:

Antimony	Beryllium	Tellurium	Bismuth
Molybdenum	Uranium	Ion	
Strontium	Rhenium		

2-5.3.18 Other Elements and Substances - Any other agent, material, element or thing which either alone or by combination or interaction with other substances, will be harmful to the system, or to human or animal or aquatic life, or to the receiving waters.

2-5.4 Pretreatment - In any case where pretreatment is required or is used to meet the requirements of this Policy with respect to a particular discharge, the pretreatment methods and system used shall comply with this Policy and must be approved by the Mississippi Department of Environmental Quality, Bureau of Pollution Control in the permit issued to the discharger.

2-5.5 Provisional Discharges - Notwithstanding the limitations of subsection 2-5.3, wastewater having a B.O.D. greater than 350 mg / l, having total suspended solids (TSS) greater than 300 mg / l, having Total Kjeldahl Nitrogen (TKN) greater than 40 mg / l as N, or having any combination thereof, may be allowed to be discharged into the public sanitary sewerage system, provided that the following special conditions and requirements are met:

2-5.5.1 The wastewater must be shown and must continue to show amenability to treatment by the treatment plant processing the waste. Such evidence as required by the Commission must be provided when requested at intervals of not less than every 6 months or when there is reason to believe that a significant change in the discharge has occurred.

2-5.5.2 Discharges pursuant to this subsection shall be called "provisional discharges," and may be made only pursuant to special permission of the Commission granted in a permit issued pursuant to this Policy and it is expressly understood that the holder of the permit



has no vested interest or right in such provisional discharge permit.

2-5.5.3 The permission of the Commission for a provisional discharge may be revoked at any time the Commission determines that such revocation is necessary to protect the sanitary sewerage system, the sewage treatment process, the receiving stream thereof, or the public health and welfare, or to fulfill any other requirement of this Policy and / or any applicable Federal or State law or regulation.

2-5.5.4 Any permit issued pursuant to this Policy which permits a provisional discharge within the meaning of this subsection shall remain in effect for a period of not more than one (1) year, during which time the discharger may be required to construct at his expense adequate pretreatment facilities to reduce the BOD., TKN, and / or TSS to those levels established by this Policy.

Section 2-6 – Sewer Use Charge

2-6.1 Administration - The management and application of the user charge system shall be administered by the Harrison County Development Commission.

2-6.2 Extraneous Flows - The Commission will apply charges for operation and maintenance pertaining to extraneous flows (i.e. infiltration / inflow) in the same manner that it distributes the cost of operation and maintenance among users for their actual use.

2-6.3 Rates and Charges - The rates and charges for the use of the wastewater services of the Commission for each and every commercial or industrial establishment now or hereafter connected to the Commission’s treatment facilities shall be as follows:

Each 1,000 gallons of water used or fraction thereof \$4.00
Please note: 5% rate of escalation to per one thousand (1,000) gallons per month rate effective October 1st annually. E.g.: Effective October 1st, 2021 rate will be adjusted to \$ 4.00 per one thousand (1,000) gallons per month.

Consideration may be given to those accounts that can prove to the Commission that a portion of their water does not enter the Commission’s sewer system. In which case, upon approval by the Commission, a separate rate will be established for charges.

a. Surcharges - Any use of the Commission’s sewer system who discharge liquids other than normal domestic sewage shall be charged a surcharge fee to cover any and all additional treatment and/or special disposal cost in addition to their normal sewage charge.

b. Review Rates and Charges - The sewer rates and charges will be reviewed annually to ensure that they are adequate to cover the cost of operation, maintenance and major replacements for the wastewater collection, treatment and disposal system.

2-6.5 Payment for Prohibited or Limited Discharges - Any user which discharges any pollutants (including prohibited or limited pollutants) which cause an increase in operation, maintenance, and replacement costs shall pay for such increased costs.

2-6.6 Notification - The Commission shall notify each user annually of the rate in conjunction with a regular bill.

2-6.7 Billings - Bills for the service charges for the use of the wastewater collection and treatment system by a premise shall be rendered to the person or legal entity designated by the OWNER and / or his AGENT, TENANT, or OCCUPANT to receive the water bill. The bills for the service charges for use of the wastewater collection and treatment system shall be the same as the date for the water bill rendered to the name and address designated for such premises. When any wastewater service bill is thirty (30) days in default, rendition of water and / or sewerage service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. Should the individual designated to pay the bills remain in default, the owner of the property at the time of the default may be held responsible for the payment of the bill.

2-6.8 Sufficiency of Charge - The User Charge rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the said sewer system.

2-6.9 Applicability of Charge - None of the facilities or services afforded by the sewer system shall be furnished without a charge being made.

2-6.10 Penalties - The Harrison County Development Commission has been issued a National Pollutant Discharge Elimination System (NPDES) Permit by the State of Mississippi Office of Pollution Control for the discharge of treated wastewater for each of its treatment facilities. These Permits set strict criteria concerning the composition of said discharges and prescribe civil and criminal penalties for noncompliance. Any user of the sewerage system who is responsible for violating the terms, conditions, or schedule of compliance contained in said Permits, shall be liable for any fines imposed by the DEQ and the cost of any corrective actions needed as a result of his activities and operations.

In addition, the Commission is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other policy against a person continuing prohibited discharges.

2-6.11 Effective Date - The user charge system shall take effect and be in full force and effect ninety (90) days after passage of the Water and Sewer Use Policy by the Harrison County Development Commission and the Harrison County Board of Supervisors.

Section 2-7 – Pretreatment

2-7.1 Pretreatment of waste prior to discharge may be required by the Commission pursuant to this Policy, by the Bureau, or such pretreatment may be employed by the discharger and used in order to comply with the prohibitions and limitations set forth in this Policy. In any of these or other cases where pretreatment is employed or required, the pretreatment process shall comply with the requirements of this Section and those of the Bureau.



- 2-7.2 As part of the material in support of the application for such a permit, or at any other time the Commission or Bureau may require, the discharger using or proposing to use pretreatment shall, prior to commencement of construction, submit plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities, for the review and approval by the Commission and / or bureau. All such plans shall be prepared by a Mississippi Registered Professional Engineer and shall bear his signature and seal. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Commission and / or Bureau.
- 2-7.3 Operation - If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, policy, and laws.
- 2-7.4 Dilution Not Acceptable - The alteration of the characteristics of a polluted wastewater, to attain the limits for admission to either the public sanitary sewage system or to attain the limits for discharge to a private sewage disposal system or receiving streams, by means of dilution, will not be allowed as an acceptable pretreatment process. The objective of an acceptable pretreatment process shall be the removal of the pollutants from the wastewater to the required level.
- Section 2-8 – Permits for Industrial Waste Discharge**
- 2-8.1 Permits Required
- 2-8.1.1 All persons proposing to discharge any industrial waste as defined in this Policy must first obtain a discharge permit thereof, and no person shall discharge industrial waste except pursuant to and in compliance with such a permit issued by the Mississippi Department of Environmental Quality, Bureau of Pollution Control.
- 2-8.1.2 The discharge permit required by this Section shall be separate and distinct from any connection permit which may be required by Section 4.
- 2-8.1.3 No person shall commence any operation of any new or modified facility which discharges or will discharge industrial waste, without first securing a discharge permit pursuant to this Section.
- 2-8.2 Permit Application
- 2-8.2.1 Dischargers seeking a wastewater discharge permit shall complete and file with the Commission a copy of the application form prescribed by and submitted to the Bureau.
- 2-8.2.2 The Commission will review the data furnished by the discharger and may request the Bureau to require additional information. After evaluation and acceptance of the data furnished, the Bureau may issue a wastewater discharge permit subject to terms and conditions provided herein.
- 2-8.3 Permit Conditions
- 2-8.3.1 Wastewater discharge permits shall be expressly subject to all provisions of this Policy and all other regulations, charges, and fees established by the Commission and the Bureau. Each permit issued to an industrial waste discharger (as defined in this Policy or permitting provisional discharge as defined by Section 6) shall require that said discharger monitor his discharge periodically and report the results of said monitoring to the Bureau and / or Commission at the intervals specified by the Bureau and / or commission in the discharge permit. Copies of all monitoring reports shall be sent to the Commission.
- 2-8.4 Special Provisions Applicable to Private Disposal of Industrial Wastewater - Where the discharge is proposed to be made by means of a private disposal system pursuant to Section 4, in addition to the other requirements of this Section, the following provisions shall apply:
- 2-8.4.1 The permit application shall include a full and adequate description of the proposed private disposal system, and shall be supplemented with plans, specifications, and other information and documents as may be necessary for a complete description of the system or as may be required by the Commission and / or Bureau. In addition, the applicant shall set forth the grounds with reasons for special permission to be granted for private disposal in lieu of disposal in the public sewage or drainage system. The applicant shall also state whether the discharge is or will be regulated by an NPDES permit or other Federal or State permit and if so, a copy of each such permit or proposed permit shall be attached to the application, or, if such permit or proposed permit is not yet available, same shall be submitted to the Commission as soon as one is available.
- 2-8.4.2 Any permit issued by the Commission to a significant industrial waste discharger using a private sewerage disposal system shall include, in addition to the provisions required elsewhere in this Section, a provision describing the monitoring system to be required of the permittee.
- 2-8.4.3 Any modification, termination, renewal, revocation, suspension, or other change in any NPDES or other Federal or State permit applicable to the discharge shall be immediately reported to the Commission and a copy of any such new or revised permit furnished to the Commission.
- 2-8.5 Special Provisions Applicable Where Pretreatment is Proposed - Where the discharger is required to or proposes to employ pretreatment prior to or in connection with the discharge, in addition to the other requirements of this Section, the following provisions shall apply:
- 2-8.5.1 The permit application shall include a full and adequate description of the proposed pretreatment process and shall be supplemented with the documents mentioned in Section 2-7.
- 2-8.5.2 Any permit issued may include a description of pretreatment to be employed and may make such pretreatment an express condition of the permit.



- 2-8.6 Industrial Wastewater Connection Permit Modification Provisions - The terms and conditions of the permit may be subject to modification and change by the Commission and / or Bureau during the life of the permit, as limitations or requirements are modified and changed. The discharger shall be informed of any proposed changes in his permit in a timely manner prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- 2-8.7 Transfer of a Permit - Wastewater discharge permits are issued to a specific discharger for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- 2-8.8 Revocation of Permit - Any user who violates the conditions of his permit or of this Policy, or of applicable State and Federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:
- Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
 - Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
 - Violations of conditions of the permit.
- 2-8.9 Violation of Permit - Violation of a permit issued pursuant to this Section shall be deemed a violation of this Policy.
- 2-8.10 Confidentiality - Should a permit applicant require confidentiality of information presented in his application or in support of his application, he shall provide a written statement listing those items to be held confidential along with the reasons for confidentiality. Such information will be held confidential by the Commission unless required by the Federal or State Government or by a duly issued court order to produce the documents. If the Commission surrenders this information as required above, it will submit with the information a copy of the applicant's statement of confidentiality.

Section 2-9 – Monitoring and Reporting

- 2-9.1 Discharge Reports –
- 2-9.1.1 Every industrial discharger shall file an annual discharge report on a form supplied by the Commission not later than thirty (30) days after the anniversary date of the discharge permit and at such additional times as may be designated by the Commission and / or Bureau.
- 2-9.1.2 The discharge report shall include, but shall not be limited to, nature of process, volume, rates of flow, volume of water irreversibly used in production, hours

of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports shall also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the Commission may require information in the form of self-monitoring reports.

- 2-9.2 Records - All persons who discharge or propose to discharge industrial waste shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Policy and with any applicable pretreatment standards. Such records shall be made available upon request by the Commission.

2-9.3 Monitoring

- 2-9.3.1 The owner or operator of any premises or facility discharging industrial wastes shall install at his own cost and expense suitable monitoring equipment, including, but not limited to, control manholes and / or sampling ports together with such necessary approved meters and appurtenances to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

- 2-9.3.2 The monitoring equipment shall be located and maintained on the industrial disposal premises outside of the building. All sampling ports shall be constructed above ground and not subject to any excessive ground or rain water infiltration or dilution.

- 2-9.3.3 When more than one discharger can discharge into a common sewer, the Commission and / or Bureau may require installation of separate monitoring equipment for each. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single discharger, the Commission and / or Bureau may require to be addressed.

- 2-9.3.4 Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Commission's and the Bureau's requirements and all applicable construction standards and specifications.

2-9.4 Inspection, Sampling, and Analysis

- 2-9.4.1 Compliance Determination - Compliance determinations with respect to Section 2-7 (Prohibitions and Limitations) may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined necessary by the Commission and / or Bureau to meet the needs of specific circumstances.

- 2-9.4.2 Analysis of Industrial Wastewater - Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods for the Examination of Water and



Wastewater” or “Methods for Chemical Analysis of Water and Waste” published by the Water Pollution Control Federation or the US Environmental Protection Agency, respectively. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures consistent with established analytical practice acceptable to the Commission and Bureau.

- 2-9.5 Reporting of Accidental Discharges - If, for any reason, a discharger does not comply with any prohibition or limitation in this Policy, the parties responsible for such discharge shall immediately notify the Commission and the Bureau so that corrective action may be taken to protect the treatment system or receiving waters. In addition, a written report addressed to the Commission and the Bureau detailing the date, time, and cause of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.

Section 2-10 – Regulation

- 2-10.1 Regulatory Actions - If wastewater is discharged or proposed to be discharged or proposed to be discharged in violation of this Policy, the Commission may take such action necessary to:
- Prohibit the discharge.
 - Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Policy.
 - Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 - Require the person making, causing, or allowing the discharge to pay any additional cost or expense or damages incurred by the Commission for handling and treating excess loads imposed on the collections treatment system and / or the storm drainage system.
 - Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Policy.
- 2-10.2 Admission to Property - Whenever it shall be necessary for the purpose of this Policy, authorized employees or agents of the Commission, upon presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:
- Copying any records required to be kept under the provisions of this Policy.
 - Inspecting any monitoring equipment or method.
 - Sampling any discharge of wastewater, inspecting any pretreatment facility and any part of the disposal system.
 - The authorized employees or agents of the Commission, when under the authority of this subsection, shall observe the establishment’s rules and regulations concerning safety, internal security, and fire protection. Except when caused by negligence or failure of the company to maintain safe conditions, the Commission shall indemnify the company against loss or damage to its property by the Commission employees or agents and against liability claims and demands for personal

injury or property damage asserted against the company and proximity caused by any negligent act of these authorized employees or agents while on the property.

- 2-10.3 No person acting under authority of this subsection may inquire into any confidential trade secret processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

Section 2-11 – Enforcement

- 2-11.1 Compliance Order
- 2-11.1.1 Whenever, on the basis of any information available to it, the Commission finds that any person who is or is about to be in violation of this Policy, or of any condition of a permit issued under this Policy, the Commission may issue a compliance order in accordance with this subsection, or the Commission may bring a civil action in accordance with subsection 2-11.2 of this Section. A notice of termination of service may also be issued in accordance with subsection 2-11.3 of this Section.
- 2-11.1.2 Any compliance violation issued by the Commission under this subsection shall be sent by Certified Mail, addressed to the principal place of business in the service area and shall state with reasonable specificity the nature of the violation, specify a time for compliance, which the Commission determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. The order shall also provide an opportunity for the person to whom it is directed to confer with the appropriate Commission personnel or agents concerning the alleged violation.
- 2-11.2 Civil Action - The Commission and / or the Commission’s Attorney is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which the Commission is authorized to issue a violation of compliance policy subsection 2-11.1 of this Section.
- 2-11.3 Termination of Service - The Commission may take action to terminate service to any person for any violation of the Water and Sewer policies. The procedure for termination of service shall be as follows:
- 2-11.3.1 Revocation of Permit and Termination of Service - Prior to the suspension or revocation of a permit issued except as otherwise provided in this Policy and the termination of service and disconnection of sanitary and waste disposal facilities, the Commission shall notify in writing, the holder of the permit. Said notice shall advise that the Commission will consider the suspension or revocation of the permit, termination of services or disconnection. Said notice shall state the date of proposed suspension or revocation, termination of service and proposed disconnection of service and the reasons therefore and the time and date and place that the Commission shall hold a hearing upon said proposed suspension, revocation, termination and disconnection. Said hearing shall not be less than ten (10) days subsequent



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to the receipt of notice as herein required. Said notice shall be mailed to the owner at the address shown on the permit application or as known to the Commission, and a copy may be delivered to the permit holder or the person in charge of the facility or posted conspicuously on the property affected. The Commission may (but shall not be required to) give such further additional notice as in the discretion of the Commission is convenient or desirable. Upon the conclusion of the hearing, the Commission shall determine whether grounds exist for suspension or revocation, for termination and / or for disconnection of service. If such grounds are found to exist, the permit shall forthwith be suspended or revoked and service shall forthwith be terminated and sanitary and waste disposal and water facilities forthwith disconnected. A copy of said decision shall be sent by Certified Mail to the Owner at the address shown on the permit or as known to the Commission and a copy shall be delivered to the facility or posted conspicuously on the property; provided, however, that the service of said copy of the decision shall not be a condition precedent or subsequent to suspension or revocation, termination or disconnection.

2-11.3.2 Restoration of Service - Any person whose permit has been suspended or revoked hereunder or for whom service has been terminated and disconnection effected hereunder, may petition the Commission for reinstatement of the permit and reinstatement of service. Said petition shall be verified under the oath or declaration under penalty of perjury of the person petitioning. Said petition shall contain a detailed statement of the corrective action taken by the petitioner or others to remove the grounds for suspension or revocation, termination and disconnection, and of the corrective measures or devices to prevent a repetition of the offense and of proposed security against further violation. Said petition shall contain the name and address of the petitioner for purposes of receiving notice. Said petition shall be filed with the Commission.

Said petition shall be heard within thirty-five (35) days of the date of receipt by the Commission. Notice of time, date and place of hearing shall be given to the petitioner at least ten (10) days before the hearing in writing by Certified Mail to said petitioner at the address shown on the petition; provided, however, that said petitioner may waive said notice in writing.

The Commission, at its discretion, may restore the permit, service, and connection if it finds that the grounds for suspension, revocation, termination and disconnection have been corrected and that there is adequate assurance from the petitioner of corrective measures or devices to prevent a repetition of the offense for which the permit was suspended, revoked, and service terminated and disconnected or for any other reason deemed fit and appropriate in the premises by the Commission.

The Commission may, as a condition to the restoration of the permit, service and connection:

- a. Require the petitioner to provide reasonable safeguards and security to avoid a repetition of the offense for

which the permit was suspended, revoked, and service terminated and disconnected.

- b. Impose reasonable charges to compensate the Commission for expenses incurred in connection with the suspension, revocation, termination and disconnection and in connection with the reinstatement of the permit and the restoration of service and reconnection.
- c. Such other reasonable conditions or regulations as shall be necessary to protect the public health, safety, property, and to prevent a nuisance. Take such other action as may be necessary and proper.

2-11.4 Violation of Policy

2-11.4.1 Any person who willfully or negligently violates this Policy or any condition of a permit issued under this Policy, may be fined by The Commission in an amount of up to five hundred dollars (\$500.00) per violation. Each day on which the violation occurs shall be considered a separate offense.

2-11.4.2 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Policy or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Policy, may be fined by The Commission in an amount of up to five hundred dollars (\$500.00), and subject to possible legal action, or both.

2-11.4.3 Any person who violates any compliance order issued by the Commission under subsection 2-11.1 of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00) or and possible legal action or both.

2-11.5 Jurisdiction - These enforcement actions and penalties are in addition to the other penalties provided by this Policy and said remedies do not exclude or supersede the enforcement actions and penalties provided by State and Federal law, or contained in any applicable industrial wastewater pretreatment permit or NPDES permit.

Section 2-12 – Severability and Conflicting Provisions

2-12.1 If any provision or item of this Policy or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of the Policy which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Policy are hereby declared severable.

2-12.2 Any policies of the Commission in conflict herewith are hereby repealed to the extent of any such conflict.