

**ORDINANCE NO. 356**

**AN ORDINANCE AMENDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. GA0020486 BY LIMITING THE 30-DAY AVERAGE FLOW FROM ALLEN'S, OR ANY OTHER ENTITY OPERATING AT THE FACILITY CURRENTLY OPERATED BY ALLEN'S, TO WPCP#2 TO BE NO MORE THAN 1.1 MGD; PROVIDING FOR FINES TO BE LEVIED FOR VIOLATION OF FLOW LIMITS; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND FOR SUCH OTHER PURPOSES.**

**WHEREAS**, the City of Montezuma (the "City") was issued a National Pollutant Discharge Elimination System Permit No. GA0020486 (the "Permit") by the Director of Georgia Environmental Protection Division for Montezuma Water Pollution Control Plant No. 2 ("WPCP#2"); and

**WHEREAS**, the Permit authorizes WPCP#2 to discharge treated wastewater in accordance with effluent limitations, monitoring requirements and other conditions set forth in the Permit; and

**WHEREAS**, the Permit currently limits the 30-day average flow from WPCP#2 to no more than 1.95 million gallons per day ("MGD"); and

**WHEREAS**, the City had also operated Water Pollution Control Plant No. 1 ("WPCP#1") and completed consolidation of WPCP#1 and WPCP#2 by directing the flow from WPCP#1 to WPCP#2; and

**WHEREAS**, Allen's currently operates within an industrial facility formerly owned and operated by Flint River Foods, LLC ("FRF"); and

**WHEREAS**, FRF was previously issued a Pre-Treatment Permit No. GAU050235 (the "Pre-Permit") by the Director of the Georgia Environmental Protection Division for discharges to WPCP#2; and

**WHEREAS**, the Pre-Permit authorizes the discharge of treated wastewater to WPCP#2 in accordance with effluent limitations, monitoring requirements and other conditions set forth in the Permit; and

**WHEREAS**, Allen's has been authorized to discharge pursuant to the Pre-Permit which is anticipated to be transferred to Allen's; and

**WHEREAS**, the City now requires excess available capacity at WPCP#2 and desires to limit the discharge available to Allen's or any entity operating at the facility currently operated by Allen's;

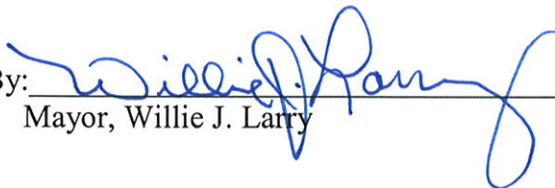
**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Montezuma as follows:

**Section 1.** In compliance with the Permit, the City hereby limits the 30-day average flow from Allen's, or any entity operating at the facility currently operated by Allen's, to WPCP#2 to no more than 1.1 MGD.

**Section 2.** All ordinances or resolutions in conflict herewith, including Ordinance No. 354, are hereby repealed.

**SO ORDAINED**, this 10th day of July, 2007.

**CITY OF MONTEZUMA, GEORGIA**

By:   
Mayor, Willie J. Larry

(SEAL)

Attest:   
City Clerk, Joyce Hardy