

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE AND REFUSE

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Cross-reference:

For provisions concerning litter, see Ch. 96

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Refuse resulting from the burning of wood, coal, coke and other combustible material.

BUILDING RUBBISH. Rubbish from construction, remodeling and repair operations on houses, commercial buildings and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

BUSINESS BUILDING. Any structure, whether public or private that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs,

warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.

GARBAGE. Animal and vegetable refuse resulting from the handling, preparations, cooking and consumption of food, including a minimum amount of liquid necessarily incidents thereto.

INDUSTRIAL WASTES. Saw dust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

REFUSE. Solid waste, including but not limited to garbage, rubbish and ashes.

RUBBISH. Refuse (exclusive of garbage and ashes), including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, trees, bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin, cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

WASTE. Useless, unused, unwanted or discarded materials resulting from natural community activities, including solids, liquids and gases, except sewage.
(’82 Code, Ch. 9, Art. I, § 1)

§ 50.02 CONTAINERS; PLACEMENT OF REFUSE.

(A) *Residences.* Every person occupying a house or residence within the town where garbage or refuse exists shall provide containers made of galvanized metal or substantial plastic in which shall be deposited all garbage or refuse existing at such

buildings or premises, separate containers being required for garbage and for other refuse. Each container shall be provided with handles and with a tight-fitting cover (lid) made of the same material as the container. Containers must be of 30-gallon capacity; the contents of any container of more than 30-gallon capacity will not be collected. Each house or residence must have a sufficient number of containers to accommodate the garbage and refuse therefrom. Each boarding home or house that rents rooms must likewise have a sufficient number of containers.

(B) *Businesses.* All persons doing business in a business building shall provide rear-loading type dumpsters or containers with specifications and in sufficient numbers as deemed necessary by the Town Council. Neighboring businesses may individually arrange to combine the use of a dumpster. Persons occupying business buildings shall store cardboard boxes inside the buildings, unless storage bins are provided with walls high enough to hold all discarded boxes. No waste, such as garbage, ashes, rubbish, dead animals, fish, paper, drinking cups, broken glass, milk cartons, refuse grass, brush or weeds, shall be emptied into such storage bins and mixed with cardboard boxes.

(C) *Crushing boxes.* All cardboard boxes shall be crushed flat before collection.

(D) *Unauthorized containers.* No wooden boxes, pans or other wooden or cardboard containers shall be used for garbage and refuse and if used, shall be confiscated by the town.

(E) *Draining.* All garbage and refuse shall have any liquid drained therefrom before it is placed in the container for collection.

(F) *Ashes and cinders.* Ashes and cinders must be cold before they are deposited in containers.

(G) *Tight lids.* All lids to containers shall fit tightly at all times.
(’82 Code, Ch. 9, Art. I, § 2) (Ord. passed 6-1-81)
Penalty, see § 10.99

§ 50.03 FREQUENCY OF COLLECTION; RESPONSIBILITY FOR REMOVAL.

Except as otherwise provided in this chapter, and except in case of emergency arising from an act of God or under circumstances over which the town has no control, the department shall collect, remove and dispose of certain refuse as follows:

(A) From residential sections at least once per week.

(B) From business buildings at such times as the Town Council deems it necessary.

(C) Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same in accordance with applicable provisions of this chapter; provided, the town may remove the same if the Council so determines.

(D) Building rubbish shall be collected, removed and disposed of by the contractor or builder, or upon his failure, by the owner of the property.
(’82 Code, Ch. 9, Art. I, § 3)

§ 50.04 PLACEMENT OF CONTAINERS.

(A) On the day designated for such collection, containers in residential areas shall be placed at the street within 16 feet of the curb line, and off the traveled portion of the street.

(B) Business building collection areas shall be accessible from the rear, side, or in certain cases, the front. Where front collection points are used, empty containers shall not be left at the street for more than 30 minutes after collection. The best location in this instance shall be determined by the town.

(C) No collection shall be made from vacant lots, nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than three feet in length or three inches in diameter, or other heavy objects be moved

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by the town; however, in certain special cleanup periods designated by the Town Council this division (C) may be waived.

(D) Any person may have leaves removed by the town if such leaves are placed at the curb line off the traveled portion of the street so that they may be easily handled by the collector. No tree limbs, shrubs or other material shall be mixed with leaves. The leaves shall be collected on days designated for such collection. Any person desiring to place tree trimmings, hedge cuttings, grass or similar materials for free collection shall cause the material to be placed on the curb line off the traveled portion of the street on the date designated for such pickup. Collections shall include nothing more than three inches in diameter, nor more than three feet in length.

(E) Tree trunks, small rocks, tree stumps, tree trimmings or hedge cuttings, heavy grass, hay or other similar materials greater than three feet in length or three inches in diameter may be removed at the discretion of the Public Works Department upon request of the owner of the property at a set fee determined by the Town Council.

(F) Materials to be collected by special collections shall be placed within 15 feet of the curb line off the street, in neat, compact piles. ('82 Code, Ch. 9, Art. I, § 4) (Am. Ord. 09-02, passed 9-14-09) Penalty, see § 10.99

§ 50.05 COLLECTION PERMIT.

No person shall engage in the business of collecting, hauling or transporting in the town any waste without first obtaining a permit from the Town Council. ('82 Code, Ch. 9, Art. I, § 5) Penalty, see § 10.99

§ 50.06 TRANSPORTATION OF SWILL AND THE LIKE.

No swill, slops, garbage, boxes, offal, kitchen waste or refuse shall be carried through the streets of

the town except in watertight containers with tight-fitting covers. ('82 Code, Ch. 9, Art. I, § 6) Penalty, see § 10.99

§ 50.07 REQUIRED PARTICIPATION; FEES FOR COLLECTION SERVICE.

(A) All improved commercial, residential, or eleemosynary institution property that participates in the town's water or wastewater service shall subscribe to the solid waste collection service and pay all fees in conjunction with such. An owner of an improved property may be released from participation of this service only after providing proof that the service has been contracted with a collection service possessing a town permit as described in § 50.05.

(B) A fee will be established at an amount to be determined from time to time by the Town Council; such fees to be commensurate with the number of collections required and the volume of such collections. The collection fee will be billed in the same manner as water and wastewater services. Per G.S. 160A-314(b), payment made to this cumulative water, wastewater, solid waste bill will first be applied to outstanding solid waste collection fees. Payment will be applied to water and wastewater charges only after the collection fee is paid in total. ('82 Code, Ch. 9, Art. I, § 7) (Am. Ord. 97-4, passed 6-2-97)

§ 50.08 REMOVAL OF DEAD ANIMALS.

The bodies of dead animals shall be immediately removed and disposed of, as authorized by law, by the owner of such animal if on public property, and by the owners of the property if on private property. ('82 Code, Ch. 9, Art. I, § 12) Penalty, see § 10.99

CHAPTER 51: WATER AND SEWERS

Section

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Elizabethtown - Public Works

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IMPROVED STREET. Any street having a wearing surface of concrete, asphalt, brick, stone block, tar treatment or similar hard material.

LATERAL. A pipe connecting a sanitary sewer, water or other utility main with the line of adjacent property, or extending from the main to the inside of the curb.

MACADAM STREET. Any street with crushed

stone surface, either water, asphalt or tar-bound.

SEWER. Sanitary sewer.

UTILITY SYSTEM or UTILITY. Any water, sewer or other utility system owned or operated by the town.

('82 Code, Ch. 18, Art. I, § 1)

§ 51.02 PERTINENT PROVISIONS MADE PART OF CONTRACTS.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the town furnishes sewer, water or other utility services to any person, or whereby the town makes any sewer, water or other utility connection with the furnishing of such service.

('82 Code, Ch. 18, Art. I, § 2)

§ 51.03 TAMPERING WITH UTILITY SYSTEMS.

It shall be unlawful for any person to cut, break, obstruct, damage, change, alter or otherwise interfere or tamper with any manner any pipe, main, hydrant or

water tank or any other thing being a part of the waterworks, sewer or other utility system of the town. ('82 Code, Ch. 18, Art. I, § 3) Penalty, see § 10.99

§ 51.04 WATER AND SEWER SERVICE CHARGES.

The town's water and sewer charges in effect are as prescribed by adoption of each fiscal year's budget ordinance. Information is kept on file in the Town Clerk's office.

§ 51.05 MAINTENANCE OF METERS.

All meters, except such as are required to be furnished by particular users, shall be kept in good repair and working order by the town and at the expense of the town. Meters furnished by particular users shall be kept in good repair and working order by the town, but the expense thereof shall be born by such users.

('82 Code, Ch. 18, Art. I, § 16)

§ 51.06 CLASSES OF WATER SERVICE.

Water shall be furnished to consumers at metered rates only.

('82 Code, Ch. 18, Art. I, § 19)

§ 51.07 DIVERTING WATER FROM TOWN WATER MAINS.

Any person who shall turn the water from the town water mains into a meter or private connection, which connection has been cut off by the Finance Officer or other official for the nonpayment of a bill, without the authority of the Finance Officer or other official shall be guilty of a misdemeanor.

('82 Code, Ch. 18, Art. I, § 21) (Am. Ord. 00-7, passed 8-7-00) Penalty, see § 10.99

CONNECTIONS

§ 51.20 MAINTENANCE OF CONNECTIONS.

For the purpose of this section, the word **CONNECTION** shall be construed to be that portion of the water or sewer pipe between the main and property line. Water connections shall be that portion of water or sewer pipe between the main and property line. Every leak or break in a sewer connection shall be promptly repaired, and every obstruction therein shall be promptly removed by the owner or occupant of the property served by such connection. ('82 Code, Ch. 18, Art. I, § 17)

§ 51.21 LATERALS TO BE LAID ONLY TO INSIDE OF CURB.

Water, sewer or other utility laterals laid as a part of any sewer, water or other utility main improvement shall be laid only to the inside of the curb, unless in the resolution ordering the improvement the town specifically directs otherwise. ('82 Code, Ch. 18, Art. I, § 5) Penalty, see § 10.99

§ 51.22 EXTENSION OF LATERALS.

After laterals are laid from utility mains to the inside of the curb, no such lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor. ('82 Code, Ch. 18, Art. I, § 6)

§ 51.23 CONNECTIONS REQUIRED.

Within 30 days after notice from the Town Clerk that any water main in any street is completed and ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause such lot to be connected with such water main; and within 30 days after notice from the Town Clerk that any sewer main in any street is completed and ready for use, the owner of every abutting lot having

improvements thereon shall cause all water closets, bathtubs, lavatories, sinks and drains upon such lot to be connected with such sewer main. ('82 Code, Ch. 18, Art. I, § 7) (Am. Ord. 00-7, passed 8-7-00) Penalty, see § 10.99

§ 51.24 CONSTRUCTION OF LATERALS.

The construction of laterals for the connection of utility pipes, or any lot with utility pipes in any street, and the necessary excavation therefor shall be done only the town. ('82 Code, Ch. 18, Art. I, § 8)

§ 51.25 CONNECTIONS TO BE MADE ONLY UPON APPLICATION.

No connection shall be made to any utility main, nor to any lateral except alter application therefor has been approved by the town. ('82 Code, Ch. 18, Art. I, § 9)

§ 51.26 APPROVAL OF APPLICATION.

Every application for a utility connection to be made in conformity with the provisions of this chapter shall be first approved by the Plumbing Inspector or Public Works Director, which approval will not be given if the connection applied for is of such size or is so located that it cannot be made without impairing the town's ordinary utility service. ('82 Code, Ch. 18, Art. I, § 10) Penalty, see § 10.99

§ 51.27 CONNECTION FEE FOR LATERALS INSIDE CURB.

Where laterals have been laid to the inside of the curb, the fees for connections shall be as prescribed in the schedules on file in the Town Clerk/Finance Officer's office. ('82 Code, Ch. 18, Art. I, § 11) (Ord. passed 6-30-79; Am. Ord. passed 4-8-80)

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§ 51.28 CONSTRUCTION FOR CONNECTIONS.

Upon approval of any application for utility connection, the town shall do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street.

('82 Code, Ch. 18, Art. I, § 12)

§ 51.29 SEWER CONNECTIONS TO BE MADE WHERE OPENING PROVIDED.

Every sewer connection made directly to a main shall be made by the town at the "Y" provided for the lot to be served; but if no such "Y" has been provided for such lot, then such connection may be made by the town directly to the main at any convenient point.

('82 Code, Ch. 18, Art. I, § 13)

§ 51.30 SEPARATE CONNECTIONS REQUIRED.

Every house or building abutting any utility main and requiring a connection shall be separately and independently connected, except in those cases where laterals have already been laid in asphalt or improved street from such main provision being made for such house or building, in which case the connection may be made to an existing lateral. If such house or building is on an asphalt or improved street where laterals have not been laid, the connections may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each house or unit.

('82 Code, Ch. 18, Art. I, § 14)

§ 51.31 EQUIPMENT CONSTITUTES TOWN PROPERTY.

All meters, meter boxes, pipes and other equipment furnished and used by the town in installing or operating any utility connection or service shall be and remain the property of the town.

('82 Code, Ch. 18, Art. I, § 15)

§ 51.32 CONNECTION TO OTHER THAN TOWN WATER SUPPLY.

No part of the town's water system shall be connected to any source of water supply other than the town's. The town may in the discretion of its Town Council connect its source of water supply with the potable water supply of an individual or corporation under conditions recommended by the State Board of Health and such other and further terms and conditions as may be agreed upon by the Town Council and such individual and corporation. ('82 Code, Ch. 18, Art. I, § 18) Penalty, see § 10.99

§ 51.33 CROSS CONNECTION CONTROL.

(A) *Introduction.*

(1) The purpose of this cross connection control section is to define the authority of town as the water purveyor in the elimination of all cross connections within its public potable water supply.

(2) This section shall apply to all users connected to the town's public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.

(3) This section will comply with the Federal Safe Drinking Water Act (PL 93-523), the North Carolina State Administrative Code (15A NCAC 18C), and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.

(B) *Objectives.* The specific objectives of this section are as follows:

(1) To protect the public potable water supply of the town against actual or potential contamination by isolating within the consumer's water system contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.

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(2) To eliminate or control existing cross connections, actual or potential, between the consumer's potable water system and nonpotable or industrial piping system.

(3) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

(C) *Responsibilities.*

(1) *Health agency.* The North Carolina Department of Environmental Quality (NCDEQ) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective cross connection control program. The NCDEQ also has the primary responsibility of ensuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. The NCDEQ has the further responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he or she requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(2) *Water purveyor.* Except as otherwise provided in this section, the water purveyor's town responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system. In addition, the water purveyor shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. To ensure that the proper precautions are taken, the town is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an ongoing inspection program. When it is determined that a backflow

prevention assembly is required for the protection of the public system, the town shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the town, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(3) *Plumbing inspection.* The plumbing inspection departments of the town and the county have the responsibility to not only review building plans and inspect plumbing as it is installed; but, they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the Plumbing Inspector has the responsibility, under the state Building Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the state Building Code. The Plumbing Inspector's responsibility begins at the point of delivery, downstream of the first installed backflow prevention assembly, and continues throughout the entire length of the consumer's water system. The Plan Inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the state Building Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the town, the state Building Code, and the NCDEQ.

(4) *Consumer.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his or her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all

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of his or her water system. The consumer, at his or her own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town of Elizabethtown. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

(5) *Certified backflow prevention assembly testers.* When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities: The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the town. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the town. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the town cross connection control department within ten business days of any completed test or repair

work. A certified tester shall maintain such records for a minimum period of three years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town's cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the town as to such calibration, employing an accuracy/calibration method acceptable to the town. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.

(D) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR-GAP SEPARATION. A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An approved **AIR-GAP SEPARATION** shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel, in no case less than one inch (2.54 cm).

APPROVED. As used in reference to a water supply, a water supply that has been **APPROVED** by the NCDEQ; or, as used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods means an approval by the town.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

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BACKFLOW PREVENTION ASSEMBLY—APPROVED. An assembly used for containment and/or isolation purposes that has been investigated and approved by the town and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the town is based on a favorable report by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance, and shall successfully complete a one-year field evaluation within the town's water system.

BACKFLOW PREVENTION ASSEMBLY—TYPE. An assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The **TYPES** are:

- (1) Double check valve assembly (DCVA).
- (2) Double check detector assembly (fire system) (DCDA).
- (3) Pressure vacuum breaker (PVB).
- (4) Reduced pressure principle assembly (RP).
- (5) Reduced pressure principle detector assembly (fire system). (RPDA).

BACKFLOW PREVENTION ASSEMBLY—UNAPPROVED. An assembly that has been investigated by the town and has been determined to be unacceptable for installation within the town's water system. Consideration for disapproval and removal from the "approved list"

shall be based upon, but not limited to, the following criteria:

- (1) Due to poor performance standards (i.e., significant failure rate);
- (2) Lack of or unavailability of repair parts; and/or
- (3) Poor service or response from assembly's factory representative.

BACKFLOW PREVENTION ASSEMBLY TESTER—CERTIFIED. A person who has proven his or her competency to the satisfaction of the town. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the town, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies. **BACKFLOW ASSEMBLY TESTERS** who hold a certificate of completion from an approved training program shall be required to successfully complete a practical examination administered by the town prior to conducting test and repair work on backflow prevention assemblies in the town water system. **BACKFLOW ASSEMBLY TESTERS** who hold a certificate of completion from a nonapproved training program shall be required to successfully complete a written and practical examination administered by the town prior to conducting test and repair work on backflow prevention assemblies in the town's water system.

BACKFLOW PREVENTION DEVICE—APPROVED. A device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

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BACK-PRESSURE BACKFLOW. Any elevation in the consumer water system, by pump, elevation of piping, or steam and/or air pressure, above the supply pressure at the point of delivery which would cause, or tend to cause, a reversal of the normal direction of flow.

BACK-SIPHONAGE BACKFLOW. A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

CHECK VALVE—APPROVED. A check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g., clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An **APPROVED CHECK VALVE** is only one component of an approved backflow prevention assembly, i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

CONSUMER. Any person, firm, or corporation using or receiving water from the town's water system.

CONSUMER'S POTABLE WATER SYSTEM. That portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

CONSUMER'S WATER SYSTEM. Any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by a public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

CONTAINMENT. Preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

CONTAMINATION. An impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

CROSS CONNECTION. Any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be **CROSS CONNECTIONS**.

DOUBLE CHECK DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons/cubic feet) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of two independently acting, approved check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

HAZARD—DEGREE OF. Derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (nonhealth) or a "contamination" (health) hazard.

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HAZARD—HEALTH. An actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.

HAZARD—NONHEALTH. An actual or potential threat to the quality of the public or the consumer's potable water system. A **NONHEALTH HAZARD** is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

HAZARD—POLLUTIONAL. An actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HEALTH AGENCY. The NCDEQ.

INDUSTRIAL FLUIDS. Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or nonhealth hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

INDUSTRIAL PIPING SYSTEM—CONSUMER'S. Any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

ISOLATION. The act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: The Town of Elizabethtown may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

POINT OF DELIVERY. Generally at the property line of the customer, adjacent to the public street where the town's mains are located, or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the **POINT OF DELIVERY**.

POLLUTION. An impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

POTABLE WATER. Water from any source which has been investigated by the NCDEQ and which has been approved for human consumption.

PUBLIC POTABLE WATER SYSTEM. Any publicly or privately owned water system operated as a public utility, under a current NCDEQ permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store a potable water for public consumption or use.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY. An assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below

the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks is less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

REDUCED PRESSURE PRINCIPLE DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register, in U.S. gallons/cubit feet, accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against a health hazard (i.e., contaminant).

SERVICE CONNECTIONS. The terminal end of a service connection from the public potable water system, i.e., where the town loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

VACUUM BREAKER—ATMOSPHERIC TYPE. Also known as the **NONPRESSURE TYPE VACUUM BREAKER.** A device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the device. An **ATMOSPHERIC VACUUM BREAKER** is designed to protect against a nonhealth hazard, isolation protection only, under a backsiphonage condition only.

VACUUM BREAKER—PRESSURE TYPE.

An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a backsiphonage condition only.

WATER PURVEYOR. The owner or operator of a public potable water system, providing an approved water supply to the public.

WATER SUPPLY—APPROVED. Any public potable water supply which has been investigated and approved by the NCDEQ. The system must be operating under a valid health permit. In determining what constitutes an **APPROVED WATER SUPPLY**, the NCDEQ has reserved the final judgment as to its safety and potability.

WATER SUPPLY—AUXILIARY. Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., "used water," or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

WATER SUPPLY—UNAPPROVED. A water supply which has not been approved for human consumption by the NCDEQ.

WATER—USED. Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

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(E) *Right of entry.*

(1) Authorized representatives from the town shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this section. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, town personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(2) On request, the consumer shall furnish to the Commission any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

(F) *Elimination of cross connections; degree of hazard.*

(1) When cross connections are found to exist, the owner, his or her agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by the town. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

(a) Cross connections with private wells or other auxiliary water supplies—immediate disconnection.

(b) All facilities which pose a health hazard to the potable water system must have a

containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.

(c) All industrial and commercial facilities not identified as a health hazard shall be considered nonhealth hazard facilities. All nonhealth hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

(d) If, in the judgment of the town, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.

(e) Based upon recommendation from the town, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).

(f) Water mains served by the town but not maintained by the town should be considered cross connections, with degree of hazard to be determined by the town. Degree of protection shall be based upon the degree of hazard, as determined by the town.

(g) In the event that a town cross connection control inspector does not have sufficient access to every portion of a private water system (e.g., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.

(2) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water

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system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

(G) *Installation of assemblies.*

(1) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the town and/or the manufacturer's installation instructions and/or in the latest edition of the state Building Code, whichever is most restrictive.

(2) All new construction plans and specifications, when required by the state Building Code and the NCDEQ, shall be made available to the town for review and approval, and to determine the degree of hazard.

(3) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

(4) All double check valve assemblies must be installed in accordance with detailed specifications provided by the town. Double check valve assemblies may be installed in a vertical position provided they have been specifically approved by the manufacture and with prior approval from the town cross connection control department, provided the flow of water is in an upward direction.

(5) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. Pit and/or below grade installations are prohibited.

(6) The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.

(7) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the town's cross connection control program department within 15 days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:

(a) Service address where assembly is located.

(b) Owner and address, if different from service address.

(c) Description of assembly's location.

(d) Date of installation.

(e) Installer, include name, plumbing company represented, plumber's license number, and project permit number.

(f) Type of assembly, size of assembly.

(g) Manufacturer, model number, serial number.

(h) Test results/report.

(8) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The town will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.

(9) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame;

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- (a) Health hazard: 60 days.
- (b) Non-health hazard: 90 days.

(10) Following installation, all reduced pressure principle backflow preventers (RP), double check valve assemblies (DCVA), pressure vacuum breakers (PVB), double check detector assemblies (DCDA), or reduced pressure principle detector assemblies (RPDA) are required to be tested by a certified backflow prevention assembly tester within ten days.

(H) *Testing and repair of assemblies*

(1) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester or may be contracted out to the town's cross connection control department at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the town regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the town's cross connection control department within ten business days after the completion of any testing and/or repair work.

(2) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the town, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

- (a) Health hazard facilities: 14 days.
- (b) Non-health hazard facilities: 21 days.

(3) All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by the town regulations. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted

supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.

(4) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town's cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the town as to such accuracy/calibration, employing a calibration method acceptable to the town (see division (C)(5)).

(5) It shall be unlawful for any customer or certified tester to submit any record to the town which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the town any record which is required by this section. Such violations may result in any of the enforcement actions outlined in division (L) below.

(I) *Facilities requiring protection.*

(1) Approved backflow prevention assemblies shall be installed on the service line to any premises that the town has identified as having a potential for backflow.

(2) The following types of facilities or services have been identified by the town as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed in this division (I).

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DCVA = Double check valve assembly
 RP = Reduced pressure principle assembly
 DCDA = Double check detector assembly
 RPDA = Reduced pressure detector assembly
 AG = Air gap
 PVB = Pressure vacuum breaker

- (a) Aircraft and missile plants: RP.
- (b) Automotive services stations, dealerships, etc.
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
- (c) Automotive plants: RP.
- (d) Auxiliary water systems:
 - 1. Approved public/private water supply: DCVA.
 - 2. Unapproved public/private water supply: AG.
 - 3. Used water and industrial fluids: RP.
- (e) Bakeries:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
- (f) Beauty shops/barber shops:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
- (g) Beverage bottling plants: RP.
- (h) Breweries: RP.

(i) Buildings—Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections:

- 1. (Under five stories) no health hazard: DCVA.
- 2. (Under five stories) health hazard: RP.
- 3. (Over five stories) all: RP.

(j) Canneries, packing houses, and rendering plants: RP.

(k) Chemical plants—Manufacturing, processing, compounding or treatment: RP.

(l) Chemically contaminated water systems: RP.

(m) Commercial car-wash facilities: RP.

(n) Commercial greenhouses: RP.

(o) Commercial sales establishments (department stores, malls, etc.):

- 1. No health hazard: DCVA.
- 2. Health hazard: RP.

(p) Concrete/asphalt plants: RP.

(q) Dairies and cold storage plants: RP.

(r) Dye works: RP.

(s) Film laboratories: RP.

(t) Fire systems:

- 1. Systems three-fourths inch to two inches:

Water and Sewers

10K

- DCVA.
- A. No health hazard:
 - (aa) Oil and gas production, storage or transmission properties: RP.
 - (bb) Paper and paper products plants: RP.
 - (cc) Pest control (exterminating and fumigating): RP.
 - (dd) Plating plants: RP.
 - (ee) Power plants: RP.
 - (ff) Radioactive materials or substances plants or facilities handling: RP.
 - (gg) Restaurants:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
 - (hh) Restricted, classified, or other closed facilities: RP.
 - (ii) Rubber plants (natural or synthetic): RP.
 - (jj) Sand and gravel plants: RP.
 - (kk) Schools and colleges: RP.
 - (ll) Sewage and storm drain facilities: RP.
 - (mm) Swimming pools: RP.
 - (nn) Waterfront facilities and industries: RP.
 - B. Health hazard (booster pumps, foam, antifreeze solution, etc.): RP.
 - 2. Systems two and one-half inches to ten inches or larger:
 - (u) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP.
 - (v) Industrial facilities:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
 - (w) Laundries:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: (i.e., dry cleaners): RP.
 - (x) Lawn irrigation systems (split taps): RP.
 - (y) Metal manufacturing, cleaning, processing, and fabricating plants: RP.
 - (z) Mobile home parks:
 - 1. No health hazard: DCVA.
 - 2. Health hazard: RP.
- (3) All assemblies and installations shall be subject to inspection and approval by the town.

(J) *Connections with unapproved sources of supply.*

(1) No person shall connect or cause to be connected any supply of water not approved by the NCDEQ to the water system supplied by the town. Any such connections allowed by the town must be in conformance with the backflow prevention requirements of this section.

(2) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the town immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(K) *Fire protection systems.*

(1) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.

(2) All connections for fire protection systems connected with the public water system greater than two inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(3) All existing backflow prevention assemblies two and one-half inches and larger installed on fire protection systems that were initially approved by the town shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this section. If, however, the existing assembly must be replaced once it can no longer be repaired, or in the

event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by division (I)(2)(t)2. above.

(L) *Enforcement.*

(1) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this section shall be notified in writing with regard to the corrective action to be taken. The time for compliance shall be in accordance with division (F) above.

(2) The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in section 28-236, shall be considered in violation of this section, and may be issued a civil citation by the town. The citation shall specify the nature of the violation and the provision of this article violated, and farther notify the offender that the civil penalty for such violation is as set forth in division (K)(3) below and is to be paid to the town within 30 days. If the penalty prescribed in this subsection is not paid within the time allowed, the town may initiate a civil action in the nature of a debt and recover the sums set forth in division (K)(3) below plus the cost of the action.

(3) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000 per violation. Each day in which a violation of any provision of this section shall occur or continue shall constitute a separate and distinct offense.

(4) If, in the judgment of the town, any owner, manager, supervisor, or person in charge of any installation found to be in noncompliance with the provisions of this section neglects his or her responsibility to correct any violation, such neglect may result in discontinuance of water service until compliance is achieved.

(5) Failure of a customer or certified tester to submit any record required by this section, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000 per violation. If a certified backflow prevention assembly tester submits falsified records to the town, the town shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming recertified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty as provided for in this division (K).

(6) Enforcement of this program shall be administered by the (Manager/Director) of the town or his or her authorized representative.

(7) Requests for extension of time shall be made in writing to the (Manager/Director) of the town or his or her authorized representative. All other appeals shall be made in accordance with the following procedures:

(a) *Adjudicatory hearings.* A customer assessed a civil penalty under this section shall have the right to an adjudicatory hearing before a hearing officer designated by the (Manager/Director) of the town upon making written demand, identifying the specific issues to be contended, to the (Manager/Director) of the town within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified in this division (K), the decision on the civil penalty assessment shall be final and binding.

(b) *Appeal hearings.* Any decision of the town’s hearing officer made as a result of an adjudicatory hearing held under division (K)(7)(j) above may be appealed by any party to the Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this division (K)(7)(b) shall be conducted in accordance with the town’s hearing procedures.

Failure to make written demand within the time specified in this division (K)(7)(b) shall bar further appeal. The town shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(c) *Official record.*

When a final decision is issued under division (K)(7)(b), the town shall prepare an official record of the case that includes:

1. All notices, motions, and other like pleadings;
2. A copy of all documentary evidence introduced;
3. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
4. A copy of the final decision of the town.

(d) *Judicial review.* Any

customer against whom a final decision of the town is entered, pursuant to the hearing procedure under division (K)(7)(b) above, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the general court of justice of the county or of the county where the order or decision is effective, along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the town shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in division (K)(7)(c) above.

(Ord. 2016-04, passed 11-7-16)

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**WATER AND SEWER RULES
AND REGULATIONS**

§ 51.45 PURPOSE.

The purpose of these rules and regulations is to provide a set of standard procedures for the normal operation of the town water treatment and distribution system and wastewater collection and treatment system.
(’82 Code, Ch. 18, Art. II, § 30) (Ord. passed 12-27-77)

§ 51.46 AUTHORITY.

The town has the authority to finance, construct and operate water and wastewater systems through G.S. Chapter 160A, Article 16.
(’82 Code, Ch. 18, Art. II, § 31) (Ord. passed 12-27-77)

§ 51.47 RESPONSIBILITY AND LIABILITY OF TOWN.

(A) The town shall have authority to own and operate systems:

(1) The town shall own and operate a water supply and distribution system for the purpose of supplying water within the jurisdiction of said town. Where possible and economically feasible, a water distribution system will have lines located adjacent and parallel to the property to be served, and for which a tap-on fee, then in effect, will be charged.

(2) The town shall own and operate a wastewater collection and treatment system to treat the wastewater resulting from those sanitary sewers located within the jurisdiction of said town. Where possible and economically feasible, a wastewater collector will be provided for the transportation of wastewater to the treatment facility. The wastewater

collector will be located adjacent and parallel to the property to be served, and for which a tap-on fee, then in effect, will be charged.

(B) The town may install its meter on the service lateral at the property line or, at the town's option, on the customer's property in a location mutually agreed upon.

(C) When two or more meters are to be installed on the same premises for different customers, they shall be closely grouped and each clearly designated to which customer it applies.

(D) In certain cases which may involve customers outside the jurisdiction of the town, the volume of water and/or wastewater flow may be based upon metered water consumption as shown in the records of meter readings maintained by a municipal water department. Should any part, or all,

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of the customer's water supply come from other than municipal sources, the customer discharging wastewater to the town system shall be required to install and maintain, at his expense, water meters of a type approved by the town for the purpose of determining the proper volume of flow to be charged.

called upon to provide additional meters, each place of metering

(E) The town does not assume the responsibility of inspecting the customer's piping on apparatus and will not be responsible therefor. However, the town does maintain the right to inspect any and all tributary sewers for the purpose of compliance with water and sewer use ordinance.

(F) The town reserves the right to refuse service unless the customer's water lines and sewers are installed in such manner as to eliminate leaks and minimize infiltration. No connections to sources of inflow, such as storm drains, roof drain, and the like will be allowed.

(G) The town shall not be liable for damage of any kind whatsoever resulting from any defect in the piping or appurtenances on the customer's premises. Neither shall the town be responsible for negligence of third persons or forces beyond the control of the town resulting in the interruption of service.

(H) Except as otherwise noted or provided, it shall remain the responsibility of the customer to operate and maintain those pumping facilities necessary to discharge their wastewater to the town system.

(I) Under normal conditions, the customer will be notified of any anticipated interruption of service. ('82 Code, Ch. 18, Art. II, § 32) (Ord. passed 12-27-77)

§ 51.48 RESPONSIBILITY OF CUSTOMER.

(A) Piping on the customer's premises must be so arranged that the connections are conveniently located with respect to the town's distribution or collection system.

(B) If the customer's piping on the customer's premises is so arranged that the town is

shall be considered as a separate and individual account.

(C) Where a meter is placed on the premises of a customer, a suitable place shall be provided by the customer for placing such meter and shall be unobstructed and accessible at all times to the meter reader.

(D) While a meter may be out of service for maintenance or other reasons, flows shall be estimated based on previous flow measurements for similar periods.

(E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner and in accordance with the town's rules and regulations, and in full compliance with the regulations of the State Board of Health and the State Department of Natural and Economic Resources.

(F) The customer shall guarantee proper protection for the town's property placed on the customer's premises, and shall permit access to it only by authorized representatives of the town.

(G) In the event that any loss or damage to the property of the town or any accident or injury to persons or property is caused by the results from the negligence or wrongful act of the customer, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the town; and any liability otherwise resulting shall be assumed by the customer.

(H) The amount of such loss or damage or the cost of repairs shall be added to the customer's bill; and if not paid service may be discontinued by the town.
(82 Code, Ch. 18, Art. II, § 33) (Ord. passed 12-27-77)

§ 51.49 EXTENSIONS OF WATER AND SEWER MAINS AND SERVICES.

The town's extension of water and sewer mains and services in effect are as prescribed by adoption of

each fiscal year's budget ordinance. Information is kept on file in the Town Clerk's office.

§ 51.50 TAP-ON FEES.

The town's tap-on fees in effect are as prescribed by adoption of each fiscal year's budget ordinance. Information is kept on file in the Town Clerk's office.

§ 51.51 APPLICATION FOR SERVICE.

(A) Those individuals, corporations, businesses or industries desiring water or sewer service will make application for said service, in person, at the office of the town, and at the same time make the deposit guarantee required below.

(B) The town may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons.

(C) The town may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location, provided that when the owner of the premises has been provided water or sewer service and has not paid for the same, the town shall not be required to render service to anyone at said location where water or sewer service has been paid.

(D) The applicant shall, upon request thereof, be provided a schedule of fees and charges and the water and sewer use regulations then in effect by the town.

(E) For those individuals, corporations, businesses or industries desiring water or sewer service of sufficient quantity which may affect the supply of service to other customers, or for other good and sufficient reasons, a water supply and/or wastewater treatment contract will be entered into prior to any work being accomplished to provide the water and/or sewer service taps. As a minimum, the contract should address the following points of agreement:

- (1) Quantity (minimum and maximum).
- (2) Quality.
- (3) Point of delivery.
- (4) Metering equipment.
- (5) Rates.
- (6) Billing procedure.
- (7) Term of contract.
- (8) Modification to contract (rate adjustment).
- (9) Zone of maintenance responsibility.
- (10) Termination of contract and/or service. ('82 Code, Ch. 18, Art. II, § 36) (Ord. passed 12-27-77)

§ 51.52 DEPOSIT.

(A) The deposit fees in effect are as prescribed by the adoption of each fiscal year's budget ordinance.

(B) The individual or firm in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

(C) A separate deposit is required for each meter installed.

(D) The deposit receipt is not negotiable and can be redeemed only at the town's office.

(E) Where the town finds that the request for a deposit refund is questionable, the town may require the applicant, before refund, to produce the deposit receipt properly endorsed. ('82 Code, Ch. 18, Art. II, § 37) (Ord. passed 12-27-77; Am. Ord. passed 7-2-84; Am. Ord. passed 7-1-87; Am. Ord. passed 6-14-90)

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§ 51.53 INITIAL OR MINIMUM CHARGE.

(A) The initial or minimum charge, as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter requires a separate meter reading sheet, and each meter reading sheet shall cover a separate and individual account.

(B) In resort areas, where service is furnished to a consumer during certain months only, the minimum charge per service for the period of non-use shall be the regular minimum as set out in the published rates of the town.
(’82 Code, Ch. 18, Art. II, § 38) (Ord. passed 12-27-77)

§ 51.54 ACCESS TO PREMISES.

(A) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing town property, inspecting piping, reading or testing meters or for any other purpose in connection with the town's service and facilities.

(B) Each customer shall grant or convey or shall cause to be granted or conveyed to the town a perpetual easement and right-of-way across any property owned or controlled by the customer wherever said perpetual easement and right-of-way is necessary for the town sewer facilities and lines so as to be able to furnish service to the customer.
(’82 Code, Ch. 18, Art. II, § 39) (Ord. passed 12-27-77)

§ 51.55 CHANGE OF OCCUPANCY.

(A) Not less than seven days' notice must be given in person or in writing at the town's office to discontinue service for a change in occupancy.

(B) The outgoing party shall be responsible for all water and sewer service provided up to the time of

departure or the time specified for departure, whichever period is longest.
(’82 Code, Ch. 18, Art. II, § 40) (Ord. passed 12-27-77)

§ 51.56 METER READING; BILLING AND COLLECTING.

(A) Meters will be read and bills rendered by the last day of each month; but the town reserves the right to vary the dates or length of period covered, temporarily or permanently, if necessary or desirable.

(B) Bills for water and sewer service will be figured in accordance with the town's published rate schedule then in effect, and will be based on the amount supplied for the period covered by the meter readings.

(C) Charge for service commences when the meter is installed and connection made, whether used or not. Sixty days may be allowed for hookup on initial installation of the water and/or sewer system.

(D) Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, for the same or different customers, or for the same or different services.

(E) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
(’82 Code, Ch. 18, Art. II, § 41) (Ord. passed 12-27-77)

§ 51.57 SUSPENSION OF SERVICE.

(A) When services are discontinued and all bills paid, the deposit will be refunded.

(B) Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the town toward settlement of the account. Any balance

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will be refunded to the customer; but if the deposit is not sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for the collection of debts. Settlement of the account shall be made by the Water Department 48 hours after service is discontinued.

(C) Service discontinued for nonpayment of bills will be restored only after bills are paid in full, a reconnection fee of \$15 made, and a service charge of \$10 paid for each meter reconnected. After business hours, the re-connect fee is to be \$25.

(D) The town reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse.
- (2) Customer's willful disregard of the town's rules.
- (3) Emergency repairs.
- (4) Insufficiency of treatment due to circumstances beyond the town's control.
- (5) Legal processes.
- (6) Direction of public authorities.
- (7) Strike, riot, fire, flood, accident or any unavoidable cause.

(E) The town may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device. ('82 Code, Ch. 18, Art. II, § 42) (Ord. passed 12-27-77)

§ 51.58 COMPLAINTS AND ADJUSTMENTS.

(A) It is the policy of the city to discontinue electric, water, sewer or gas utility service to customers by reason of nonpayment of a bill only after notice and a meaningful opportunity to be heard.

(1) If a customer disputes the accuracy of a bill, the customer has the right to a hearing at which he may be represented in person or by any other person of his choosing and may present, orally or in writing, his complaint and contentions.

(2) If the customer desires a hearing, he should contact the Customer Service Supervisor at the municipal building. The Customer Service Supervisor has authority to make a final determination of the complaint and the authority to order that service not be discontinued.

(3) In the absence of payment of a bill or resort to the hearing procedure prior to the cutoff date shown on the reverse side of the notice, the service will be discontinued for nonpayment of a bill.

(B) The town will make special meter readings at the request of the customer for a fee of \$5. However, if such special reading discloses that the meter was overread, no charge will be made.

(C) Meters will be tested at the request of the customer upon payment to the town of the actual cost of making the test; however, if the meter is found to over-register beyond ten percent of the correct volume, no charge will be made.

(D) If the seal of a meter is broken by other than the town's representative, or if the meter fails to register correctly or is covered for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from the other proper data. ('82 Code, Ch. 18, Art. II, § 43) (Ord. passed 12-27-77)

§ 51.59 ABRIDGEMENT OR MODIFICATIONS OF RULES.

(A) No promise, agreement or representation of any employee of the town shall be binding upon the town, except as it shall have been agreed upon in writing, signed and accepted by the acknowledged officers of the town.

(B) No modification of rates or any of the rules and regulations shall be made by any agent of the town. ('82 Code, Ch. 18, Art. II, § 44) (Ord. passed 12-27-77)

§ 51.60 ADOPTION OF RULES.

Until the further order of the Town Council, the rules and regulations are the same as herein above set out, and hereby adopted as of the date that either of both systems become operational. ('82 Code, Ch. 18, Art. II, § 45) (Ord. passed 12-27-77)

WATER SHORTAGE AND CONSERVATION

§ 51.70 AUTHORITY TO IMPLEMENT.

When conditions dictate, the Town Manager is authorized to enact water shortage response provisions (WSRP). In his or her absence, the Public Works Director will assume this role. Conditions, which may require the WSRP to be enacted, are outlined in § 51.72.

Mr. Eddie Madden
Town Manager

Mr. Patrick DeVane
Director of Public
Services

Phone 910-862-2066
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emadden@elizabethtownnc.org pdevane@elizabethtownnc.org

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.71 NOTIFICATION.

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings,

notices in water bills and on the Town of Elizabethtown website homepage. Required water shortage response measures will be communicated through the local newspaper and by PSA on local radio and cable stations. (Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.72 WATER USE CLASSIFICATION.

In order to facilitate a fair and equitable WSRP, every water use will be grouped into one of three classifications.

(A) *Class I - Essential Water Uses.* These uses include but may not be limited to water use required to/for:

- (1) Sustain human life and the lives of domestic pets;
- (2) Maintain minimum standards of hygiene and sanitation;
- (3) Health care uses necessary for patient care and rehabilitation;
- (4) Firefighting, including training and drills as approved by the Town Mayor.

(B) *Class II - Socially or Economically Important Water Uses.* These include but may not be limited to water use required to/for:

- (1) Preserve commercial vegetable gardens, fruit orchards, nursery stock and livestock maintenance;
- (2) Outdoor commercial watering, public or private;
- (3) Establishing vegetation, after construction/earth moving activities;
- (4) Filling and operation of municipal or private swimming pools provided that these swimming pools serve 25 or more residents;

(5) Operation of commercial car washes, restaurants, laundromats, clubs, schools, churches and other similar establishments.

reduction in seasonal/normal well water levels is noted

(C) Class III - Non-Essential Water Uses.

These uses include but may not be limited to:

(1) Operation of water fountains, ornamental pools and recreational swimming pools that serve fewer than 25 persons;

(2) Non-commercial washing of motor vehicles, sidewalks, houses, etc.;

(3) Non-commercial watering of gardens, lawns, parks, playing fields and other recreational areas.

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.73 FACTORS REQUIRING IMPLEMENTATION OF THE WATER SHORTAGE RESPONSE PLAN.

(A) Several parameters or conditions may require the Town of Elizabethtown to begin the WSRP. These include but may not be limited to significant reductions in well water levels, a significant increase in pump run times for the predetermined total flow at the well(s), contaminants in the water system, act of terrorism, vandalism, main breaks and natural disasters.

(B) If the factors listed above reduce well water levels or pump run times or by any event or combination of events prevent the water system from delivering water, WSRP phases will be enacted in the following order:

(1) Phase I will be enacted if a 20% reduction in seasonal/normal well water levels is noted or if pump run times increase 20% in order to maintain previous rate output or any other event which causes a 20% reduction is the water system's capacity.

(2) Phase II will be enacted if a 40%

or if pump run times increase 40% in order to maintain previous rate output or any other event which causes a 40% reduction in the system's capacity.

(3) Phase III will be enacted if a 60% reduction in normal well water levels is noted or if pump run times increase 60% in order to maintain previous rate output or any other event which causes a 60% reduction in the system's capacity.

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.74 PHASED WSRP AND WATER USE REDUCTION GOALS.

When the WSRP is implemented, the below phased approach will be followed:

(A) Phase I - Voluntary Conservation.

(1) This phase will be enacted when it is determined that one or more of the parameters outlined in § 51.73 is met. If this occurs, the

consumers will be notified promptly by any or all of the following: mailers, door hangers, public postings at the Town Hall, Post Offices, etc. The public will be asked to begin voluntary conservation measures and Class III non-essential uses will be halted.

(2) If the determining parameter(s) return to seasonal norms, the measures will be lifted. However, failure of the determining parameter(s) to return to a state of seasonal normalcy may require the initiation of Phase II.

(B) Phase II - Mandatory.

(1) This phase will begin when the Town Manager issues a water shortage advisory. The consumers will be notified by one of the methods noted in Phase I. All users will be required to adhere to the voluntary conservation measures as noted in Attachment I to Ord. 09-03.

(2) Class III uses will be banned.

(3) Class II uses will be allowed although outdoor vegetative watering will be limited according to the resident’s street address. Even numbered addresses will be allowed to water on even days of the month. Odd numbered addresses will be allowed to water on odd days of the month.

(4) During Phase II, industrial facilities will be required to develop and demonstrate to the Town Manager a water shortage response program. This program should show, at least, a 25% reduction in water usage.

(C) *Phase III - Emergency.*

(1) This phase will commence with the issuance of a water shortage emergency declaration from the Town Manager. Users will be notified by any or all of the methods noted in Phase I. All users will be required to use voluntary conservation measures outlined in Attachment I to Ord. 09-03. Class III uses will be banned and Class II uses will be allowed with the exception of vegetative watering. Industrial users will be required to implement their water reduction program, immediately.

(2) In addition, residential users will be allotted 1000 gallons per month per person per connection. If the user uses 1,001 to 1,250 gallons per month per person per connection, a surcharge of 25% will be added to the monthly bill. If the user uses 1,251 to 1,500 gallons per month per person per connection, a surcharge of 75% will be added to the monthly water bill. If the user uses 1,501 or more gallons per month per person per connection, a surcharge of 150% will be added to the monthly bill.

(3) Commercial, industrial and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12 -month water consumption average to maintain the current water rate for that month. The average water use can be evaluated on an individual basis for facilities with seasonal demand fluctuations. A 20% to 24% water use reduction from the previous 12-month water use average will require the town to impose a 25% surcharge on the monthly water bill. A 0% to 9%

water use reduction from the previous 12-month water use average will require the town to impose a 50% surcharge on the monthly water bill. An increase of 1% to 25% above the previous 12-month water use average will result in surcharge of 100% added to the next monthly bill. Any amount used above 25% of the previous 12-month average water use will require the town to add a surcharge of 150% to the monthly bill.

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.75 ENFORCEMENT.

Enforcement of mandatory conservation and associated fines will be the responsibility of the Town Manager under the direction of the Towns Mayor.

(A) *Phase I - Voluntary Conservation.*
Continued water consumption by Class III, non-essential users will result in a written notice of violation for the first offense, a \$25 fine, and a \$25 fine for each subsequent offense.

(B) *Phase II - Mandatory Reductions.*
Failure to adhere to the Phase II (Mandatory) required conditions will result in a written notice of violation for the first offense and a \$50 fine. Thereafter, each violation increases by a factor of \$50. Any violation past a fourth offense shall result in a disruption of water service to the offending party until Phase II has been rescinded.

(C) *Phase III - Emergency Reductions.*
Failure to comply with the mandates during Phase III will require the offending party to pay \$100 fine for the first offense, \$350 fine for the second offense and disruption of service for the third offense.
(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.76 PUBLIC COMMENT.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. A draft plan will be published on the

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town's website. A public hearing will be scheduled to gather citizen comments, with notice given to the public that copies of the plan are available for pick up at any municipal building. Any changes to the WSRP after adoption by Council will be published at least 30 days prior to an adoption vote by Town Council. (Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.77 VARIANCE PROTOCOLS.

Applications for water use variance requests are available from the Town of Elizabethtown website and at the Town Hall. All applications must be submitted to Town Hall for review by the Manager or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage. (Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.78 EFFECTIVENESS.

The effectiveness of the Elizabethtown water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data. (Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.79 REVISION.

The (WSRP) water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand,

following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. § 143-355(1). Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Town Council. The town is responsible for initiating all subsequent revisions.

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.80 WATER SHORTAGE RESPONSE PLAN CANCELLATION.

As the determining parameter(s) decrease in severity and return to acceptable levels, the town will lift the WSRP. The cancellation process will be in the reverse order of the WSRP implementation.

(Ord. 02-7, passed 9-9-02; Am. Ord. 09-03, passed 12-7-09)

§ 51.81 IRRIGATION METER REQUIREMENT.

(A) *Irrigation meter requirement.* All new in-ground irrigation systems installed after application of this subchapter that will be supplied water from the town water system shall be independently connected to the system and water consumption shall be measured through a separate irrigation meter.

(B) *Backflow prevention device.* All irrigation systems connected to the town water system shall be equipped with a backflow prevention device approved by the town Public Services Department.

(Ord. 09-03, passed 12-7-09)

CHAPTER 52: WASTEWATER COLLECTION AND TREATMENT

Section

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*Affirmative Defenses to
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Fats, Oils, and Greases Control

- 52.125 Scope and purpose
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GENERAL PROVISIONS**§ 52.001 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment system for the Town of Elizabethtown, herein after referred to as the town and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;

(3) To promote recycling and reuse of industrial wastewater and sludges from the municipal system;

(4) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(6) To ensure that the municipality complies with its NPDES or nondischarge permit conditions, sludge use and disposal requirements and any other federal and state laws to which the municipal wastewater system is subject.

(C) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter shall apply to all users of the municipal wastewater system, as authorized by G.S. §§ 160A-312 and/or 153A.275. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions, or orders issued hereunder.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2006-03, passed 4-3-06)

§ 52.002 DEFINITIONS AND ABBREVIATIONS.

(A) Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter shall have the meanings hereinafter designated:

ACT or **THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

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APPROVAL AUTHORITY. The Director of the Division of Water Quality of the North Carolina Department of Environment, Health, and Natural Resources or his designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the industrial user is a corporation, authorized representative shall mean:

(a) The president, secretary, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or business making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(3) If the industrial user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subdivisions (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

(5) If the designation of an **AUTHORIZED REPRESENTATIVE** is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this definition must be submitted to the POTW Director/Superintendent prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g. mg/l).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

BYPASS. The intentional diversion of wastestreams from any portion of a users treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

GRAB SAMPLE. A sample which is taken from a waste stream on a one time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE. Any waste from holding tanks including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE or **DISCHARGE.** The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 131), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER or **USER.** Any person which is a source of indirect discharge.

INTERFERENCE. The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or non-discharge permit or prevents sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained

in any state sludge management plan prepared to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 52.015 of this chapter and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

NEW SOURCE.

(1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subdivision (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

(a) Begun or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

NON-DISCHARGE PERMIT. A disposal system permit issued by the state pursuant to G.S. § 143-215.1.

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, of the POTW's NPDES or nondischarge permit, or a downstream water quality standard.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities.

pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT. Any "waste" as defined in G.S. § 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

POTW DIRECTOR. The Town of Elizabethtown Utilities Superintendent.

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT OR TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution to a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. § 143-215.3(a)(14) in accordance with 40 CFR 403.11.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM. A treatment works as identified by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are by contract or agreement with the town, or in any other way, users of the town's POTW.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of

natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater disposal who:

- (1) Has an average daily process wastewater flow of 25,000 gallons or more;
- (2) Contributes more than 5% of any design or treatment capacity (that is, allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;
- (3) Is required to meet a national categorical pretreatment standard;
- (4) Is found by the town, the Division of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

SIGNIFICANT NONCOMPLIANCE or REPORTABLE NONCOMPLIANCE. A status of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits.
 - (a) Chronic violations. Sixty six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six month period.
 - (b) Technical review criteria (TRC) violations. Thirty three percent or more of the measurements are equal to or greater than the TRC times the limit (maximum or average) in a six month period. There are two groups of TRCs: For conventional pollutants BOD, TSS, fats, oil and grease TRC = 1.4. For all other pollutants TRC = 1.2.

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(c) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or the environment and has resulted in the POTW's exercise of its emergency to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedule, self monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the control authority considers to be significant.

SLUG LOAD or DISCHARGE. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include, but is not limited to, spills and other accidental discharges; discharges of a non-routine, episodic nature, a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in § 52.015 of this chapter.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard

Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STORM WATER. Any flow occurring during following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT. The person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER PERMIT. As set forth in § 52.051 of this chapter.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial,

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public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(B) This chapter is gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(C) The following abbreviations when used in this chapter, shall have the designated meanings:

- (1) BOD: Biochemical Oxygen Demand
- (2) CFR: Code of Federal Regulations
- (3) COD: Chemical Oxygen Demands
- (4) EPA: Environmental Protection Agency
- (5) gpd: gallons per day
- (6) l: Liter
- (7) mg: Milligrams
- (8) mg/l: Milligrams per liter
- (9) NCGS: North Carolina General Statutes
- (10) NPDES: National Pollution Discharge Elimination System
- (11) O & M: Operation & Maintenance
- (12) POTW: Publicly-Owned Treatment Works
- (13) RCRA: Resource Conservation and Recovery Act
- (14) SIC: Standard Industrial Classification
- (15) SDWA: Solid Waste Disposal Act
- (16) TSS: Total Suspended Solids
- (17) TKN: Total Kjeldahl Nitrogen
- (18) U.S.C.: United States Code.

(Ord. 94-3, passed 1-10-94; Am. Ord. 97-7, passed 7-7-97; Am. Ord. CO-2006-03, passed 4-3-06; Am. Ord. CO-2007-03, passed 6-26-07)

GENERAL SEWER USE REQUIREMENTS

§ 52.015 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

(B) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than ½" in any dimension).

(3) Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(4) Any wastewater having a pH less than 5.0 or more than 9 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

(5) Any wastewater containing pollutants, including oxygen demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

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(6) Any wastewater having a temperature greater than (150 degrees F (66 degrees C)), or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees (40 degrees C).

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director/Superintendent in accordance with § 52.023 of this chapter.

(9) Any noxious or malodorous liquids, gases or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act: the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(12) Any wastewater containing any radioactive wastes or isotopes except as specifically authorized by the POTW Director/Superintendent in compliance with applicable state or federal regulations.

(13) Storm water, surface water, ground water, artisan well water, roof run off, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the POTW Director/Superintendent.

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

(15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

(16) Any medical wastes, unless as specifically authorized the POTW Director/Superintendent.

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director/Superintendent.

(19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

(20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(21) Recognizable portions of the human or animal anatomy.

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(22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.

(C) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(D) When the POTW Director/Superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to the interference of POTW operation or pass through the POTW Director/Superintendent shall: advise the user(s) of the potential impact of the contribution on the POTW in accordance with § 52.110 and, take appropriate actions in accordance with §§ 52.050 and 52.051 for such user to protect the POTW from interference or pass-through.
(Ord. 94-3, passed 1-10-94) Penalty, see § 52.999

§ 52.016 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N. Parts 405-471 and incorporated herein.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewaters the POTW Director/Superintendent may impose equivalent

concentration or mass limits in accordance with 40 CFR 403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director/Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Ord. 94-3, passed 1-10-94)

§ 52.017 LOCAL LIMITS.

(A) An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following

BOD	250	mg/l
TSS	250	mg/l
NH ₃	25	mg/l
arsenic	0.003	mg/l
cadmium	0.003	mg/l
	0.05 mg/l	Chromium (Total)
	0.061	mg/l copper
	0.015	mg/l cyanide
	0.049	mg/l lead
	0.0003	mg/l mercury
	0.021	mg/l nickel
	0.005	mg/l silver
	0.175	mg/l zinc

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(B) Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW Director/ Superintendent may impose mass limits in addition to, or in place of, concentration-based limits. (Ord. 94-3, passed 1-10-94; Am. Ord. CO-2006-03, passed 4-3-06; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.018 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Ord. 94-3, passed 1-10-94)

§ 52.019 RIGHT OF REVISION.

The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 52.001 of this chapter or the general and specific prohibitions in § 52.015 of this chapter, as is allowed by 40 CFR 403.4. (Ord. 94-3, passed 1-10-94)

§ 52.020 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 the limitations contained in the National Categorical Pretreatment Standard, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the town or state. (Ord. 94-3, passed 1-10-94) Penalty, see § 52.999

§ 52.021 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 52.052 of this chapter and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in § 52.015 of this chapter within the time limitations as specified by the EPA, the state, or the POTW Director/Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be approved by the POTW Director/ Superintendent before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director/ Superintendent prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the POTW Director/Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The POTW Director/Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of the flow. A wastewater discharge permit may be issued solely for flow equalization.

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(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director/Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 94-3, passed 1-10-94)

§ 52.022 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

(A) The POTW Director/Superintendent shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in § 52.002(A). All SIUs must be evaluated within one year of being designated as an SIU. The POTW Director/Superintendent may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director/Superintendent may develop such a plan for any user.

(B) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine episodic nature, a non-customary batch discharge, or a slug load. Also see §§ 52.064 and 52.065.

(C) An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director/Superintendent of any accidental or slug discharge, as required by § 52.065 of this chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.023 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director/Superintendent, and at such times as are established by the POTW Director/Superintendent. Such waste shall not violate §§ 52.015 through 52.023 of this chapter or any other requirements established by the town. The POTW Director/Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The POTW Director/Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director/Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Industrial waste haulers may discharge loads only at locations designated by the POTW Director/ Superintendent. No load may be discharged without prior consent of the POTW Director/Superintendent. The POTW Director/Superintendent may collect samples of each hauled load to ensure compliance with

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applicable standards. The POTW Director/ Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
(Ord. 94-3, passed 1-10-94) Penalty, see § 52.999

FEES

§ 52.035 PURPOSE.

It is the purpose of this chapter to provide for the recovery of costs from the users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the town's schedule of charges and fees.
(Ord. 94-3, passed 1-10-94)

§ 52.036 USER CHARGES.

A user charge shall be levied on all users including but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

(A) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

(B) Each user shall pay its proportionate cost based on volume of flow.

(C) The Town Manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Town Council/Board for adjustments in the schedule of charges and fees as necessary.

(D) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
(Ord. 94-3, passed 1-10-94) Penalty, see § 52.999

§ 52.037 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

(B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(a) Metered water consumption as shown in the records of meter readings maintained by the town;

(b) If required by the town or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, with plans approved by the town. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the town.

(c) Where any user procures all or part of his water supply from sources other than the town,

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the user shall install and maintain at his own expense a flow measuring device of a type approved by the town.

(2) The character and concentration of constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(3) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Superintendent or his duly appointed representatives shall be binding as a basis for charges.
(Ord. 94-3, passed 1-10-94)

§ 52.038 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

The schedule of charges and fees adopted by the town may include charges and fees for:

- (A) Reimbursement of costs of setting up and operating the pretreatment program;
- (B) Monitoring, inspections and surveillance procedures;
- (C) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (D) Permitting;
- (E) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.
(Ord. 94-3, passed 1-10-94)

WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

§ 52.050 WASTEWATER DISCHARGES.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the POTW Director/Superintendent, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The POTW Director/Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
(Ord. 94-3, passed 1-10-94) Penalty, see § 52.999

§ 52.051 WASTEWATER PERMITS.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director/Superintendent to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director/Superintendent be required to obtain a wastewater discharge permit for non-significant industrial users.

(A) *Significant industrial user determination.* All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director/Superintendent a significant industrial user determination. If the POTW Director/Superintendent determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.

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(B) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town, an application in the form prescribed by the POTW Director/Superintendent, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in division (A) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from the address);
- (2) Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any process for which categorical pretreatment standards have been promulgated;
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in § 52.022 of this chapter, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern of the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in §§ 52.069 and 52.070;
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant process on the premises including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.
 - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the POTW Director/Superintendent.
- (10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in §§ 52.060 through 52.072 of this chapter.

(14) Any other information as may be deemed by the POTW Director/Superintendent to be necessary to evaluate the permit application.

(C) Application signatories and certification.

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or municipality as defined in § 52.002(A)(1)(b) and contain the following certification statement:

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

(D) Application review and evaluation. The POTW Director/Superintendent will evaluate the data furnished by the user and may require additional information.

(1) The POTW Director/Superintendent is authorized to accept applications for the town and shall refer all applications to the POTW staff for review and evaluation.

(2) Within 30 days of receipt the POTW Director/Superintendent shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(E) Tentative determination and draft permit.

(1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

(2) If the staff's tentative determination in subdivision (1) above is to issue the permit, the following additional determinations shall be made in writing:

(a) Proposed discharge limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(c) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

(3) The staff shall organize the determinations made pursuant to subdivisions (1) and (2) above and the town's general permit conditions into a significant industrial user permit.

(F) Permit synopsis. A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

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(1) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.

(2) A quantitative description of the discharge described in the application which includes at least the following:

(a) The rate or frequency of the proposed discharge: if the discharge is continuous, the average daily flow;

(b) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(c) The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

(G) *Final action on significant industrial user permit applications.*

(1) The POTW Director/Superintendent shall take final action on all applications not later than 90 days following receipt of a complete application.

(2) The POTW Director/Superintendent is authorized to:

(a) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this chapter and N.C.G.S. 143-215.1;

(b) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

(c) Modify any permit upon not less than 60 days notice and pursuant to division (I) of this section;

(d) Revoke any permit pursuant to § 52.110 of this chapter;

(e) Suspend a permit pursuant to § 52.110 of this chapter;

(f) Deny a permit application when in the opinion of the POTW Director/Superintendent such discharge may cause or contribute to pass-through of interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(H) *Hearings.* (The local government may conduct hearings in accordance with its regular hearing procedure)

(1) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under § 52.111, or one issued an administrative order under § 52.110 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director/Superintendent upon making written demand identifying the specific issues to be contested, to the POTW Director/Superintendent within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is written within the time specified herein, the action shall be final and binding. The permit, penalty, or order within 45 days of the receipt of a written demand for a hearing. The POTW Director/Superintendent shall transmit a copy of the hearing officers decision by registered or certified mail.

(a) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms of conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Renewed permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed

permit, The terms and conditions of the existing permit remain in effect until either the conclusion of Judicial Review or until the parties reach a mutual resolution.

(2) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudatory hearing held under subdivision (1) above may be appealed, to the Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with town hearing procedure. Failure to make a written demand within the time specified herein shall bar further appeal. The Town Council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a copy by registered or certified mail.

(3) *Official record.* When a final decision is issued under subdivision (1) above, the Town Council shall prepare an official record of the case that includes:

(a) All notices, motions, and other like pleadings;

(b) A copy of all documentary evidence introduced;

(c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.

(d) A copy of the final decision of Town Council.

(4) *Judicial review.* Any person against whom a final order or decision of the Town Council is entered, pursuant to the hearing conducted under subdivision (2) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Bladen County along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the Town

Council shall transmit to the reviewing court the original or a certified copy of the official record.

(I) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(a) Changes in the ownership of the discharge when no other change in the permit is indicated;

(b) A single modification of a compliance schedule not in excess of four months;

(c) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

(2) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(3) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. § 143-215.1(b) for modifications.

(J) *Permit conditions.*

(1) The POTW Director/Superintendent shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this chapter and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

(a) A statement of
duration (in no case more than five years);

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(b) A statement of non-transferability;

(c) Applicable effluent limits based on categorical standards or local limits or both;

(d) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(e) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 52.002(A);

(f) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 52.002(A), if determined by the POTW Director/Superintendent to be necessary for the user; and

(g) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in § 52.002(A). (Also see §§ 52.064 and 52.065);

(h) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(2) In addition, permits may contain, but are not limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology or construction of appropriate

containment devices, etc..., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(h) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation(s).

(i) Compliance schedules for meeting pretreatment standards and requirements.

(j) Requirements for submission of periodic self-monitoring or special notification reports.

(k) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 52.072 and affording the POTW Director/Superintendent, or his representatives, access thereto.

(l) Requirements for prior notification and approval by the POTW Director/Superintendent of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction into the system.

(m) Requirements for the prior notification and approval by the POTW Director/Superintendent of any change in the

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manufacturing and/or pretreatment process used by permittee.

(n) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.

(o) Other conditions as deemed appropriate by the POTW Director/Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(K) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(L) *Permit transfer.* Wastewater permits are issued to a specific user 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.

(M) *Permit reissuance.* A significant industrial user shall apply for a permit reissuance by submitting a complete permit application in accordance with this section a minimum of 180 days prior to the expiration of the existing permit.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2006-03, passed 4-3-016; Am. Ord. CO-2007-03, passed 6-26-07)

REPORTING REQUIREMENTS

§ 52.060 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently

discharging to or scheduled to discharge to the POTW shall submit to the POTW Director/Superintendent a report which contains the information listed in division (B), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director/Superintendent a report which contains the information listed in division (B), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measure of pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration,

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and/or mass, where required by the standard or by the POTW Director/Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.069 of this chapter.

(c) Sampling must be performed in accordance with procedures set out in § 52.070 of this chapter and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in § 52.002(A), and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.063 of this chapter.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 52.051 of this chapter. (Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.061 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.060 (B)(7) of this chapter:

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine months;

(C) The user shall submit a progress report to the POTW Director/Superintendent no later than 14 days following each date in the schedule and the final date to compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(D) In no event shall more than nine months elapse between such progress reports to the POTW Director/Superintendent.
(Ord. 94-3, passed 1-10-94)

§ 52.062 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director/Superintendent a report containing the information described in § 52.060(B)(4) through (6) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the users long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of user's

actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.051(C) of this chapter.

(Ord. 94-3, passed 1-10-94)

§ 52.063 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the POTW Director/Superintendent, but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in §§ 52.069 and 52.070. All periodic compliance reports must be signed and certified in accordance with § 52.051(C) of this chapter.

(B) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director/Superintendent, using the procedures prescribed in § 52.070 of this chapter, the results of this monitoring shall be included in the report.

(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.064 REPORTS OF CHANGED CONDITIONS.

Each user must notify the POTW Director/Superintendent of any planned significant changes to the user's operations or system which might alter the nature, or volume of its wastewater at least 30 days before the change. See § 52.065(D) for other reporting requirements.

(A) The POTW Director/Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.051 of this chapter.

(B) The POTW Director/Superintendent may issue a wastewater discharge permit under § 52.051 of this chapter or modify an existing wastewater discharge permit under § 52.051 of this chapter in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20%, or greater, and the discharge of any previously unreported pollutants.

(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.065 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in § 52.002(A), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director/ Superintendent of the incident. This notification shall include the location of the discharge, type, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such a discharge, the user shall, unless waived by the POTW Director/ Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency

notification procedure.

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(D) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § 52.002(A).
(Ord. 94-3 passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.066 REPORTS FOR UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director/Superintendents as the Director/Superintendent may require.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.067 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

(A) If sampling performed by the user indicates a violation, the user must notify the POTW Director/Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director/Superintendent within 30 days after becoming aware of the violation. If allowed by the POTW Director/Superintendent, the user is not required to resample:

(1) If the POTW Director/Superintendent monitors at the user's facility at least once a month; or

(2) If the POTW Director/Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

(B) If the POTW Director/Superintendent does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the POTW Director/Superintendent shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violation, unless one of the following occurs:

(1) The POTW Director/Superintendent monitors at the user's facility at least once a month; or

(2) The POTW Director/Superintendent samples the user between their sampling and when the POTW receives the results of this initial sampling; or

(3) The POTW Director/Superintendent requires the user to perform sampling and submit the results to the POTW Director/Superintendent within the 30-day deadline of the POTW becoming aware of the violation.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.068 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notification must take place no later than 180 days after the discharge commences. Any notification under this division need be submitted only once for each hazardous waste discharge. However, notification of changed conditions must be submitted under § 52.064 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to

categorical pretreatment standards

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under the self-monitoring requirements of §§ 52.060, 52.062 and 52.063 of this chapter.

(B) Dischargers are exempt from the requirements of division (A), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director/Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (Ord. 94-3, passed 1-10-94)

§ 52.069 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise

specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.070 GRAB AND COMPOSITE SAMPLE COLLECTION.

(A) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(B) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the POTW Director/Superintendent may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.

(C) *Composite samples.* All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director/Superintendent. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented. (Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.071 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.072 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the POTW Director/Superintendent.

(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

COMPLIANCE MONITORING**§ 52.080 MONITORING FACILITIES.**

(A) The town requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical

or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole of facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.

(Ord. 94-3, passed 1-10-94)

§ 52.081 INSPECTION AND SAMPLING.

The town will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The town's approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW Director/ Superintendent's, approval authority's, or

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EPA'S access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access.
(Ord. 94-3, passed 1-10-94)

§ 52.082 SEARCH WARRANTS.

If the POTW Director/Superintendent, approval authority, or EPA 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 chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the POTW Director/Superintendent, approval authority, or EPA may seek issuance of a search warrant from the Bladen County District Court.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

ADMINISTRATION

§ 52.090 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Director/Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made

available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, non-discharge permit and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.091 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the POTW Director/Superintendent shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H.0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 52.100 UPSET.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (B), below, are met.

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(B) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedure; and

(3) The user has submitted the following information to the POTW Director/Superintendent within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(C) In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(E) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary

source of power of the treatment facility is reduced, lost or fails.

(Ord. 94-3, passed 1-10-94)

§ 52.101 PROHIBITED DISCHARGE STANDARDS DEFENSE.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.015(A) of this chapter or the specific prohibitions in § 52.015(B) (2), (3), (5) through (7) and (9) through (23) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 94-3, passed 1-10-94)

§ 52.102 BYPASS.

(A) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (B) and (C) of this section.

(B) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director/Superintendent at least ten days before the date of the bypass, if possible.

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(2) A user shall submit oral notice to the POTW Director/Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW Director/Superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(C) (1) Bypass is prohibited, and the POTW Director/Superintendent may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage:

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (B) of this section.

(2) The POTW Director/Superintendent may approve an anticipated bypass, after considering its adverse effects if the POTW Director/Superintendent determines that it will meet the three conditions listed in subdivision (C)(1) of this section.

(Ord. 94-3, passed 1-10-94)

ENFORCEMENT

§ 52.110 ADMINISTRATIVE REMEDIES.

(A) *Notification of violation.* Whenever, the POTW Director/Superintendent finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the POTW Director/Superintendent may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, as explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) *Consent orders.* The POTW Director/Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (D) below.

(C) *Show cause hearing.*

(1) The POTW Director/Superintendent may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director/Superintendent determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement

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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 ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The POTW Director/Superintendent shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

(3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 52.111 nor is any action or inaction taken by the POTW Director/Superintendent under this section subject to an administrative appeal under § 52.051(H).

(D) *Administrative orders.* When the POTW Director/Superintendent finds that an industrial user has violated or continues to violate this chapter, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director/Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(E) *Emergency suspensions.*

(1) The POTW Director/Superintendent may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary

in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director/Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director/Superintendent shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director/Superintendent prior to the date of the above-described hearing.

(F) *Termination of permit or permission to discharge.* The POTW Director/Superintendent may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

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(4) Violation of conditions of the permit or permission to discharge, conditions of this chapter, or any applicable state and federal regulations.

(G) *Notification.* Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under this § 52.110 why the proposed action should not be taken.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2007-03, passed 6-26-07)

§ 52.111 OTHER AVAILABLE REMEDIES.

Remedies, in addition to those previously mentioned in this chapter, are available to the POTW Director/Superintendent who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(A) *Civil penalties.*

(1) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$25,000 per day per violation.

(2) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

(a) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or

(b) In the case of failure to file, submit or make available, as the case may be, any documents, data, or reports required by this chapter, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

(B) *Criminal violations.* The District Attorney for the Bladen County Judicial District may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B.

(C) *Injunctive relief.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director/ superintendent, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(D) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense after it has satisfactorily demonstrated ability to comply.

(E) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order, issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director/ Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the town code of ordinances; Chapter 98 governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.
(Ord. 94-3, passed 1-10-94; Am. Ord. CO-2006-03, passed 4-3-06)

§ 52.112 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The POTW Director/Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance the town's enforcement response plan. However, the POTW Director/Superintendent is empowered to take more than one enforcement action against any noncompliant user.
(Ord. 94-3, passed 1-10-94)

FATS, OILS AND GREASES CONTROL**§ 52.125 SCOPE AND PURPOSE.**

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulations of fats, oils, and greases into the town's sewer collection system from industrial or commercial establishments, particularly food preparation and serving facilities.

(Ord. 02-9, passed 12-2-02)

§ 52.126 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONDITIONAL USE PERMIT. A permit granted by the Director to allow the use of alternate measures other than a traditional grease interceptor for the purpose of preventing the introduction of fats, oils and greases into the town sewer collection system. Such are allowed only when the user demonstrates a bona fide logistical hardship to installing an outside grease interceptor.

COOKING ESTABLISHMENTS. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

FATS, OILS, AND GREASES. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as ***GREASE*** or ***GREASES***.

GREASE TRAP OR INTERCEPTOR. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as ***GREASE INTERCEPTORS***.

INSIDE INTERCEPTOR. A device installed inside an establishment to separate and retain waterborne greases and grease complexes prior to entering the sanitary sewer collection system. Such are allowed by conditional use permit only.

MEALS SERVED PROCEDURE FORMULA.

(No. of meals) X (4.5) X kitchen loading (KL) = trap volume (gal).

<i>Kitchen Loading</i>	<i>KL</i>
Food grinder & dishwasher	2.50
Without food grinder	2.00
Without dishwasher	1.50
Without food grinder & dishwasher	1.00

Example: 200 meals/day facility with food grinder and dishwasher, 200 x (4.5) x 2.5 = 2,250 gal interceptor.

MINIMUM DESIGN CAPABILITY. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewater discharged to the sanitary sewer.

NON-COOKING ESTABLISHMENTS. Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuff preparation and serving establishments.

SEATING CAPACITY PROCEDURE FORMULA. (No. of seats) X storage factor (SF) X 1/2 (no. of hours open) = trap volume (gal).

<i>Storage Factor</i>	<i>SF</i>
0-8 hours/day	1
8-16 hours/day	2
16-24 hours/day	3

Example: 50-seat restaurant open 12 hours/day (50) x (2) x 1/2 (12) = 600 gal interceptor (750 gal min).

USER. Any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution or

discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(Ord. 02-9, passed 12-2-02)

§ 52.127 GREASE INTERCEPTOR MAINTENANCE, RECORD KEEPING AND GREASE REMOVAL.

(A) Grease interceptors shall be installed by users as required by the Director or his designee.

Grease interceptors shall be installed at the user's expense, when such user operates a restaurant, school, child care facility with 20 or more children, deli, meat market, grocery store, bakery, entertainment club, caterer, church and fraternal organization, or when deemed necessary by the Director for the proper handling of liquid wastes containing grease or any other substance deemed harmful to the sewer system.

(B) The Director may permit, at his sole discretion, alternative means of grease removal other than the traditional outside grease trap. Such granting shall be by way of the issuance of a conditional use permit. A conditional use permit may be granted only when the requesting establishment has a bona fide hardship with installing a traditional interceptor. **BONA FIDE HARDSHIP** may include, but is not limited to insufficient property requirements and logistically impractical compliance issues.

(C) All grease interceptors shall be of a type, design, and capacity approved by the Director or his designee and shall be readily and easily accessible for user cleaning and town inspection. The sizing of grease traps will be based on the number of seats (Seating Capacity Procedure) or the number of meals served in a single day (Meals Served Procedure) or other methods approved by the Director. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often
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than once every other month or more often, as determined by the Director. Inside interceptors shall be cleaned a minimum of once every 14 days. Users who are required to, based on solids, pass water through a grease interceptor shall:

(1) Provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a **SLUDGE POCKET**;

(2) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than every other month at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, and the like, which could settle into this pocket and thereby reduce the effective volume of the grease interceptor;

(3) Abide by the following conditions: If any skimmed or pumped wastes or other materials removed from the grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after said onsite treatment, the user shall be responsible for the attainment of established grease numerical limits, consistent with and contained in division (A) of this section, on all discharges of wastewater from said grease interceptor into the town sanitary sewer collection and treatment system;

(4) Operate the grease interceptor in a manner so as to maintain said device such that attainment to the grease limit is consistently achieved. **CONSISTENT** shall mean any wastewater sample taken from said grease interceptor shall be subject to terms of numerical limit attainment described in division (A) of this section. If legitimate space constraints (as determined by the Director) exist that prohibit the sewer user from installing a grease

interceptor, a conditional use permit application requesting variance to said ordinance may be submitted;

(5) Understand and agree that: The use of biological additives as a grease degradation agent is conditionally permissible, upon approval by the Director. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved;

(6) Understand and agree that: The use of automatic grease removal systems is conditionally permissible, upon prior written approval by the Director, Bladen County Plumbing Inspector of the town and the Bladen County Department of Health. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved;

(7) Understand and agree that: The Director reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of such traps.

(D) All grease traps must be pumped once every other month and records of such supplied to the Director after each pumping. The Director has the discretion to require more or less frequent pumping on a case-by-case basis to protect the operation of the town's sewer collection system. The town may provide a grease trap pumping program to allow for the convenient maintenance, record keeping and service payment.

(E) The Public Services Department shall maintain records for those participating in the town grease trap pumping program. All other users shall

provide a written record of trap maintenance to the Director within 15 days of each mandatory pumping. Records for users that have been granted conditional use permits shall submit cleaning records bi-annually.

(F) No non-grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

(G) Should an obstruction of a town sewer main(s) occur that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the town's sewer main(s), the town will take appropriate enforcement actions, as stipulated in the town's Sewer Use Ordinance, against the generator or contributor of such grease.

(H) Access manholes shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
(Ord. 02-9, passed 12-2-02)

(2) The duration and gravity of the violation;

(3) The effect on ground or surface water quantity or quality or on air quality;

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

(6) Whether the violation was committed willfully or intentionally;

(7) The prior record of the violator in complying or failing to comply with the pretreatment program;

(8) The costs of enforcement to the town.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 52.051(H).
(Ord. 94-3, passed 1-10-94)

§ 52.999 PENALTY.

(A) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules regulations and permits issued hereunder, may be fined up to \$10,000 per day per violation.

(B) In determining the amount of the civil penalty, the POTW Director/Superintendent shall consider the following:

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

