

## **TITLE V: PUBLIC WORKS**

### **Chapter**

- 50. WATER AND SEWER**
- 51. WATER CONSERVATION**
- 52. GARBAGE AND REFUSE**



## **CHAPTER 50: WATER AND SEWER**

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## ***GENERAL PROVISIONS***

### **§ 50.001 PURPOSE AND POLICY; STATUTORY AUTHORITY.**

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for this town, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 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 reuse and recycling of industrial wastewater and sludges from the municipal system;

(4) To protect 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 non-discharge permit conditions, sludge use, and disposal requirements, and any other federal or 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.

(D) This chapter shall apply to all users of the municipal wastewater system. 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.

(E) This chapter is adopted under the authority granted by G.S. § 160A.  
(Ord. O-00-001, passed 2-24-00, §§ 1.01, 13.01)

## § 50.002 DEFINITIONS AND ABBREVIATIONS.

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

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

**APPROVAL AUTHORITY.** The Director of the Division of Environmental Management of the state Department of Environment, Health, and Natural Resources, or his or her designee.

### **AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.**

(1) If the industrial user is a corporation, **AUTHORIZED REPRESENTATIVE** shall mean:

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

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if 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 divisions (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.

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

**BOD**. Biochemical oxygen demand.

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

**BYPASS**. The intentional diversion of waste streams from any portion of a user's treatment facility.

**CATEGORICAL STANDARDS**. National categorical pretreatment standards or pretreatment standard.

**CFR**. The Code of Federal Regulations.

**COD**. Chemical oxygen demand.

**ENVIRONMENTAL PROTECTION AGENCY** or **EPA**. The United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of that agency.

**EPA**. The Environmental Protection Agency.

*gpd.* Gallons per day.

**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 and over a period of time not to exceed 15 minutes.

*G.S.* North Carolina General Statutes.

**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 non-domestic source regulated under § 307(b), (c), or (d) of the Act, (33 USC 1317), 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 in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 *et seq.*), the Clean Air Act (42 USC 7401 *et seq.*), the Toxic Substances Control Act (15 USC 2601 *et seq.*), the Marine Protection Research and Sanctuary Act (MPRSA) (16 USC 1431 *et seq.*, 33 USC 1401 *et seq.*) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA (42 USC 6941 *et seq.*)) applicable to the method of disposal or use employed by the POTW.

*l.* Liter.

**MAY.** The act referred to is permissive or discretionary.

**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.

*mg.* Milligrams.

*mg/l.* Milligrams per liter.

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



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

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 50.015 of this code and are developed under the authority of § 307(b) of the Act (33 USC 1317) and 40 CFR 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 § 307(c) of the Act (33 USC 1317) which will be applicable to that source if those standards are thereafter promulgated in accordance with § 307(c) (33 USC 1317), 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

(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 division (1)(b) or (1)(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 done either of the following:

(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.

(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.

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

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

**NPDES.** National Pollution Discharge Elimination System.

**O&M.** Operation and maintenance.

**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, including an increase in the magnitude or duration of a violation of the POTW's NPDES or non-discharge permit, or a downstream water quality standard.

**PERSON.** Any individual, partnership, co-partnership, 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 ten) 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 any 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 any agricultural waste, and certain characteristics of wastewater (such as pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**POTW.** Publicly owned treatment works, as defined herein.

**POTW DIRECTOR.** The town Administrator, appointed by the Town Board of Commissioners pursuant to § 50.004 of this code.

**POTW TREATMENT PLANT.** The 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 that pollution into 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 defined by § 212 of the Act (33 USC 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**.

**RCRA.** The Resource Conservation and Recovery Act (42 USC 6901 *et seq.*)

**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.

**SHALL.** The act referred to is mandatory.

**SIC.** Standard Industrial Classification, as defined herein.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the wastewater disposal system 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 (such as allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;

(3) Is required to meet a national categorical pretreatment standard; or

(4) Is found by the town, the Division of Environmental Management, or the 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, such as 66% or more of the measurements exceed (by any magnitude) the same daily maximum limit and the same average limit in a six-month period;

(b) Technical Review Criteria (TRC) violations, such as 33% or more of the measurements are more than the TRC times the limit (maximum or average) in a six-month period, equal or exceed the product of the daily maximum or the average limit multiplied by the applicable TRC. There are two groups of TRCs:

1. For conventional pollutants, BOD, TSS, fats, oil, and grease,  $TRC = 1.4$ ; and

2. For all other pollutants,  $TRC = 1.2$ .

(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 the public; and

(d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority 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; or

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

**SLUDGE LOAD.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 50.071 of this code.

**STANDARD INDUSTRIAL CLASSIFICATION or 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 or 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 or her 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.

**SWDA.** The Solid Waste Disposal Act (42 USC 6901 *et seq.*).

**TKN.** Total Kjeldahl nitrogen.

**TOWN.** The Town of Littleton, North Carolina.

**TSS.** Total suspended solids.

**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.

**USC.** United States Code.

**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 ground water, 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 §§ 50.090 - 50.097 of this code.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.  
(Ord. O-00-001, passed 2-24-00, § 1.02)

### § 50.003 INTERPRETATION.

(A) Wherever a statute or regulation is cited, all subsequent amendments to and enactments of that statute or regulation are incorporated by reference.

(B) This chapter is gender neutral, and the masculine gender shall include the feminine and vice versa. The use of the singular shall be construed to include the plural, and the plural shall include the singular, as indicated by the context of its use.

(Ord. O-00-001, passed 2-24-00, § 1.02)

### § 50.004 BOARD OF COMMISSIONERS TO CONTROL; ADMINISTRATOR.

The sanitary sewer system of the town shall be under the control of the Board of Commissioners for the town. The system shall be regulated and operated as the Board of Commissioners shall ordain and direct. The Board of Commissioners shall appoint a qualified person or outside firm, who shall be known as the Administrator, to supervise the operation and regulation of the system, under the direction of the Board of Commissioners. The title and duties of the Administrator may be assigned to an employee of the town in addition to his or her other duties.

(Ord. O-00-001, passed 2-24-00, § 13.02)

### § 50.005 APPLICATION OF REGULATIONS.

(A) The provisions of §§ 50.015 - 50.025, 50.035 - 50.040, and 50.050 - 50.056 apply only to domestic sewage dischargers, commercial users, and unpermitted industrial users. In those sections the term **DOMESTIC SEWAGE DISCHARGER OR COMMERCIAL USER** shall refer to any discharger who is not permitted pursuant to §§ 50.090 - 50.097 of this code or by the approval authority.

(B) Industrial users permitted in accordance with §§ 50.090 - 50.097, including holders of permits issued by the approval authority prior to approval of the town's pretreatment program, are governed by §§ 50.090 - 50.097, other portions of this chapter where applicable, and state and federal pretreatment regulations.

(Ord. O-00-001, passed 2-24-00, § 2)

**CONSTRUCTION AND CONNECTIONS****§ 50.015 USE OF PUBLIC SEWERS REQUIRED.****(A) *Unlawful waste disposal.***

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**(B) *Public sewer use required.*** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line and can be reached by gravity flow.

**(C) *Exception.*** No property owner shall be required to connect to the public sewer system if he or she must first purchase an easement in which to install sewer lines.

(Ord. O-00-001, passed 2-24-00, § 2.01) Penalty, see § 50.999

**§ 50.016 CONNECTION PERMIT REQUIRED; APPLICATION; REJECTION; INSPECTION.**

(A) No person may connect or be connected to the water or sewer system of the town until a permit for the connection has been issued pursuant to division (B) below.

(B) Applications for water or sewer service connections shall be made at the Town Hall during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for the payment of the bills, and shall be signed by the customer or by his or her authorized agent. Every application for connection shall be accompanied by the service connection fee specified in the schedule of rates and charges.

(C) (1) Upon application for connection permit, the town may reject the application and decline to provide service for the following reasons:

(a) Service is not available under the standard rate;

(b) The cost of the service is excessive;

(c) The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; or

(d) Other good and sufficient reasons.

(2) The town may also reject an application for service if there is an outstanding amount due the town for water or sewer service in the applicant's name.

(3) A lessee making an initial application for service to his or her leased dwelling shall not be refused service by the town solely because of an outstanding amount owed the town by another customer for service previously furnished to that same address.

(D) By making application for service, the customer agrees that the town possesses the right to inspect and accept or reject the private water distribution systems, water connections, sewage collection systems, and sewer connections before they are connected to the town water and sewer systems. The town shall be given notice to inspect before the pipes are covered and the systems are connected.  
(Ord. O-00-001, passed 2-24-00, §§ 2.02 - 2.05) Penalty, see § 50.999

#### **§ 50.017 SYSTEM ALTERATION; PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the town.  
(Ord. O-00-001, passed 2-24-00, § 2.06) Penalty, see § 50.999

#### **§ 50.018 COSTS BORNE BY OWNER.**

All cost and expense incident to the connection of the building sewer on the owner's property shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection into the public sewer shall be made by the town, for which the owner shall pay the town a standard sewer tap fee as set by the Board, copy of that schedule to be kept on file in the office of the Clerk.  
(Ord. O-00-001, passed 2-24-00, § 2.07)



**§ 50.019 SEPARATE BUILDING SEWER REQUIRED; EXCEPTION.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, when approved by the town.

(Ord. O-00-001, passed 2-24-00, § 2.08)

**§ 50.020 OLD BUILDING SEWERS.**

No old sewers will be excepted. This requirement may be waived by the approving authority after the condition of the sewer has been thoroughly inspected by same.

(Ord. O-00-001, passed 2-24-00, § 2.09)

**§ 50.021 MINIMUM STANDARDS OF SEWERS.**

The building sewer shall, in all cases, meet the minimum standards of the state Plumbing and Building Codes and be installed in accordance with all applicable OSHA requirements. Joints shall be watertight. Any part of the building sewer that is located within ten feet of a water service shall be constructed of ferrous metal pipe with joints equivalent to water main standards. Ductile iron with mechanical joints may be required by the town where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of ductile iron or cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the town.

(Ord. O-00-001, passed 2-24-00, § 2.10)

**§ 50.022 COMMON CONNECTIONS ON ONE LOT; REQUIREMENTS.**

(A) Where there are multiple buildings or structures situated on one lot and where the lot owner desires to have a common water connection, and a common sewer connection, he or she must meet the following requirements.

(1) The building or buildings to be serviced shall be in compliance with all applicable zoning regulations.

(2) The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot.

(3) The applicant shall be required to submit to the town a site plan showing the proposed water and sewer systems. Site plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. The plans shall include:

(a) Size of water lines, materials to be used for construction, valve locations, and hydrant locations. All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor; and

(b) Size of sewers and materials to be used for construction. All sewer lines eight inches or larger in size shall be constructed in accordance with town specifications and standards. All sewer lines smaller than eight inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed plumber or a licensed utility contractor.

(B) Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

(Ord. O-00-001, passed 2-24-00, § 2.10)

#### **§ 50.023 SEWER SIZE AND SLOPE; GRADES; DRAIN ELEVATION; CONNECTION ANGLE.**

(A) *Size and slope of sewer.* The size and slope of the building sewer shall be subject to the approval of the town; but in no event shall the diameter be less than four inches. The slope of the four-inch pipe shall not be less than  $\frac{1}{8}$  inch per foot.

(B) *Grades for sewers.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any load bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

(C) *Building drains.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by that drain shall be lifted by approved artificial means and discharged to the building sewer.

(D) *Angle of connection.* The connection of the building sewer into the public sewer shall be made at an angle of approximately 45 degrees. A 45-degree ell may be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the town.

(Ord. O-00-001, passed 2-24-00, §§ 2.11 - 2.13, 2.15) Penalty, see § 50.999

**§ 50.024 EXCAVATION AND BACKFILL.**

All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the town. Backfill shall not be performed until the work has been inspected by the County Plumbing Inspector.

(Ord. O-00-001, passed 2-24-00, § 2.14) Penalty, see § 50.999

**§ 50.025 NOTICE TO TOWN.**

The applicant for the building sewer permit shall notify the town when the building sewer is ready for inspection and connection to the public sewer.

(Ord. O-00-001, passed 2-24-00, § 2.16)

***PRIVATE SEWAGE DISPOSAL*****§ 50.035 PERMIT REQUIRED.**

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Health Sanitarian. The application for this permit shall be made on a form furnished by the county, which the applicant shall supplement by any permit and inspection fee, plans, specifications, and other information as are deemed necessary by the Sanitarian, or county regulations.

(Ord. O-00-001, passed 2-24-00, § 2.17)

**§ 50.036 INSPECTION REQUIREMENTS.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sanitarian. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Sanitarian when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Sanitarian.

(Ord. O-00-001, passed 2-24-00, § 2.17)

**§ 50.037 STANDARDS.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state Department of Environment, Health, and Natural Resources, Division of Environmental Management. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. (Ord. O-00-001, passed 2-24-00, § 2.17) Penalty, see § 50.999

**§ 50.038 PUBLIC SEWER AVAILABLE; CONNECTION REQUIREMENT.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 50.015 of this code, a direct connection shall be made to the public sewer in compliance with this chapter at the first malfunction of the private system. At this time, any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. O-00-001, passed 2-24-00, § 2.17)

**§ 50.039 OPERATION AND MAINTENANCE REQUIREMENTS.**

(A) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at his or her own expense.

(B) In addition to the other requirements of this subchapter, all owners of lots on which private sewage systems are situated shall maintain those systems properly. Failure to maintain the systems properly shall constitute a nuisance which may be abated using the procedures of this chapter. However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of sewer service poses an immediate threat to public health, the town may summarily abate the nuisance and bill the lot owner for all costs incurred by the town. (Ord. O-00-001, passed 2-24-00, § 2.17) Penalty, see § 50.999

**§ 50.040 REQUIREMENTS NOT EXCLUSIVE.**

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian. (Ord. O-00-001, passed 2-24-00, § 2.17)

***WATER AND SEWER SERVICE EXTENSIONS*****§ 50.050 SERVICE TO PROPERTY IN TOWN; GENERAL POLICY.**

(A) The town recognizes its basic responsibility to provide water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the availability of funds, to extend its service lines to all in-town properties unless it is unreasonable to do so.

(B) The town may determine that an extension of service is unreasonable for the following reasons:

(1) The cost of service extension is excessive in terms of the number of customers to be serviced or because of topographical, engineering, technical, or other problems;

(2) The provision of service will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; or

(3) Other good and sufficient reasons.

(Ord. O-00-001, passed 2-24-00, § 2.18)

**§ 50.051 EXTENSION TO DEVELOPED PROPERTY IN TOWN.**

(A) Except as provided in § 50.052 below for extensions within new subdivisions and other new developments in town, the town will initially bear the cost of extending water or sewer service to properties within the corporate limits. However, the town may recoup its costs, in whole or in part, by charging front footage fees at the time of connection to the water or sewer system, or by levying special assessments on benefitted property.

(B) Except as provided in § 50.052, the town, or those entities it contracts with, will provide water and sewer main extensions to serve properties within the town.

(C) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within such rights-of-way, except where the topography makes this impracticable. However, in no case will the town extend sewer lines across private property, unless the town has obtained adequate permanent easements for those lines.

(D) In order to preserve road surfaces, whenever the town installs water or sewer line extensions in paved streets within the town, it may install lateral lines to serve undeveloped as well as developed properties.

(Ord. O-00-001, passed 2-24-00, § 2.19)

**§ 50.052 EXTENSION WITHIN NEW DEVELOPMENTS IN TOWN.**

(A) As indicated in § 50.050 above, the town recognizes its responsibility to extend its water and sewer lines to properties within the town. However, the responsibility for extending water and sewer lines within new subdivisions or within other new developments lies with the subdivider or developer, although the town may in its discretion contract with the subdivider or developer to install these water and sewer lines.

(B) The cost of extending water or sewer lines within new subdivisions or other new developments shall generally be borne by the subdivider or developer. However, if the town requires lines within a subdivision or other new development that are larger than those necessary to serve the project and are located so as to serve other properties, the town shall reimburse the developer for any additional costs incurred as a result of installing the oversized lines. This reimbursement shall be paid at the time the lines are connected to the town's system.

(Ord. O-00-001, passed 2-24-00, § 2.20)

**§ 50.053 EXTENSIONS OUTSIDE OF TOWN.**

(A) The town has no responsibility to provide water or sewer service to property located outside its corporate limits. However, upon request, the town may extend its water and sewer lines to serve properties outside the town when it, in its sole discretion, determines that it is in the town's best interests to do so.

(B) Any owner of property outside the corporate limits who seeks an extension of the town's water or sewer system to service his or her property, shall provide all information the town deems necessary to determine whether the requested extension is feasible and in the town's best interests.

(C) The responsibility for extending a water or sewer line to serve property outside the town is solely that of the property owner requesting the extension. Accordingly, the entire cost of extending lines within new subdivisions or developments outside the town shall be borne by the subdivider or developer.

(Ord. O-00-001, passed 2-24-00, § 2.21)

**§ 50.054 EXTENSIONS BY OTHER THAN TOWN PERSONNEL; REQUIREMENTS; DISCLAIMER.**

(A) All additions to the town's water or sewer system by other than town personnel, whether inside or outside the town, shall be performed in accordance with the provisions of this chapter as well as all other applicable town specifications and requirements. These include, but are not limited to, specifications governing the size of all lines, their location, grade, materials used, manner of installation, and provision for future extensions.

(B) No construction on any addition to the town's water or sewer system shall commence until detailed plans have been reviewed and approved by the Administrator. The plan shall include whatever information the Administrator deems reasonably necessary to determine whether the proposed extension complies with all applicable town specifications and requirements.

(C) Water lines intended for addition to the publicly owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the town may accept an offer of dedication of lines installed within unsubdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the town may accept sewer lines constructed on private property (where the topography makes this necessary) if adequate permanent easements are provided.

(D) To protect street surfaces, the town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to those water or sewer lines.

(E) By making application for extension to the town's water or sewer system, the person responsible for the extension agrees to indemnify and hold the town harmless from all loss, cost, damage, liability, or expense resulting from injury to any person or property arising out of the extension of those service lines.

(Ord. O-00-001, passed 2-24-00, § 2.22) Penalty, see § 50.999

#### **§ 50.055 WORK BY OTHERS; INSPECTION BY TOWN.**

(A) All work on the extension of water or sewer lines not performed by town personnel (whether inside or outside the town) shall be subject to inspection by the town. If, in the judgment of the Administrator, there is a demonstrated lack of competent supervision by a contractor, the Administrator may at his or her option:

(1) Halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or

(2) Provide constant inspection by town personnel at the expense of the applicant.

(B) Inspection of a project by the town does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to town specifications (if the work is not done by town personnel), and may be required to bring the project into conformity with such specifications and requirements, including correction of work already performed. (Ord. O-00-001, passed 2-24-00, § 2.23)

**§ 50.056 DEDICATION OF EXTENSIONS; TOWN TO CONTROL.**

(A) All water and sewer mains constructed and connected with the facilities of the town pursuant to this subchapter shall be conveyed to and become the property of the town upon completion and acceptance by the town. Connection to the system and acceptance by the town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.

(B) Following dedication as provided in division (A) above, the town shall have exclusive control of all water or sewer lines and shall be responsible for their maintenance, repair, and operations. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including all incidental damages as may arise from such claims.

(Ord. O-00-001, passed 2-24-00, § 2.24)

***SERVICE LINE USE REQUIREMENTS; DISCHARGES*****§ 50.070 PROHIBITED ACTIVITIES.**

No unauthorized person may:

(A) Supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain, or other public outlet without specific authorization from the town;

(B) Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance, or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;

(C) Tamper with the water meter so as to alter the true reading for the amount of water consumed and sewage discharged; or

(D) Attach or cause to be attached any connection to the water line before the water meter.  
(Ord. O-00-001, passed 2-24-00, § 3.01) Penalty, see § 50.999

**§ 50.071 SANITARY SEWERS; PROHIBITED DISCHARGES.**

(A) 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) 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, waste streams with a closed cup flashpoint of less than 140°F (60°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 one-half inch in any dimension;

(3) Petroleum oil, non-biodegradable 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 12.5, 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 and the like) in sufficient quantity (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW;

(6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which infuses the temperature at the introduction into the treatment plant to exceed 104°F (40°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 in accordance with § 50.079 of this code;

(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 § 405 of the Act (33 USC 1345), the Solid Waste Disposal Act (42 USC 6901 *et seq.*), the Clean Air Act (42 USC 7401 *et seq.*), the Toxic Substances Control Act (15 USC 2601 *et seq.*), 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 approved by the POTW Director in compliance with applicable state or federal regulations;

(13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the POTW Director;

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 50 mg/l;

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

(16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit;

(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 261 if not disposed of in a sewer;

(19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 02B .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;

(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 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter;

(24) Any substance discharged in a quantity that would cause any portion of the POTW to be hydraulically overloaded;

(25) (a) Waste from garbage shredders and grinders shall not be acceptable for discharge into a town sewer, except:

1. Wastes generated in preparation of food normally consumed on the premises; or
2. Where the user has obtained a permit for that specific use from the town and agrees to undertake whatever self-monitoring is required to enable the town to determine the waste constituents and characteristics and applicable fees and charges.

(b) These grinders must shred the waste to a degree so that all particles will be carried freely under normal flow conditions prevailing in the town sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

(26) No person shall discharge any substances directly into a manhole or other opening in a town sewer other than through an approved building sewer, unless he or she has been issued a permit by the town. If a permit is issued for such a direct discharge, the user shall pay the applicable charges and fees and shall meet other conditions necessary to properly treat this discharge as required by the town; and

(27) (a) No person shall discharge any holding tank waste, including by definition but not limited to pumpings from septic tanks, into a town sewer, unless he or she has been issued a permit by the town. Unless otherwise allowed by the town under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit will state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics. If a permit is granted for discharge of this type of waste into a town sewer, the user shall pay the applicable charges and fees and shall meet other conditions necessary to properly treat this discharge as required by the town. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational motor home holding tanks, provided that those discharges are made into a town approved facility designed to receive those wastes.

(b) Monitoring facilities for holding type wastes such as those described in the preceding division shall be provided by the user when in the exclusive judgment of the town they are deemed reasonably necessary for monitoring purposes.

(C) Pollutants, substances, wastewater, or other wastes prohibited by this subchapter 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 determines that a user is contributing to the POTW any of the above enumerated substances in amounts which may cause or contribute to interference of POTW operation or pass through, the POTW Director shall:

- (1) Advise the user of the potential impact of the contribution on the POTW in accordance with § 50.110 of this code; and

(2) Take appropriate actions in accordance with §§ 50.090 - 50.097 for that user to protect the POTW from interference or pass through.

(Ord. O-00-001, passed 2-24-00, § 3.02) Penalty, see § 50.999

#### **§ 50.072 NATIONAL CATEGORICAL PRETREATMENT STANDARDS; APPLICATION.**

(A) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-71, which are specifically incorporated herein.

(B) (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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

(3) 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.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. O-00-001, passed 2-24-00, § 3.03) Penalty, see § 50.999

#### **§ 50.073 WASTEWATER; LOCAL LIMITS.**

(A) To implement the general and specific discharge prohibitions listed in this chapter, industrial user-specific local limits will be developed to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user.

(B) Unless authorized by a permit issued pursuant to §§ 50.090 - 50.097 of this code, no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage.

(1) For the following parameters, exceeding domestic sewage levels shall mean in excess of the following levels:

<i>Pollutant</i>	<i>Maximum Domestic Sewage Level</i>
Arsenic	0.003 mg/l
BOD	250 mg/l
Cadmium	0.003 mg/l
Total chromium	0.05 mg/l
Copper	0.061 mg/l
Cyanide	0.041 mg/l
Lead	0.049 mg/l
Mercury	0.0003 mg/l
Nickel	0.021 mg/l
Silver	0.005 mg/l
TKN	40 mg/l
TSS	250 mg/l
Zinc	0.175 mg/l

(2) Domestic sewage levels for pollutants not listed above shall be determined by the POTW Director and shall be based on either actually measured local domestic sewage levels or levels generally accepted as reasonable in the scientific community.

(3) Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The POTW Director may impose mass limits in addition to, or in place of, the concentration-based limits above.

(4) 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.

(5) The town reserves the right to establish limitations and requirements for domestic sewage dischargers and commercial users which are more stringent than those required by either state or federal regulation.

(C) Unless authorized by a permit issued pursuant to §§ 50.090 - 50.097 of this code, no domestic sewage discharger or commercial user shall discharge wastewater with any of the following characteristics:

- (1) Having any clothing, rags, textile remnants, or the like, except scraps of fibers that will pass through a  $\frac{1}{4}$ -inch mesh screen or its equivalent in screening ability;
- (2) Having a COD of more than 1,500 mg/l;
- (3) Having an ammonia nitrogen content of more than 40 mg/l;
- (4) Containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons;
- (5) Containing 1.0 mg/l phenolic compounds which cannot be removed by the town's treatment process;
- (6) Containing any toxic or poisonous substances or any other materials (including, but not limited to, heavy metals or chemicals) in sufficient quantities to interfere with the biological processes used in the sewage treatment works or that will pass through the sewage treatment works and harm persons, livestock, or aquatic life utilizing the natural outlet;
- (7) Containing strong iron pickling wastes or concentrated plating solutions unless pretreated in such a way as to comply with all other limitations of this section;
- (8) Containing any solid or viscous substance, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, paper products, glass, rags, bones, feathers, slurry, lime residues, slops, whole blood, fleshings, chemical residues, paint residues, waxes, asphalt, tar, hair, plastics, wood, paunch manure, butcher's offal, or animal viscera capable of causing obstructions to the flow in the sewers or other interference with the proper operation of the sewage collection system or the sewage treatment works;
- (9) Containing any liquid waste or other substance that contains dyes or other colors of such character and quantity as to prevent removal by biological processes employed at the town's treatment plant or that requires special chemical treatment;
- (10) Containing any liquid or other substances that, after normal treatment, require excessive amounts of chlorine for stabilization or pathogenic disinfection. The amount of excess demand will be determined by comparing the chlorine demand of all other wastes entering the plant;
- (11) Containing any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor or chemicals in connection with its operation; or
- (12) Having any waste resulting from process(es) involving textiles, fabrics, wool, or other processes containing inert fibrous materials. These discharges shall undergo evaluation by the town. Since some of these processes have been shown to be detrimental to the treatment of waste, the evaluation procedure will be concerned with residual fiber within the treatment plant and its discharges.

Any process determined by the town to be creating adverse conditions within the treatment plant by the collection of fibrous or inert materials in its basins, pond, or discharges, shall not be allowed to continue disposing of its waste into the sanitary sewer collection system of the town, but shall dispose of its waste by alternative means.

(D) Users in industrial categories subject to effluent guidelines issued under § 304(b) of the Act which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt the best practicable control technology currently available, as defined by the Administrator pursuant to § 304(b) of the Act. Where the town's treatment works were designed to and do achieve substantial removal of pollutants other than compatible pollutants, as defined in this chapter, the town may not require the user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term **SUBSTANTIAL REMOVAL** is not subject to precise definition, it generally contemplates removals on the order of 80% or greater; minor incidental removals on the order of 10% to 30% are not considered substantial. For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into the town's treatment works or sanitary sewer system. However, any adjustments required for particular industrial categories should be considered in connection with the town's requirements, rather than the national pretreatment standard.

(E) Limitations on wastewater strength in this chapter may be supplemented with more stringent limitations in accordance with the permit sections of this chapter and regulations, laws, and procedures governing reissuance of permits.

(Ord. O-00-001, passed 2-24-00, § 3.04) Penalty, see § 50.999

#### **§ 50.074 DISPOSAL OF UNACCEPTABLE WASTE.**

Waste not permitted to be discharged into the town's sewer must be transported to a state approved disposal site.

(Ord. O-00-001, passed 2-24-00, § 3.05)

#### **§ 50.075 RIGHT OF REJECTION; SERVICE DISCONTINUANCE.**

(A) If any waters or wastes, discharged or proposed to be discharged to the public sewers, contain the substances or possess the characteristics enumerated in this subchapter, and which in the judgment of the town may have a deleterious effect upon the wastewater treatment works, processes, equipment, or receiving waters, or which create a hazard to life, or constitute a public nuisance, the town may reject the waters.

(B) The town may discontinue water service or sewer service, or both, to any domestic sewage discharger or commercial user who violates this subchapter, when in the judgment of the town that action is necessary to protect the wastewater treatment works, processes, equipment, or receiving waters from injury or damage, or is necessary to protect life or health.

(Ord. O-00-001, passed 2-24-00, § 3.06)

**§ 50.076 DILUTION NOT A PRETREATMENT SUBSTITUTE.**

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 standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the town or state.

(Ord. O-00-001, passed 2-24-00, § 3.07) Penalty, see § 50.999

**§ 50.077 WASTEWATER PRETREATMENT; REQUIREMENTS.**

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under §§ 50.090 - 50.097 of this code and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in § 50.070 of this code within the time limitations as specified by the EPA, the state, or the POTW Director, 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 before construction of the facility. The review of these 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 prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and 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 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 flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) (a) Grease and oil traps or other interceptors shall be provided at the user's expense, when that user operates an establishment preparing, processing, or serving food or food products. Grease interceptors can be required in other industrial products. Grease interceptors can be required in other industrial or commercial establishments when they are necessary for proper handling of liquid wastes containing oil or grease in amounts in excess of 50 mg/l by weight fat soluble, or for any flammable wastes. All such traps, tanks, chambers, or other interceptors shall be of a type and capacity approved by the town and shall be readily and easily accessible for cleaning and inspection. All such interceptors



shall be serviced and emptied of the waste content as required, but not less often than every 30 days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the publicly owned sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures as written in §§ 50.136 - 50.138 and 50.999 of this code.

(b) Wastes removed from grease interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of these wastes.

(c) A facility must keep interceptor cleaning records on file a minimum of three years. The following information must be kept on file: receipt for job performed signed by contractor and cost, clean out date, person responsible for cleaning, name of firm performing the clean out, and the disposal method for and destination of material removed.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. O-00-001, passed 2-24-00, § 3.08) Penalty, see § 50.999

#### **§ 50.078 ACCIDENTAL DISCHARGE AND SLUDGE CONTROL PLANS.**

(A) At least once every two years, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge and sludge control plan. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.

(B) An accidental discharge and sludge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or sludge discharge, as required by § 50.115 of this code; and

(4) Procedures to prevent adverse impact from any accidental or sludge discharge. These types of 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 measures and equipment for emergency response.

(Ord. O-00-001, passed 2-24-00, § 3.09)

**§ 50.079 HAULED WASTEWATER; PERMIT REQUIRED; ANALYSIS AND REPORTING.**

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at times as are established by the POTW Director. The waste shall not violate this subchapter or any other requirements established by the town. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director 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. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director 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 (42 USC 6901 *et seq.*) hazardous wastes.

(Ord. O-00-001, passed 2-24-00, § 3.10) Penalty, see § 50.999

**INDUSTRIAL WASTEWATERS; PERMITS****§ 50.090 WASTEWATER DISCHARGER; PERMIT REQUIRED.**

(A) *Wastewater dischargers.* 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, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(B) *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 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 be required to obtain a wastewater discharge permit for non-significant industrial users.

(Ord. O-00-001, passed 2-24-00, §§ 5.01, 5.02) Penalty, see § 50.999

**§ 50.091 SIGNIFICANT INDUSTRIAL USER PERMIT.**

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

(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, 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 processes for which categorical pretreatment standards have been promulgated;

(3) Analytical data on wastewater constituents and characteristics, including but not limited to those mentioned in §§ 50.070 - 50.079 of this code, any of the priority pollutants (as discussed in § 307(a) of the Act (33 USC 1317(a))) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR 136, as amended;

(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 processes 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) 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 the 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; and

(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 progress reports to the POTW Director.

(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, 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 02H .0908(a), as outlined in § 50.110 of this code; and

(14) Any other information the POTW Director deems necessary to evaluate the permit application.

(Ord. O-00-001, passed 2-24-00, § 5.02)

## **§ 50.092 WASTEWATER DISCHARGE PERMIT APPLICATION; EVALUATION; HEARINGS.**

(A) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and must contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision 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."

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

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

(2) Within 30 days of receipt the POTW Director shall acknowledge and accept the application if he or she determines that it is complete. If the POTW Director determines that the application is not complete, he or she shall return the application to the applicant with a statement explaining what additional information is required.

(C) *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 division (C)(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 divisions (C)(1) and (C)(2) above and the town's general permit conditions into a significant industrial user permit.

(D) *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. This fact sheet shall be made available to the public upon request. The contents of these fact sheets shall include at least the following information:

(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; and

(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.

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

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

(2) The POTW Director is authorized to:

(a) Issue a significant industrial user permit containing those conditions as are necessary to effectuate the purposes of this chapter and 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 § 50.093 of this code;

(d) Revoke any permit, pursuant to § 50.136 of this code;

(e) Suspend a permit, pursuant to § 50.136 of this code; or

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

*(F) Hearings.*

(1) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under § 50.999, or one issued an administrative order under § 50.136, shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless this written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall

make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

(a) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or 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 adjudicatory hearing held under division (F)(1) above, may be appealed to the Board of Commissioners 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 the state Administrative Procedure Act (APA), G.S. § 150B. APA forms may be utilized. APA forms and procedures are incorporated herein solely as a convenience to the applicant and the town; the town is not subject to the APA. Failure to make written demand within the time specified herein shall bar further appeal. The Board of Commissioners shall make a final 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.

(3) *Official record.* When a final decision is issued under division (F)(2) above, the Board of Commissioners shall prepare an official record of the case. This record shall include:

- (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; and
- (d) A copy of the final decision of the Board of Commissioners.

(4) *Judicial review.* Any person against whom a final order or decision of the Board of Commissioners is entered, pursuant to the hearing conducted under division (F)(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 the county. A copy of the petition must be served on the town when the petition is filed. Within 30 days after receipt of the copy of the petition of judicial review, the Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. O-00-001, passed 2-24-00, § 5.02) Penalty, see § 50.999

**§ 50.093 PERMIT MODIFICATION PROCEDURES.**

(A) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits, except as follows:

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

(2) A single modification of any compliance schedule not in excess of four months; or

(3) 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.

(B) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(C) (1) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to those standards shall be revised to require compliance with that standard within the time frame prescribed by that standard.

(2) Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by § 50.091(B), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(D) 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.

(Ord. O-00-001, passed 2-24-00, § 5.02)

**§ 50.094 CONDITIONS.**

(A) The POTW Director shall have the authority to grant a permit with such conditions attached as he or she believes necessary to achieve the purpose of this chapter and G.S. § 143-215.1.

(B) Wastewater permits shall contain, but are not limited to, the following:

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

(2) A statement of nontransferability;

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



(4) 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;

(5) Notification requirements for sludge loads; and

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

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

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

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

(3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, and the like, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(4) Development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

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

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

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

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

(9) 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);

(10) Compliance schedules for meeting pretreatment standards and requirements;

(11) Requirements for submission of periodic self-monitoring or special notification reports;

(12) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 50.121 of this code and affording the POTW Director, or his or her representatives, access thereto;

(13) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system;

(14) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee;

(15) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system;

(16) 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; and

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

(Ord. O-00-001, passed 2-24-00, § 5.02)

#### **§ 50.095 EXPIRATION.**

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.

(Ord. O-00-001, passed 2-24-00, § 5.02)

#### **§ 50.096 NONTRANSFERABLE.**

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.

(Ord. O-00-001, passed 2-24-00, § 5.02) Penalty, see § 50.999

#### **§ 50.097 REISSUANCE PROCEDURE.**

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this subchapter a minimum of 180 days prior to the expiration of the existing permit.

(Ord. O-00-001, passed 2-24-00, § 5.02)

**INDUSTRIAL USERS; REPORTING REQUIREMENTS; COMPLIANCE MONITORING****§ 50.110 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 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 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 following information:

(1) *Identifying information.* The name and address of the facility, including the 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 the user. This description should include a schematic process diagram 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 waste stream formula set out in 40 CFR 403.6(e);

(5) *Measurement of pollutants.*

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

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, 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 § 50.118 of this code; and

(c) Sampling must be performed in accordance with procedures set out in § 50.120.

(6) *Certification.* A statement, reviewed by the user's authorized representative 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 that 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 subchapter must meet the requirements set out in § 50.111 of this code; and

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 50.092(A) of this code.  
(Ord. O-00-001, passed 2-24-00, § 6.01)

#### **§ 50.111 COMPLIANCE SCHEDULE; PROGRESS REPORTS.**

The following conditions shall apply to the compliance schedule required by § 50.110(B)(7) of this code:

(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 no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, 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 these progress reports to the POTW Director.

(Ord. O-00-001, passed 2-24-00, § 6.02) Penalty, see § 50.999

#### **§ 50.112 CATEGORICAL PRETREATMENT STANDARD DEADLINE; COMPLIANCE REPORTS.**

(A) 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 those pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 50.110(B)(4) - (B)(6) of this code.

(B) 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 user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 50.092(A) of this code.  
(Ord. O-00-001, passed 2-24-00, § 6.03)

### **§ 50.113 PERIODIC COMPLIANCE REPORTS.**

(A) All significant industrial users shall, at a frequency determined by the POTW Director, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 50.092(A) of this code.

(B) 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.

(C) If a user subject to the reporting requirement in this subchapter monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 50.118 of this code, the results of this monitoring shall be included in the report.  
(Ord. O-00-001, passed 2-24-00, § 6.04)

### **§ 50.114 CHANGED CONDITIONS; REPORT REQUIRED.**

(A) Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

(B) (1) The POTW Director may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §§ 50.090 - 50.097 of this code.

(2) The POTW Director may issue a wastewater discharge permit under §§ 50.090 - 50.097 of this code or modify an existing wastewater discharge permit under §§ 50.090 - 50.097 of this code in response to changed conditions or anticipated changed conditions.

(3) 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. O-00-001, passed 2-24-00, § 6.05)

#### **§ 50.115 POTENTIAL PROBLEMS; NOTIFICATION AND REPORT REQUIRED.**

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a sludge load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) (1) Within five days following the above-described discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

(2) This 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 this 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.

(Ord. O-00-001, passed 2-24-00, § 6.06) Penalty, see § 50.999

#### **§ 50.116 UNPERMITTED USERS; REPORTING REQUIREMENTS.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require.

(Ord. O-00-001, passed 2-24-00, § 6.07)

#### **§ 50.117 NOTICE OF VIOLATION REQUIRED; REPEAT SAMPLING AND REPORT.**

If sampling performed by a user indicates a violation, the user must notify the POTW Director 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 within 30 days after becoming aware of the violation. The user is not required to resample if the POTW Director monitors at the user's facility at least once a month, or if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. O-00-001, passed 2-24-00, § 6.08)

**§ 50.118 ANALYSIS AND SAMPLING TECHNIQUES; NATIONAL STANDARDS.**

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 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 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. O-00-001, passed 2-24-00, § 6.09)

**§ 50.119 SAMPLE COLLECTION TECHNIQUES.**

(A) Except as indicated in division (B), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW Director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.  
(Ord. O-00-001, passed 2-24-00, § 6.10)

**§ 50.120 SUBMISSION DATES.**

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. O-00-001, passed 2-24-00, § 6.11)

**§ 50.121 RECORD KEEPING REQUIREMENTS.**

(A) 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 required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of these 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 the analyses.

(B) 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.

(Ord. O-00-001, passed 2-24-00, § 6.12)

#### **§ 50.122 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 internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when that 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 the sampling manhole or 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. O-00-001, passed 2-24-00, § 7.01)

#### **§ 50.123 INSPECTION AND SAMPLING; RIGHT OF ENTRY.**

(A) 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 the 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, approval authority, and the EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling, inspection, compliance monitoring, and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its 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.

(B) It shall be a violation of this chapter for anyone to deny the POTW Director, approval authority, or EPA access to the user's premises. Unreasonable delays may constitute denial of access.

(Ord. O-00-001, passed 2-24-00, § 7.02) Penalty, see § 50.999



## **§ 50.124 SEARCH WARRANTS.**

If the POTW Director, 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 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, approval authority, or EPA may seek issuance of a search warrant from the County Superior Court.

(Ord. O-00-001, passed 2-24-00, § 7.03)

## ***ADMINISTRATION AND ENFORCEMENT***

## **§ 50.135 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 that the release of this information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any request of this type 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 the pretreatment programs; provided, however, that these 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. O-00-001, passed 2-24-00, § 8)

## **§ 50.136 ADMINISTRATIVE REMEDIES.**

(A) *Notification of violation.* Whenever the POTW Director 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 may serve upon that person a written notice stating the nature of the violation. Within 30 days from the date of that notice, an 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 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. These 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 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 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 the action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The POTW Director 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 § 50.999; nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 50.092(F).

(D) *Administrative orders.* When the POTW Director 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 may issue an order to cease and desist all violations of this type 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; or

(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 may suspend the wastewater treatment service and wastewater permit when the 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 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 shall take 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 shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the 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 prior to the date of the above-described hearing.

(F) *Termination of permit.*

(1) Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its permit terminated:

(a) Failure to accurately report the wastewater constituents and characteristics of his or her discharge;

(b) Failure to report significant changes in operations or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(d) Violation of conditions of the permit.

(2) 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 section why the proposed action should not be taken.

(Ord. O-00-001, passed 2-24-00, § 9.01) Penalty, see § 50.999

**§ 50.137 ADDITIONAL REMEDIES.**

(A) Other remedies, in addition to those mentioned elsewhere in this chapter, are available to the POTW Director, who may use any single remedy or combination of remedies against a noncompliant user.

(B) Additional available remedies include, but are not limited to the following.

(1) *Criminal violations.* The District Attorney for Judicial District 6A may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B.

(2) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director, through the Town 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.

(3) *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.

(4) *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. Any person creating a public nuisance shall be subject to the provisions of the applicable local law governing nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying the nuisance.  
(Ord. O-00-001, passed 2-24-00, § 9.03) Penalty, see § 50.999

**§ 50.138 REMEDIES NOT EXCLUSIVE.**

The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.  
(Ord. O-00-001, passed 2-24-00, § 9.04) Penalty, see § 50.999

**§ 50.139 PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.**

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also

referred to as reportable noncompliance in 15A NCAC 02H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.  
(Ord. O-00-001, passed 2-24-00, § 10)

#### **§ 50.140 DISCHARGE VIOLATIONS; AFFIRMATIVE DEFENSES.**

(A) *Upset*. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (A)(1), below, are met.

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

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

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

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

1. A description of the indirect discharge and cause of noncompliance;

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

3. Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

(3) 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.

(4) 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 or lost, or fails.

(B) *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 § 50.071(A)

of this code or the specific prohibitions in §§ 50.071(B)(2), (B)(3), and (B)(5) - (B)(7) of this code 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:

(1) 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

(2) 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.

**(C) *Bypass.***

(1) 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 provisions of divisions (C)(2) and (C)(3) of this section.

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

(b) A user shall submit oral notice to the POTW Director 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 the time the user becomes aware of the bypass. The 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 reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(3) Bypass is prohibited, and the POTW Director 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 judgment 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 (C)(2) of this section.

(4) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in division (C)(3) of this section.

(Ord. O-00-001, passed 2-24-00, § 11) Penalty, see § 50.999

#### **§ 50.141 ENFORCEMENT PROCEDURES; TERMINATION OF SERVICE; HEARINGS; REINSTATEMENT.**

(A) *Application.* Except with respect to nonpayment of accounts as described in division (B)(1)(a) of this section, the provisions of this section do not apply to industrial users or other users permitted pursuant to §§ 50.090 - 50.097 of this code or by the approval authority. Users who are not permitted pursuant to §§ 50.090 - 50.097 or the approval authority are governed by this section.

(B) *Termination or interruption of services by town.*

(1) The town may terminate service to enforce any of the provisions of this chapter. Accordingly, the town may terminate service for reasons which include the following:

- (a) Refusal by the customer to pay in full an account that remains delinquent in excess of ten days;
- (b) Prevention of fraud or abuse by a customer; or
- (c) Failure of the customer to comply with any of the provisions of this chapter.

(2) Before service is terminated, the customer shall be notified of the proposed termination and given an opportunity to be heard on the matter as provided in this section.

(3) The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:

- (a) Emergency repairs;
- (b) Insufficient supply or treatment capacity; or
- (c) Strike, riot, flood, accident, act of God, or any other unavoidable cause.

(4) The town shall make a good faith effort to notify affected customers before service is discontinued or interrupted as provided in division (B)(3). However, the customer, by making application for service, agrees to hold the town harmless from liability for any loss or damage that may occur due to discontinuance or interruption of service for the above mentioned causes.

(C) *Notice of proposed termination of service and right of hearing.*

(1) On the day that an account becomes delinquent, or as soon thereafter as possible, the town shall mail to the customer a notice informing the customer of the amount owed and stating that:

(a) The customer's account is delinquent and is subject to a penalty charge of \$5;

(b) The customer is entitled to be heard before service termination by a designated employee at a specified address or telephone number during stated business hours if there is any dispute over the amount of the bill; and

(c) Unless the bill is paid in full or otherwise resolved by a specified date, the town may terminate service without further notice.

(2) The service termination date stated in the notice described in division (B) shall be the later of the following:

(a) The tenth day after the date the notice is mailed; or

(b) The tenth day after the account becomes delinquent.

(3) If the town proposes to terminate service for any reason other than nonpayment, the town shall first mail to the customer a notice informing the customer:

(a) That the town proposes to terminate service without further notice on a specified date, which date shall be not earlier than the tenth day after the notice is mailed;

(b) What the reasons for the proposed termination are and what, if anything, the customer may or must do to avoid termination of service; and

(c) That the customer is entitled to be heard by a designated employee (at any time prior to termination of service) at a specified address or telephone number during stated business hours if there is any question about the accuracy or legitimacy of the reasons stated for the proposed termination.

(D) *Termination hearing.*

(1) The hearing provided for in division (C) above may be held by phone or, at the request of the customer, the customer may meet in person with the employee at the office of the employee, as specified in the notice.

(2) The hearing shall be conducted informally. The customer shall be given every reasonable opportunity to bring to the attention of the designated employee information that reasonably bears upon the reasons for the proposed termination.



*(E) Stay of termination pending hearing outcome.*

(1) If the hearing provided for is requested and held before the service termination date indicated in the notice, the town shall postpone the proposed termination date until three days after the written decision is served on the customer as provided in division (E)(2) below.

(2) As soon as reasonably possible after the hearing, the employee conducting the hearing shall inform the customer in writing of his or her decision and the reasons therefor. If the proposed termination relates to an unpaid account, the writing shall also inform the customer that unless the account is paid in full within three days after the notice is served, the service will be terminated. This decision may be served upon the customer personally or mailed by certified mail, return receipt requested.

(3) If the customer fails to make a timely request for the hearing or, following a hearing, fails to comply with the decision of the town within the time specified in division (E)(2) above, the town may terminate service without further notice.

*(F) Lessee may take responsibility for payment.*

(1) (a) A copy of the notice of proposed termination required by division (C) of this section shall be sent to the occupant of the dwelling unit or the tenant of the non-residential structure, whenever:

1. A water meter serves a single dwelling unit or, in the case of non-residential structures, a single tenant;

2. The occupant of the dwelling unit or the tenant is not the person responsible for water or sewer payments (such as is not the customer); and

3. The customer becomes delinquent in his or her payments.

(b) The notice shall include or be accompanied by a statement setting forth the rights of the occupant or tenant (the lessee) as provided in division (F)(2) below.

(2) When a lessor becomes delinquent in his or her water or sewer payment, a lessee may take responsibility for the payments and may thereby become the customer. The lessee shall not be responsible for the debts of the lessor.

*(G) Procedure for service termination and reinstatement.*

(1) Water and sewer service termination shall be effected only by authorized agents of the town.

(2) When service is terminated, discontinued, or interrupted for any reason set forth in this section, it shall be unlawful for any person other than a duly authorized agent or employee of the town to do any act that results in the resumption of service.

(3) When service is terminated for nonpayment of bills, the service application deposit shall be applied to the outstanding bill.

(4) If there are deposit funds remaining after the deposit is applied to the outstanding bill, the excess shall be refunded to the customer. If a portion of the bill remains outstanding, the town may proceed to collect the balance using any lawful procedure.

(5) Before service will be reinstated, the customer shall be required to make full payment of any charges still outstanding on his or her account. In addition, the customer shall also redeposit with the town an amount equal to his or her application deposit or the amount of the bill outstanding at the time of termination, whichever is greater.

(6) A charge for service reinstatement shall be made pursuant to the schedule of rates and charges adopted by the Board of Commissioners.

*(H) Termination at customer's request.*

(1) The customer shall request that service be discontinued (for a change in occupancy or other reason) at least one day before the customer desires the termination to become effective.

(2) The customer shall be responsible for all water consumed and for pro-rated service up to the time service is terminated, or until one day following receipt of the request for termination, whichever occurs sooner.

(3) When all charges for service are paid in full, the customer's deposit shall be refunded. The deposit will be refunded pursuant to the schedule of rates and charges.

(4) The customer shall be entitled to be heard by a designated employee concerning any dispute about the amount of the deposit refund. The employee shall inform the customer in writing of his or her decision and the reasons therefor as soon as reasonably possible.

(Ord. O-00-001, passed 2-24-00, § 12) Penalty, see § 50.999

**§ 50.142 RATES AND CHARGES ADOPTED BY REFERENCE.**

The provisions in § 4 of the town's water and sewer ordinance, regarding charges and fees, as they may be amended from time to time, are hereby adopted by reference and shall be a part of this code as if set forth in full herein.

**§ 50.999 PENALTY.**

(A) Any person who violates any provision of this chapter for which no other specific penalty has been provided shall be subject to the penalties described in § 10.99 of this code.

(B) (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 \$10,000 per day per violation.

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

(a) 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;

(b) The duration and gravity of the violation;

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

(d) The cost of rectifying the damage;

(e) The amount of money saved by noncompliance;

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

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

(h) The costs of enforcement to the town.

(3) Appeals of civil penalties assessed in accordance with this division shall be as provided in § 50.092(F) of this code.

(Ord. O-00-001, passed 2-24-00, § 9.02)

