

CHAPTER 52: SEWERS

Section

General Provisions

- 52.001 Purpose and policy
- 52.002 Definitions and abbreviations
- 52.003 Confidential information
- 52.004 Annual publication of significant noncompliance

Sewer Use Requirements

- 52.015 Building of sewers and connections
- 52.016 Connection; permit, fee, supervision
- 52.017 Prohibited discharge standards
- 52.018 National categorical pretreatment standards
- 52.019 Local limits
- 52.020 State requirements
- 52.021 Right of revision
- 52.022 Dilution
- 52.023 Pretreatment of wastewater
- 52.024 Accidental discharge/slug control plans
- 52.025 Hauled wastewater

Wastewater Discharge Permit

Application and Issuance

- 52.035 Wastewater discharges
- 52.036 Significant industrial user permit

Oil and Grease Interceptors

- 52.050 General requirements
- 52.051 Construction standards
- 52.052 Exceptions
- 52.053 Enforcement
- 52.054 Amendment

Reporting Requirements

- 52.065 Baseline monitoring reports
- 52.066 Compliance schedule progress reports
- 52.067 Reports on compliance with categorical pretreatment standard deadline
- 52.068 Periodic compliance reports
- 52.069 Reports of changed conditions
- 52.070 Reports of potential problems
- 52.071 Reports from unpermitted users
- 52.072 Notice of violation; repeat sampling and reporting
- 52.073 Notification of the discharge of hazardous waste
- 52.074 Analytical requirements
- 52.075 Sample collection

52.076 Timing
52.077 Record keeping

Compliance Monitoring

52.090 Monitoring facilities
52.091 Inspection and sampling
52.092 Search warrants

Fees

52.105 Purpose
52.106 User charges
52.107 Surcharges
52.108 Pretreatment program administration charges

Administration and Enforcement

52.120 Administrative remedies
52.121 Other available remedies
52.122 Remedies nonexclusive
52.123 Affirmative defenses to discharge violations

52.999 Penalty

GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Roxboro, hereafter referred to as the city, and enables the city 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 any unsanitary discharge of polluted waters;
- (2) To regulate the construction or installation of building sewers;
- (3) 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;
- (4) 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;
- (5) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (6) To protect both municipal personnel who may be affected by sewage, sludge and effluent in the course of their employment, as well as protecting the general public;
- (7) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(8) To ensure that the municipality complies with its NPDES or nondischarge 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 nondomestic 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, as authorized by G.S. § 160A-312 and/or § 153A-275. The city shall designate an administrator of the POTW and pretreatment program, hereafter referred to as the POTW Director. 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 city personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions or orders issued hereunder.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00)

§ 52.002 DEFINITIONS AND ABBREVIATIONS.

(A) 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 Water Quality of the North Carolina Department of Environment, Health and Natural Resources or his or her designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

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

1. 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

2. 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.

(b) If the industrial user is a partnership or sole proprietorship, an AUTHORIZED REPRESENTATIVE shall mean a general partner or the proprietor, respectively.

(c) 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.

(d) The individuals described in divisions (a) through (c) of this definition 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 city.

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

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 standards.

CONTROL AUTHORITY. The Director of Public Services for the city or his designee.

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

FOOD SERVICE ESTABLISHMENT. Any commercial facility discharging kitchen or food preparation wastewater; including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat cutting preparation, bakeries, and the like, and any other facility which, in the opinion of the control authority, would require a grease trap installation by virtue of its operation.

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.

GREASE. Includes the accumulation of oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not, in the sewer system of the authority. These are substances that may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).

GREASE GENERATING ESTABLISHMENTS. All retail food establishments, catering establishments, commercial food preparation facilities, meat processing facilities, and other establishments that may be capable of accumulating and discharging grease into the sewer system.

GREASE INTERCEPTOR or GREASE TRAP. A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. Such traps

or interceptors may be of the "outdoor" or underground type, normally of a 1,000-gallon capacity or more, or the "under-the-counter" package units, which are typically less than 100-gallon capacity. For the purpose of this definition, the words TRAP and INTERCEPTOR are used interchangeably.

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

INDIRECT DISCHARGE or DISCHARGE. The discharge or the introduction from any nondomestic source regulated under § 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.

INSTANTANEOUS MAXIMUM ALLOW-ABLE DISCHARGE LIMITS. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

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 nondischarge 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), being 42 USC 6901 et seq., the Clean Air Act, being 42 USC 7401 et seq., the Toxic Substances Control Act, being 15 USC 2601 et seq., the Marine Protection Research and Sanctuary Act (MPRSA), being 33 USC 1401 et seq. and 16 USC 1431 et seq., or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA, being 42 USC 6941 et seq.) applicable to the method of disposal or use employed by the POTW.

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

NATIONAL CATEGORICAL PRETREAT-MENT 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 § 52.017 and are developed under the authority of § 307(b) of the Act, being 33 USC 1317(b) and 40 CFR 403.5.

NEW SOURCE.

(a) 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, being 33 USC 1317(c), which will be applicable to the source if the standards are thereafter promulgated in accordance with § 307(c), provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located;
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. 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.

(b) 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 (a)2. or 3. of this definition, but otherwise alters, replaces or adds to existing process or production equipment.

(c) For purposes of this definition, construction of a NEW SOURCE has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program:
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

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

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

OWNER. Any individual, person, firm, company, association, society, corporation, or group on whose property the building or structure is located or will be constructed.

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 nondischarge permit or a downstream water quality standard.

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

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

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

POTW DIRECTOR. The City of Roxboro Director of Public Services.

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

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing the 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 nondomestic sources which was developed by the city 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 city. 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 city who are, by contract or agreement with the city or in any other way, users of the POTW of the city.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

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

(a) Has an average daily process wastewater flow of 25,000 gallons or more;

(b) Contributes more than 5% of any design or treatment capacity (for example, allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;

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

(d) Is found by the city, the Division of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

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

(a) Violations of wastewater discharge limits.

1. Chronic violations. 66% or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.

2. Technical review criteria (TRC) violations. 33% or more of the measurements equal or exceed the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:

a. For the conventional pollutants (BOD, TSS, fats, oil and grease): TRC = 1.4.

b. For all other pollutants: TRC = 1.2.

3. Violations causing interference or pass-through. 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.

4. Violations endangering human welfare. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) 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.

(c) 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.

(d) Failure to accurately report noncompliance.

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

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 52.017.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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

SUPERINTENDENT or DIRECTOR/ SUPERINTENDENT. The person designated by the city 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.

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

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities

and institutions, together with any 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 § 52.036.

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.

(B) This chapter is gender neutral and the masculine gender shall include the feminine and vice-versa.

(C) Shall is mandatory; may is permissive or discretionary.

(D) 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.

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

- (1) BOD Biochemical Oxygen Demand.
- (2) CFR Code of Federal Regulations.
- (3) COD Chemical Oxygen Demand.
- (4) EPA Environmental Protection Agency.
- (5) gpd Gallons per day.
- (6) l Liter.
- (7) mg Milligrams.
- (8) mg/l Milligrams per liter.
- (9) G.S. General Statutes of North Carolina.
- (10) NPDES National Pollutant Discharge Elimination System.
- (11) O & M Operation and Maintenance.
- (12) POTW Publicly-Owned Treatment Works.
- (13) RCRA Resource Conservation and Recovery Act.
- (14) SIC Standard Industrial Classification.
- (15) SWDA Solid Waste Disposal Act.

(16) TSS Total Suspended Solids.

(17) TKN Total Kjeldahl Nitrogen.

(18) USC United States Code.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00; Am. Ord. passed 6-12-01)

§ 52.003 CONFIDENTIAL INFORMATION.

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

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, nondischarge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00)

§ 52.004 ANNUAL 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 the North Carolina Administrative Code (NCAC), 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. passed 3-20-95)

SEWER USE REQUIREMENTS

§ 52.015 BUILDING OF SEWERS AND CONNECTIONS.

(A) Every person owning a house, building or other structure used for human habitation or occupancy in the city and located on a lot which abuts or adjoins a street or alley along which is located a public sanitary sewer, which is accessible within 220 feet of the lot, shall make an approved water and sewer connection with the house, building or structure; provided, however, that no person shall be required to cross the private property of any other person to make such water and sewer connections.

(B) Every house, building or other structure used for human habitation or occupancy in the city which is located on a lot where no public sanitary sewer line is accessible, as defined in division (A) of this section, shall be connected to a septic tank approved by the State Board of Health.

(C) No person shall maintain, use or operate any privy, cesspool or any other means or system of sewage disposal within the city, except as provided in this section and other sections of this chapter.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.016 CONNECTION; PERMIT, FEE, SUPERVISION.

(A) No person shall connect any residence or other building or structure with the sewer system of the city without first obtaining the permission of the City Council or its designated agent or officer. All connections shall meet provisions of the North Carolina State Building Code, Volume II, Chapter 1, and Volume IA.

(B) Each building is required to have a connection to the city's sewer separate from any other building. If situations occur where separate connections are not feasible, City Council may grant permission for more than one building per connection.

(C) Any new connections to the sanitary sewer shall be installed in a manner that will prohibit inflow according to NCSBC Volume II, Chapter 13, Section 1302.

(D) The city's Building Inspector shall inspect all new connections and shall enforce all applicable provisions of the NCSBC.

(E) There shall be a charge for each connection to the sanitary sewer system. The charge shall cover all work performed by the city personnel, including costs for processing sewer applications and connection inspections.

(F) Reuse of existing building sewers shall not be allowed without the approval of the city's Building Inspector. No such use shall be allowed that does not comply with provisions of NCSBC Volume II, Chapter 13, Section 1302.

(G) Size and grades of building sewers shall comply with provision of NCSBC Volume II, Chapter 13, Sections 1303 and 1304.

(H) No materials shall be used for building sewers except those specified in NCSBC Volume II, Chapter 13 and Chapter 5.

(I) Building sewer construction procedures shall comply with requirements of NCSBC Volume II, Chapter 4.

(J) All work performed in installing building sewers shall be performed in a safe manner. All OSHA safety requirements and guidelines pertaining to building, plumbing and trenching shall be followed.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.017 PROHIBITED DISCHARGE STANDARDS.

(A) Discharge of wastewater. No person shall allow the discharge of any septic tank or cesspool or any other polluted water to flow to any open drain, ditch, stream or any other part of the environment within the corporate limits of or any area under the jurisdiction of the city other than the city's sanitary sewer. No sanitary wastewater shall be discharged to any storm sewer.

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

(1) 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. The owner of houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way where there is now located or may in the future be located a public sanitary sewer of the city, is required at his or her expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 200 feet of the property line.

(2) Where a public sanitary sewer is not available under the provisions of division (B)(1) of this section, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Environmental Health Specialist. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Environmental Health Specialist. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Environmental Health Specialist. 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 Environmental Health Specialist 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 Environmental Health Specialist. The type, capacities, location and layout of a private sewage disposal system shall comply with all rules and regulations of the North Carolina Department of Environment, Health and Natural Resources, Division of Water Quality and/or Division of Environmental Health. 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 40,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. At such time as provided in division (B)(1) of this section, a direct connection shall be made to the public sewer in compliance with this chapter at the first malfunction of the private system, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Environmental Health Specialist.

(3) Storm water, ground water, rain water, roof water, roof drainage, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connection to a city sewer.

(4) Unpolluted water, included by way of illustration, but not limited to cooling water, process water or blowdown water from cooling towers or evaporate coolers shall not be discharged through direct or indirect connection to a city sewer unless a permit is issued by the city.

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, 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.

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

(4) Any wastewater having a pH less than 6.0 (or more than 10.5) 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 150.8°F (66°C) or which will inhibit biological activity in the POTW treatment plant, resulting in interference, but in no case wastewater which causes 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 § 52.025.

(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, being 33 USC 1345, the Solid Waste Disposal Act, being 42 USC 7401 et seq., the Clean Air Act, being 42 USC 7401 et seq., the Toxic Substances Control Act, being 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, deionized water, noncontact

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 100 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, except as may be specifically authorized by the POTW Director.
- (19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (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) Pollutants, substances, wastewater or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
- (25) When the POTW Director determines that a user(s) is contributing to the POTW any of the substances enumerated in this section in such amounts which may cause or contribute to interference of POTW operation or pass-through, the POTW Director shall:
 - (a) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with § 52.120; and
 - (b) Take appropriate actions in accordance with §§ 52.035 and 52.036 for such user to protect the POTW from interference or pass-through. (Ord. passed 3-20-95; Am. Ord. passed 5-9-00; Am. Ord. passed 6-12-01) Penalty, see § 52.999 § 52.018 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(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 405-471 and 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).

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

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

(Ord. passed 3-20-95)

§ 52.019 LOCAL LIMITS.

(A) An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following instantaneous maximum allowable discharge limits. To implement the general and specific discharge prohibitions listed in this chapter, industrial user-specific local limits will be developed, ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

BOD	230 mg/l
TSS	230 mg/l
TKN	40 mg/l
Arsenic	0.003 mg/l
Cadmium	0.003 mg/l
Copper	0.06 mg/l
Cyanide	0.01 mg/l
Lead	0.05 mg/l
Mercury	0.00002 mg/l
Nickel	0.039 mg/l
Silver	0.004 mg/l
Chromium	0.071 mg/l (total chromium)
Zinc	0.45 mg/l

(B) Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW Director may impose mass-based limits in addition to or in place of concentration-based limits.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.020 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. passed 3-20-95)

§ 52.021 RIGHT OF REVISION.

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 52.001 or the general and specific prohibitions in § 52.017 as allowed by 40 CFR 403.4.

(Ord. passed 3-20-95)

§ 52.022 DILUTION.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard or in any other pollutant-specific limitation developed by the city or state.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.023 PRETREATMENT OF WASTEWATER.

(A) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 52.036, and shall achieve compliance with all national categorical pretreatment standards, local limits and the prohibitions set out in § 52.017 within the time limitations as specified by 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 city for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city 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 and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The POTW Director 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) Grease, oil and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that the interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director, and shall be so located to be easily accessible for cleaning and inspection. The interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at the user's expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.024 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

At least once every two years, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge/slug 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. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including nonroutine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 52.070; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. passed 3-20-95)

§ 52.025 HAULED WASTEWATER.

(A) Hauled wastewater. Hauled wastewater shall be considered in two separate categories:

(1) The septic tank wastes category shall include wastes from domestic household septic tanks, portable toilets and recreational vehicles.

(2) Industrial wastewaters shall mean any wastewater hauled from any source not included in division (A)(1).

(B) Septic tank wastes. Before discharging any septic waste to the POTW, each hauler shall:

(1) Be licensed by the city to operate a business.

(2) Be permitted by the state to haul septic tank waste.

(3) Be permitted annually by the POTW Director to discharge septic tank wastes to the POTW.

(4) Purchase load tickets or wastewater trucking forms from appropriate personnel at City Hall. Cost of the forms will be set to cover cost of treatment and handling and may be changed periodically.

(5) Provide a waste tracking submittal to WWTP personnel. This submittal shall provide information, including the location of each septic tank hauled, the name, address and signature of the owner or occupant of the household, the name of the truck owner and signature of the driver hauling the waste. The submittal shall accompany each load.

(6) Collect and provide to a WWTP staff member a sample from each load discharged.

(7) Clean up any spills that result from the discharge.

(C) Hauled industrial wastewaters.

(1) Any wastewaters described in division (A)(2) of this section shall be considered industrial wastewaters.

(2) Industrial waste generators shall obtain the permission of the POTW Director before hauling. Generators must meet provisions of this division (C).

(3) Industrial wastewater haulers must provide waste tracking sheets with each load. This form shall include, at a minimum, the name and address of the industrial generator and the hauler, permit number and the volume of waste hauled.

(D) Grease or oil waste. No grease collector nor oily waste shall be hauled to the POTW.

(E) RCRA hazardous wastes. No RCRA hazardous wastes shall be hauled to the POTW.

(F) Locations for introducing wastes. No hauled waste may be introduced to the POTW except at locations and times designated by the POTW Director.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00; Am. Ord. passed 6-12-01) Penalty, see § 52.999
WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE
§ 52.035 WASTEWATER DISCHARGES.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the city. When requested by the POTW Director, a user must submit information on the nature and characteristics of its wastewater within 14 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.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.036 SIGNIFICANT INDUSTRIAL USER PERMIT.

(A) Permit required. 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 nonsignificant industrial users.

(B) Significant industrial user determination. All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic 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.

(C) Significant industrial user permit application.

Users required to obtain a significant industrial user permit shall complete and file with the city 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 (B) of this section. 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 this chapter, any of the priority pollutants (§ 307(a) of the Act, being 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, being 33 USC 1314(g), 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 city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.

(b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between the 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 and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in § 52.065;

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

(D) Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

(E) Application review and evaluation.

(1) The POTW Director will evaluate the data furnished by the user and may require additional information.

(2) The POTW Director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.

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

(F) 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 (F)(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 (F)(1) and (2) above and the general permit conditions of the city into a significant industrial user permit.

(G) Permit synopsis. A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority, and shall be made available to the public upon request. The contents of the 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.

(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.

(H) 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 such 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 division (J) of this section;

(d) Revoke any permit pursuant to § 52.120;

(e) Suspend a permit pursuant to § 52.120;

(f) Deny a permit application when, in the opinion of the POTW Director, such 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.

(I) Final appeal hearings. Final appeal hearings shall be conducted at the next regularly scheduled City Council meeting before the City Council. Failure to make written demand within the time specified herein shall bar further appeal.

(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 § 52.999 or one issued an administrative order under § 52.120 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 the 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 (I)(1) may be appealed to the Council or Board serving the city upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this division shall be conducted at the next regularly scheduled City Council meeting, as long as seven-days notice is given to the City Clerk, in order that the hearing may be placed on the agenda for the next regularly scheduled City Council meeting. Failure to make written demand within the time specified herein shall bar further appeal. The City Council 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 (I)(2) of this section, the Council or Board serving the city shall prepare an official record of the case that includes:

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

- (b) A copy of all documentary evidence introduced;
- (c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
- (d) A copy of the final decision of the Council or Board serving the city.

(4) Judicial review. Any person against whom a final order or decision of the City Council is entered, pursuant to the hearing conducted under division (I)(2), 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 Person County, along with a copy to the city. Within 30 days after receipt of the copy of the petition of judicial review, the Council or Board serving the city shall transmit to the reviewing court the original or a certified copy of the official record.

(J) Permit modification.

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

- (a) Changes in the ownership of the discharge when no other change in the permit is indicated;
- (b) A single modification of any compliance schedule not in excess of four months;
- (c) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational; and
- (d) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(2) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by division (C) of this section, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

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

(K) Permit conditions.

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

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

(b) A statement of non-transferability;

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

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

(e) Notification requirements for slug loads; and

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

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

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

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

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

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

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

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

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

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

(i) 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);

- (j) Compliance schedules for meeting pretreatment standards and requirements;
- (k) Requirements for submission of periodic self-monitoring or special notification reports;
- (l) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 52.077 and affording the POTW Director or his or her representatives access thereto;
- (m) 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;
- (n) 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;
- (o) Requirements for immediate notification of excessive, accidental or slug discharges, or any discharge which could cause any problems to the system;
- (p) 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
- (q) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter and state and federal laws, rules and regulations.

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

(M) Permit transfer. Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

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

(Ord. passed 3-20-95) Penalty, see § 52.999

OIL AND GREASE INTERCEPTORS

§ 52.050 GENERAL REQUIREMENTS.

(A) By the authority of Chapter 10, § 1004.4 of the North Carolina State Building Code, Volume II: Plumbing. "A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in the following establishments when, in the opinion of the Plumbing Official, a hazard exists: restaurants, hotel kitchens or bars, factory cafeterias or restaurants, clubs, or other uses where grease can be introduced into the drainage system in quantities that can affect line stoppage or hinder sewage disposal."

(B) All food service establishments shall have grease-handling facilities approved by the control authority. Establishments whose grease-handling facilities or methods are not

adequately maintained to prevent floatable oils, fat or grease from entering the sewerage system shall be notified in writing of any noncompliance, and required to provide a schedule whereby corrections will be accomplished.

(C) All food service establishments' grease-handling facilities shall be subject to review, evaluation, and inspection by the Public Services Department representatives during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator.

(D) Food service establishments receiving two consecutive unsatisfactory evaluations or inspections may be subject to penalties or other corrective actions as provided for in this chapter.

(E) Food service establishments who continue to violate the oil and grease removal requirements may be considered grounds for discontinuance of sewer service.

(F) Food service establishments whose operations cause or allow excessive grease to discharge or accumulate in the city collection system may be liable to the city for costs related to Public Service Department service calls for line blockages, line cleanings, line and pump repairs, and the like, including all labor, materials, and equipment. Failure to pay all service-related charges may also be grounds for sewer service discontinuance.

(G) Regularly scheduled maintenance of grease-handling facilities and equipment is required to ensure adequate operation. In the maintaining of these grease interceptors, the owner, lease-holder or operator shall be responsible for the approved removal and disposal of grease by the city oil and grease removal guidelines, and shall maintain on-site records of clean-out date, name of clean-out firm, signature of owner/ manager, and a receipt from the clean-out firm. Records shall be maintained for a period of three years.

(H) The owner shall be responsible for ensuring that no waste or wastewater pumped from the grease interceptor/grease trap is reintroduced back into the interceptor. This is a violation of this chapter and can result in enforcement action.

(I) Any food service establishment whose effluent discharge to the sewerage system is determined by the city to cause interference in the conveyance or operation of the sewerage system may be required to sample its grease trap discharge and have it analyzed for oil and grease at the expense of the owner, lease-holder or operator. Results of such analyses shall be reported to the Public Services Department.

(J) All grease traps/interceptors shall be designed to have a minimum 24-minute detention time, and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the sewer.

(K) Food service establishments shall adopt procedures for handling sources of floatable oils, fat or grease originating within their facility. A notice shall be permanently posted at a prominent place in the facility, advising employees of the procedures to be followed.

(Ord. passed 6-12-01) Penalty, see § 52.999
§ 52.051 CONSTRUCTION STANDARDS.

(A) New facilities.

(1) All new food service establishments shall be required to install a grease interceptor, according to the control authority guidelines. Grease interceptors shall be adequately sized, with no interceptor less than 1,000 gallons total capacity, unless otherwise approved by the control authority. The following information must be supplied to the Public Services Department before plans will be approved and authorization to construct (install) is issued:

- (a) Plumbing drawings for the proposed facility.
- (b) Identification and dimensions (length x width x depth) in inches for each compartment of each drainage unit.
- (c) Dishwasher contribution (per supplier) in gpm.
- (d) Pulper contribution (per supplier) in gpm.
- (e) Drain specifications (pipe diameter).
- (f) Name of engineering firm or supplier who sized trap.
- (g) Trap information including: supplier, type, size and calculations used to determine required 24-minute detention time.
- (h) Flow control device information: type.
- (i) Any other information requested by the control authority.

(2) No new food service establishments will be allowed to initiate operations until grease-handling facilities are installed and approved by the control authority.

(3) All grease interceptors, whether singular or two tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition.

(4) A basket, screen or other intercepting device shall prevent passage into the drainage system of solids, ½-inch or larger in size, for under the counter units. The basket or device shall be removable for cleaning purposes.

(5) If a food service establishment chooses to install or has a food waste grinder installed, the waste from these units shall pass through a grease interceptor. The food service establishment shall service and maintain the unit as often as necessary to meet the conditions of this subchapter.

(B) Existing facilities.

(1) All existing food service establishments shall have grease-handling facilities approved by the control authority. Food service establishments without any grease-handling facilities will be given a compliance deadline not to exceed six months from date of notification to have approved and installed grease-handling equipment in compliance with this subchapter. Failure to do so will be considered a violation of this chapter and may subject the facility to penalties and corrective actions or service discontinuance. Said installations shall meet the same requirements for design as for new facilities, as set forth in division (A) of this section.

(2) In the event an existing food service establishment's grease-handling facilities are either under-designed or substandard in accordance with this subchapter, the owner(s) will be notified in writing of the deficiencies, required improvements, and given a compliance deadline not to exceed six months to conform with the requirements of this subchapter.

(3) For cases in which outdoor-type grease interceptors are infeasible to install, existing food service establishments will be required to install adequate and approved under-the-counter grease traps for use on individual fixtures, including dishwashers, sinks, and other potentially grease-containing drains.

(4) If it is determined that an outdoor-type grease interceptor is infeasible, the food service establishment shall meet the same requirements for design as for new facilities, as set forth in division (A) of this section. Flow control fittings must be provided to the inlet side of all under-the-counter units to prevent overloading of the grease trap and to allow for proper operation.

(5) The Control Authority approval of flow control devices and grease trap design must be obtained prior to installation.

(6) The location of under-the-counter units must be as near the source of the wastewater as physically possible.

(7) Wastewater from garbage grinders shall be discharged to grease traps/interceptors.

(8) In maintaining grease traps/interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal, which are subject to review by the Public Services Department, as set forth in § 52.050(G).

(9) The use of enzymes, grease solvents, emulsifiers, and the like is not considered an acceptable grease trap maintenance practice and therefore is prohibited.

(C) New food service establishments in existing buildings.

(1) Where practical, new food service establishments locating in existing buildings will be required to comply with the grease trap standards applicable to new facilities, as set forth in division (A) of this section.

(2) Where physically impossible to install outdoor units, under-the-counter units may be allowed as with existing food service establishments, provided prior approval of unit type, size, location, and the like is approved by the Public Services Department.

(Ord. passed 6-12-01) Penalty, see § 52.999

§ 52.052 EXCEPTIONS.

(A) Under certain circumstances, the interceptor size and location may need special exceptions to this policy. If an exception to this policy is requested, the user must demonstrate that the size and location will not cause the facility any problems in meeting the discharge requirements of the control authority. Any variance to the requirements herein shall be granted at the discretion of the Public Services Director.

(B) The intent of this subchapter is to ensure compliance with the city's POTW NPDES permit No. NC0021024, which is required by the United States Environmental Protection Agency. This subchapter is in no way intended to discourage development, but rather to protect the facilities and the city's infrastructure as it relates to the sanitary sewer system.

(Ord. passed 6-12-01)

§ 52.053 ENFORCEMENT.

(A) The Control Authority shall conduct a minimum of one compliance inspection annually. The Director of Public Services may direct Public Services staff to inspect any one or more food service establishment based on compliance history, collection system problems, and the like.

(B) Food service establishments determined to be in noncompliance with the requirements of this subchapter that are linked to a collection line blockage will be required to reimburse the city for expenses associated with clean-up.

(C) Food service establishments determined to be in noncompliance with the requirements of this subchapter that are linked to a collection line blockage will be required to increase interceptor cleaning frequency.

(D) The city may assess penalties for failure to keep required records, failure to clean in-floor/ under-sink units daily or in-ground units every 30 days or according to variance issued by the city.

(Ord. passed 6-12-01)

§ 52.054 AMENDMENT.

The oil and grease removal program may be modified or changed by the city at any time in accordance with the requirements of this chapter, North Carolina General Statutes and federal regulations.

(Ord. passed 6-12-01)

REPORTING REQUIREMENTS

§ 52.065 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) of this section. 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) of this section. 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 in division (A) of this section shall submit the information set forth below.

(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. (Estimated pollutants for new sources).

(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/Superintendent of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.074.

(c) Sampling must be performed in accordance with procedures set out in § 52.075.

(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 such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.066.

(8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 52.036(D).

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.066 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.065(B)(7):

(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 in division (A) of this section 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 such progress reports to the POTW Director.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.067 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to the pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 52.065(B)(4) through (6). 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 § 52.036.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.068 PERIODIC COMPLIANCE REPORTS.

(A) Municipalities may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

(B) 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 § 52.036.

(C) 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.

(D) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 52.074, the results of this monitoring shall be included in the report.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00) Penalty, see § 52.999

§ 52.069 REPORTS OF CHANGED CONDITIONS.

(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 30 days before the change.

(B) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.036.

(C) The POTW Director may issue a wastewater discharge permit under § 52.036 or modify an existing wastewater discharge permit under § 52.036 in response to changed conditions or anticipated changed conditions.

(D) 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. passed 3-20-95)

§ 52.070 REPORTS OF POTENTIAL PROBLEMS.

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

(B) Within five days following the 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. The 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 the 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) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.071 REPORTS FROM UNPERMITTED USERS.

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. passed 3-20-95) Penalty, see § 52.999

§ 52.072 NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.

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. passed 3-20-95) Penalty, see § 52.999

§ 52.073 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) The city prohibits the discharge of any hazardous wastes without notification and approval of the POTW Director.

(B) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise

disposed of, would be a hazardous waste under 40 CFR 261. The notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of the waste per calendar month to the POTW, the notification also shall contain the following information to the extent the information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of the constituents in the waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00) Penalty, see § 52.999

§ 52.074 ANALYTICAL REQUIREMENTS.

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

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.075 SAMPLE COLLECTION.

(A) Except as indicated in division (B) of this section, 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. passed 3-20-95) Penalty, see § 52.999

§ 52.076 TIMING.

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

(Ord. passed 3-20-95)

§ 52.077 RECORD KEEPING.

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

(Ord. passed 3-20-95) Penalty, see § 52.999

COMPLIANCE MONITORING

§ 52.090 MONITORING FACILITIES.

(A) The city requires the user to provide and operate at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the

user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole 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 requirements of the city and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

(Ord. passed 3-20-95) Penalty, see § 52.999

§ 52.091 INSPECTION AND SAMPLING.

The city 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 city, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW Director's/ Superintendent's, approval authority's or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access.

(Ord. passed 3-20-95; Am. Ord. passed 6-12-01) Penalty, see § 52.999

§ 52.092 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 and/or sample as part of a routine inspection and sampling program of the city 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 Magistrate's Office.

(Ord. passed 3-20-95)

FEES

§ 52.105 PURPOSE.

It is the purpose of this subchapter to provide for the recovery of costs from users of the wastewater disposal system of the city for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW Director and approved by the City Council. A copy of these charges and fees will be made available from the POTW Director.

(Ord. passed 3-20-95)

§ 52.106 USER CHARGES.

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

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

(C) Each user shall pay its proportionate cost based on volume of flow, concentration of wastewater and percentage of maximum allowable headworks loading.

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

(E) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

(Ord. passed 3-20-95)

§ 52.107 SURCHARGES.

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

BOD	230	mg/l
TSS	230	mg/l
TKN	40	mg/l

(B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed in division (A) of this section. The amount charged per pound of excess will be set forth in the schedule of charges and fees. Surcharge rates will be based on cost to treat and may be adjusted periodically.

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

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

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

(c) Where any user procures all or part of his or her water supply from sources other than the city, the user shall install and maintain at his or her own expense a flow measuring device of a type approved by the city.

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

(3) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his or her duly appointed representatives shall be binding as a basis for charges.

(Ord. passed 3-20-95)

§ 52.108 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

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

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

(Ord. passed 3-20-95)

ADMINISTRATION AND ENFORCEMENT

§ 52.120 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 such person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the city 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 empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the noncompliance. The 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) of this section.

(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 this 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 § 52.999, nor is any action or inaction taken by the POTW Director/Superintendent under this section subject to an administrative appeal under § 52.036.

(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 such violations and direct those persons in noncompliance to do any of the following:

(1) Immediately comply with all requirements;

(2) Comply in accordance with a compliance time schedule set forth in the order;

(3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;

(4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(E) Emergency suspensions.

(1) The POTW Director may suspend the wastewater treatment service and/or 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 nondischarge permit.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director 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 the user's 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. passed 3-20-95)

§ 52.121 OTHER AVAILABLE REMEDIES.

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

(A) Criminal violations. The District Attorney for the Ninth Judicial District may, at the request of the city, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B (Note: Under North Carolina law, it is a crime to negligently violate any term, condition or requirement of a pretreatment permit or negligently fail to apply for a pretreatment permit issued by local governments (G.S. § 143-215.6B(f)), to knowingly and willfully violate any term, condition or requirement of a pretreatment permit or knowingly and willfully fail to apply for a pretreatment permit issued by local governments (G.S. § 143-215.6B(g)), to knowingly violate any term, condition or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury (G.S. § 143-215.6B(h)) and to falsify information required under G.S. Ch. 143, Art. 21 (G.S. § 143-215.6B(i)).

(B) 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 City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(C) 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.

(D) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder is declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the city governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying the nuisance.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00)

§ 52.122 REMEDIES NONEXCLUSIVE.

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 enforcement response plan of the city. 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. passed 3-20-95)

§ 52.123 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (A)(2) are met.

(2) 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 workman-like 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 and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

(4) 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.

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

(B) Prohibited discharge standards defense.

(1) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.017(A) or the specific prohibitions in § 52.017(C)(2), (3), (5) through (7), and (9) through (23) if it can prove that it did

not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

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

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

(2) Pursuant to 40 CFR 403.5(a)(2), the affirmative defense outlined in this division (B) cannot apply to the specific prohibitions in § 52.017(C)(1), (4) and (8).

(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)(3) and (C)(4).

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

(3) A user shall submit oral notice to the POTW Director/Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of 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.

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

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

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering 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)(3).

(5) 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)(4).

(Ord. passed 3-20-95)

§ 52.999 PENALTY.

(A) General penalty. Whoever shall violate any provision of this chapter for which no specific penalty is set forth shall be punished as provided in § 10.99.

(B) Civil penalties.

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

(2) 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 city.

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 52.036.

(C) Oil and grease removal.

(1) Food service establishments determined to be in noncompliance with the record keeping requirements of §§ 52.050 through 52.054 will be issued a notice of violation (NOV). Food service establishments determined to be in noncompliance twice in a 12-month period for record keeping could be fined up to \$500.

(2) Food service establishments that do not install a grease trap/interceptor when instructed to do so by the control authority will be fined \$200 per month until a properly sized trap/interceptor is installed.

(Ord. passed 3-20-95; Am. Ord. passed 5-9-00; Am. Ord. passed 6-12-01)