

Chapter 22 UTILITIES¹

ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

ARTICLE II. WATER AND SEWER SYSTEM

Sec. 22-19. Board of commissioners to regulate.

The sewer and water system of the town shall be under the control of the board of commissioners, and the duty prescribing and enforcing full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in the town manager or his authorized agent.

(Prior Code, ch. V, § 1)

Sec. 22-20. Permit for connection required.

No person, firm or corporation shall connect with the water system of the town until they shall have made application in writing to the water and sewer clerk. This application shall be made before any part of the draining system of the building or other connection shall have been laid or constructed. Said application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewer line through the building to its end, showing the location of all fixtures, traps, ventilating pipes, etc., and shall state the name of the street and name of the person, firm or corporation.

(Prior Code, ch. V, § 2)

Sec. 22-21. Separate connections required.

Each individual business or residential building or structure shall install a separate water and sewer connection unless waived by the town manager.

(Prior Code, ch. V, § 3)

¹State law reference(s)—Solid waste, G.S. 130A-290 et seq.; state drinking water act, G.S. 130A-290 et seq.; wastewater systems, G.S. 130A-333 et seq.

Sect 22-21A System Development Fees

I. New Development and System Fees

- (1) System development fees shall be charged with respect to new development to fund costs of capital improvements to recoup a combination of costs consisting of the cost of existing facilities which serve such new development and the incremental cost of capital assets required for preserving and/or providing additional system capacity. System development fees shall be charged consistent with the requirements of N.C.G.S. Ch. 162A, Article 8 as such may be amended from time to time. Terms used in this section shall have the same meanings as set forth in N.C.G.S. Ch. 162A, Article 8.
- (2) For purposes of this section, new development includes any of the following actions occurring after May 6, 2024 (the date the town formally received the written analysis and report required by N.C.G.S. § 162A-205) that increases the water and/or sewer capacity necessary to serve that development:
 - (a) The subdivision of land;
 - (b) The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units; or
 - (c) Any use or extension of the use of land which increases the number of service units.
 - (d) Any increase in water meter size for an existing use.

II. System Development Fee Assessment

- (A) Beginning on the effective date of this section, system development fees shall apply to all new development except for fire line connections.
- (B) System development fees shall not include and separate charges may be assessed for:
 - (1) A charge or fee to pay administrative, plan review, or inspection costs associated with permits required for development.
 - (2) Tap or connection charges for the purpose of reimbursing the town for the actual costs of connecting the service unit to the system.
 - (3) Availability charges.
 - (4) Dedication of capital improvements onsite, adjacent, or ancillary to a development absent a written agreement providing credit or reimbursement to the developer pursuant to N.C.G.S. §§ 160A- 320, 160A-499 or N.C.G.S. Ch. 160A, Art. 19, Part 3D as the same may be amended from time to time.
 - (5) Reimbursement to the town for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as required per N.C.G.S § 162-207(c).

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- (C) System development fees will not be charged on buildings or other improvements constructed to replace like buildings provided that the replacement will not result in any increased capacity requirements over that required to serve the replaced building, i.e. the meter size does not increase. System development fees are transferable between locations on different parcels of property as long as the parcels are contiguous or separated only by a street or alley and part of a single or multi-phased project shown on an approved site plan at the time of issuance of a building permit.
- (D) Collection of fees. (a) For new development involving the subdivision of land, the system development fee shall be collected at the time of issuance of a zoning certificate for the use, or when water or sewer service at that location is officially committed by the town.
- (b) For all other new development, system development fees are due at the earlier of the time of application for connection of the individual unit of development to the service or facilities, or when water or sewer service is committed by the town.
- (c) For purposes of this section, water service shall be deemed committed by the town at such time as the Public Works Department has approved the connection and zoning certificate(s) for the development are issued. Fees shall be assessed based on the schedule of fees in effect at the time the fees are collected.
- (E) Additions, alterations to or replacements or change in use of existing buildings shall be required to pay a system development fee based on the rates applicable at the time of connection or at the time such addition, alteration, replacement or change in use is placed into service. When a change in use occurs, the new use will pay the difference calculated between the existing use and the proposed use.
- (F) Buildings that contain more than one use shall have the system development fee calculated from the sum of each use in the building.
- (G) (1) The system development fee shall be paid for connections to the town municipal water system based on the customer's meter size. The system development fee shall be the same regardless of the customer's location inside or outside the municipal limits of the town.
- (2) System development fees shall be based on the proposed meter size of the anticipated use or increase in meter size of an existing use. The Town of Spring Hope shall not incur any expense associated with any testing, engineering, or survey requirements.
- (I) In calculating system development fees with respect to new development, the town will credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.
- (J) All system development fees collected by the town shall be deposited to the town's utility capital reserve funds and expended as provided by G.S. § 162A-211, as such may be amended from time to time.

Sec. 22-22. Sewer required.

- (a) All owners of improved property which is or may be located upon or within a reasonable distance of the sewer system of the town, where the sewer system is in operation, shall connect with such sewer system

all water closets, bathtubs, lavatories, sinks, drains, shower baths and other connections upon their respected properties or premises so that the contents may be made to empty into such sewer or sewer system.

(b) No outdoor privies may be constructed in the town.

(Prior Code, ch. V, § 4)

Sec. 22-23. Use of town water.

(a) *Consumer not allowed to supply or sell water.* No consumer will be allowed to supply or sell water, to other persons, families, or corporations, nor shall any person take or carry water away from any hydrant, watering trough, or public fountain.

(b) *Unauthorized use of fire hydrants.* The fire hydrants are for the use of the fire department for fighting fires, and are not to be used by any unauthorized person for any purpose, without permission from the town manager.

(c) *Extra taps.* Any person willing to pay the tap fee and/or any additional expense incurred by the town may have a water meter installed by the town in order to use the water outside any building to water gardens, lawns, or to wash vehicles or the like without having to connect with such sewerage systems as required by this section, and without paying the sewer charge for the water so used. This water line cannot be connected or used inside any building. Anyone violating this section shall be guilty of a general misdemeanor as provided by statute and be subjected to the removal of the water meter and line.

(Prior Code, ch. V, § 5)

State law reference(s)—State rules regarding drinking water, G.S. 130A-315.

Sec. 22-24. Water and sewer rates.

Water and sewer rates and connection charges shall generally be determined in July of each year with the beginning of each new fiscal year budget. The rates shall be kept on file in the office of the town clerk.

(Prior Code, ch. V, § 6)

Sec. 22-25. Tampering with or obstructing water and sewer lines prohibited.

No person shall tamper, or in any manner manipulate or turn the cut-off on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line or main. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct such line.

(Prior Code, ch. V, § 7)

Sec. 22-26. Private water supply regulated.

It shall be unlawful for any person, firm or corporation to furnish, supply, or provide any water from a private well or pumps in or to any dwelling house, boardinghouse, inn, hotel, cafe, or other commercial establishment, or any rooms of the same. No private well can be hooked to town water lines in any manner.

(Prior Code, ch. V, § 8)

Sec. 22-27. Public works director.

The town manager may select a competent person to supervise under his general control the entire water and sewer system of the town. The board of commissioners may from time to time prescribe the duties and responsibilities of the public works director. The public works director, or his assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures, or connections on which town water pressure is maintained.

(Prior Code, ch. V, § 9)

Sec. 22-28. Maintenance of water and sewer system.

All work on the water and sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives, or plumbers approved by the town. All work shall be performed in accordance with regulations which the board of commissioners or town manager may from time to time prescribe.

(Prior Code, ch. V, § 10)

Sec. 22-29. Application for water and sanitary sewer mains within the corporate limits.

- (a) From and after the effective date of the ordinance from which this article is derived, any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other public way where no water or sanitary sewer main exists, such property owner or developer shall apply in writing to the public works director or other persons designated by the board of commissioners requesting such water and/or sewer services.
- (b) When application is made for water and sewer extensions to serve an area or development project that is planned as a part of a larger project all of which is not to be developed at the time application is made, the owner or developer shall submit plans in sufficient detail to the public works director or other person designated by the board of commissioners in order that adequate size facilities can be determined and plans for the orderly extension of services can be made.

(Prior Code, ch. V, § 11)

Sec. 22-30. Extension of water and sanitary sewer mains within corporate limits.

- (a) The extension of either water or sanitary sewer service to properties not previously served and for which application is required by section 22-20 shall be made only in accordance with the requirements of this article.
- (b) The minimum distance for any extension of a water main or sewer main shall be determined by the town manager or public works director. In general, the minimum distance for extensions shall be one platted block, or in case of water mains from main line valve to valve and in the case of sanitary sewer extensions from manhole to manhole.
- (c) The size of water mains and sanitary sewer mains to be installed and the other required system facilities shall be determined by the public works director or other person designated by the town manager. No application shall be approved and no connection to the town systems shall be authorized unless the size of facilities and other requirements of the town are complied with.

(Prior Code, ch. V, § 12)

Sec. 22-31. Financing water and sanitary sewer main extensions within corporate limits.

- (a) When an application for water or sewer extension or both is received, the public works director or town manager shall estimate the cost of the project and present the application to the board of commissioners. If the application is approved by the board of commissioners and subject to the availability of funds, the town will install or have installed by contract under its supervision the facilities and extensions which have been approved.
- (b) When a water or sanitary sewer extension project has been completed and the total cost is determined, 100 percent of the total cost of such water or sanitary sewer extension or both shall be assessed against the property owners whose property abuts upon such extension at an equal rate per front foot in accordance with and under the authority granted to the town by G.S. 160A-216 through G.S. 160A-238. The town shall bear the costs of such extensions incurred at street intersections.
- (c) Any property owner shall have the opportunity to pay his proportionate share of the cost of such extensions after the assessment is confirmed rather than paying his share in equal annual installments with interest as required by the statute.
- (d) When the town determines that it is advisable to install larger size facilities than are necessary to serve the property requesting such extension, the difference in the cost of the larger size facilities over and above the cost of the facilities required to serve the property requesting such extension shall be paid for by the individual or developer, unless waived by the town manager.
- (e) Pumping stations and other facilities installed for general public use shall be paid for by the individual or developer, unless waived by the town manager.
- (f) Any new lines laid within the town are to have a minimum diameter of eight inches, whether laid by the town, an individual, or a developer.
- (g) Nothing in this article shall prevent the board of commissioners from extending water and/or sanitary sewer mains of their own motion when no application has been received for such extension and to assess the cost of such extensions in accordance with this article when, in the opinion of the board of commissioners, the general public interest demands such extensions of service.

(Prior Code, ch. V, § 13)

Sec. 22-32. Extensions of water and sanitary sewer mains outside corporate limits.

- (a) All applications for water and sewer extensions outside the corporate limits shall be made in the same manner as required for extensions inside the corporate limits in accordance with section 22-20.
- (b) If an application is approved by the town, the town will not participate to any extent in the cost of such extensions and the owner, owners, or developer shall be required to pay for the entire cost of all extensions. The town may participate to the extent agreed upon by the board of commissioners in the cost of facilities required to serve the project. No reimbursement shall be made upon annexation and all water and sewer mains located outside the corporate limits shall become the property of the town at the time such facilities are connected to the town system as provided for in section 22-33.
- (c) In the event the property for which application has been made for water and sewer service is contiguous to the corporate limits and the owner or owners of such property agree to annexation and in the event such property is annexed to the town, extensions may be made to such property and the cost thereof shared in accordance with the requirements of section 22-31.

(Prior Code, ch. V, § 14)

Sec. 22-33. Specifications; ownership.

Any water mains or sanitary sewer mains extended under the provisions of this article shall be installed and constructed in accordance with the approved plans, specifications and requirements of the town. All facilities installed under the provisions of this article whether within or outside the corporate limits shall become the sole property of the town and under its jurisdiction and control for any and all purposes whatsoever at the time such facilities are connected to the town systems. In addition, a deed to the town for water and sewer facilities which are located outside the corporate limits the cost of which is borne by individual property owners, shall be executed prior to the time any extensions provided for in this article are connected to the town system.

(Prior Code, ch. V, § 15)

Sec. 22-34. Conflicting ordinances repealed.

All ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed to the extent of said conflict, provided that this article shall not apply to water and sewer main extensions already contracted and in progress on the effective date of the ordinance from which this article is derived.

(Prior Code, ch. V, § 16)

Sec. 22-35. Multiple-family dwellings.

All multiple-family residences are required to have a separate water meter for each dwelling or the landowner will be responsible for a multiple-rate bill.

(Prior Code, ch. V, § 17)

Sec. 22-36. Complaints about water meters.

- (a) If a landowner makes a complaint about a water meter, a public works employee will go to the residence to pull out the meter. The landowner will be given two choices about how to handle the situation:
 - (1) The landowner may choose to have the meter sent off to a private company to have the meter checked. If the meter comes back and is determined to be faulty, the town will replace the meter at not charge to the landowner, and the landowner will be given an adjustment on the next bill for the faulty reading of the previous meter. If the meter comes back and has been proven to be working properly, the landowner will be charged for the cost of having the meter checked.
 - (2) The landowner's other choice upon complaining about a meter is to forego having it checked and to purchase a new meter.
- (b) The town advises that it is generally cheaper to go ahead and replace the meter rather than risk testing a properly working meter.
- (c) All complaints must be made in writing and submitted to the water and sewer clerk.

(Prior Code, ch. V, § 18)

Sec. 22-37. Adjustments.

At certain times it becomes necessary to adjust a customer's water/sewer bill. If a leak is detected at the customer's home or business, in order to receive an adjustment, the leak must be fixed and a receipt must be presented to the water and sewer clerk. Only one adjustment will be granted per 12-month period.

(Prior Code, ch. V, § 19)

Secs. 22-38—22-62. Reserved.

ARTICLE III. CROSS CONNECTION CONTROL

Sec. 22-63. Introduction.

- (a) The purpose of this article is to define the authority of the town or its contractors as the water purveyor in the elimination of all cross connections within its public potable water supply.
- (b) This article shall apply to all users connected to the town's public potable water supply regardless of whether the user is located within the city limits or outside of the city limits.
- (c) This article will comply with the federal, state and local laws and regulations as they pertain to cross connections within the public water supply.

(Ord. of 8-13-2007(01), § 1)

Sec. 22-64. Definitions.

- (a) This article is gender neutral and the masculine gender shall include the feminine and vice versa. The term "shall" is mandatory; the term "may" is permissive and discretionary. 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.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Air gap separation means physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap separation" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel in no case less than one inch (2.54 cm).

Approved, as herein used in reference to a water supply, means a water supply that has been approved by the North Carolina Department of Environment, Health, and Natural Resources (NCDEHNR) (division of health services). The term "approved," as used in this article in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly or other backflow prevention assemblies or methods, means an approval by the town or its contractors.

Back pressure backflow means any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery, which would cause or tend to cause a reversal of the normal direction of flow.

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

Backflow prevention assembly, approved, means an assembly used for containment and/or isolation purposes that has been investigated and approved by the town or its contractors and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the town or its contractors is based on a favorable report by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, recommending such and approval. (To be approved, an assembly must be readily accessible for in-line testing and maintenance.)

Backflow prevention assembly tester, certified, means a person who has proven his competency to the satisfaction of the town or its contractors. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years' experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the town or its contractors, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

Backflow prevention assembly type means an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

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

Backflow prevention assembly, unapproved, means an assembly that has been investigated by the town or its contractor's and has been determined to be unacceptable for installation within the town's water system. Consideration for disapproval and removal from the approved list shall be based upon, but not limited to, the following criteria:

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

Backflow prevention device, approved, means a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

Back-siphonage backflow means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

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

Consumer means any person, firm or corporation using or receiving water from the town's water system.

Consumer's potable water system means that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or use potable water.

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

Containment means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

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

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

Double check detector assembly shall mean a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

Double check valve assembly means an assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves, attached at each end of the assembly and fitted with properly located test clocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Hazard, degree of, is derived from the evaluation of conditions within a system which can be classified as either a pollutional (non-health) or a contamination (health) hazard.

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

Hazard, non-health, means an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

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

Health agency means the North Carolina Department of Environment, Health and Natural Resources (division of health services) (NCDEHNR).

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

Industrial piping system, consumer's, means any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures equipment and appurtenances used to produce, convey or store substances that are or may be polluted or contaminated.

Isolation means the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. (Disclaimer—The town or its contractors may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.)

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

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

Potable water means water from any source which has been investigated by the state department of environment, health and natural resources (division of health services) and which has been approved for human consumption.

Public potable water system means any publicly or privately owned water system operated as a public utility, under a current state department of environment, health, and natural resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey treat or store potable water for public consumption or use.

Reduced pressure principle backflow prevention assembly means an assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit includes tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

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

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

Vacuum breaker, atmospheric type, means the terminal end of a service connection from the public potable water system, i.e., where the town or its contractors loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

Vacuum breaker, pressure type, means an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves

attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a back-siphonage condition only.

Water purveyor means the owner or operator of a public potable water system, providing an approved water supply to the public.

Water supply, approved, means any public potable water supply that has been investigated and approved by the state department of environment, health and natural resources. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the North Carolina Division of Health Services has reserved the final judgment as to its safety and potability.

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

Water supply, unapproved, means a water supply which has not been approved for human consumption by the state department of environment, health and natural resources.

Water, used, means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

(Ord. of 8-13-2007(01), § 4)

Sec. 22-65. Objectives.

The specific objectives of this article are as follows:

- (1) To protect the public potable water supply of the town against actual or potential contamination by isolating, within the consumer's water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- (2) To eliminate or control existing cross connections, actual or potential, between the consumer's potable water system and nonpotable or industrial piping system.
- (3) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections that may be installed in the future.

(Ord. of 8-13-2007(01), § 2)

Sec. 22-66. Responsibilities.

- (a) *Health agency*. The state department of environment, health and natural resources (division of health services) has the responsibility for promulgating and enforcing laws, rules, regulations and policies to be followed in carrying out an effective cross connection control program. The state division of health services also has the primary responsibility of ensuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazard, including unprotected cross connections. They have the further responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing and maintenance of an approved backflow prevention assembly on the service connection when required.
- (b) *Water purveyor*. Except as otherwise provided herein, the water purveyor's responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including

the service connection, and ends at the point of delivery to the consumer's water system. In addition, the water purveyor shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. To ensure that the proper precautions are taken, the town or its contractors is required:

- (1) To determine the degree of hazard or potential hazard to the public potable water system;
 - (2) To determine the degree of protection required; and
 - (3) To ensure proper containment protection through an on-going inspection program.
- (c) *Backflow prevention.* When it is determined that a backflow prevention assembly is required for the protection of the public system, the town or its contractors shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the town or its contractors, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.
- (d) *Plumbing inspections.*
- (1) The plumbing inspection department of the county has the responsibility to not only review building plans and inspect plumbing as it is installed; but, the explicit responsibility of preventing cross connections from being built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the state building code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the state building code.
 - (2) The plumbing inspector's responsibility begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the state building code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the town or its contractors, the state building code and the state department of environment, health and natural resources.
- (e) *Consumer.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his water system. The consumer, at his own expense, shall install, operate, test and maintain approved backflow prevention assemblies as directed by the town or its contractors. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for minimum period of three years. The records shall be on forms approved by the town or its contractor and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. A certified backflow prevention assembly tester shall make tests, maintenance and repairs of backflow prevention assemblies.
- (f) *Certified backflow prevention assembly tester.* When employed by the consumer to test, repair, overhaul or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:
- (1) The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the town or its contractors. The tester shall include the list of

materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the town or its contractors. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the town or its contractors within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years.

- (2) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment that has been evaluated and/or approved by the town or its contractors. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to town or its contractors as to such accuracy/calibration, employing a calibration method acceptable to town or its contractors.
- (3) All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.

(Ord. of 8-13-2007(01), § 3)

Sec. 22-67. Enforcement policy.

- (a) Failure of a customer or certified tester to submit any record required by this article, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation as prescribed by current policy.
- (b) Guidelines for civil penalty assessment. Failure to submit reports/records as required by this article:
 - (1) First offense: Reminder/warning by certified mail.
 - (2) Second offense: Civil penalty of \$50.00.
 - (3) Additional offenses: Civil penalty of \$50.00 times number of offenses, up to \$1,000.00.
- (c) Submission of falsified reports/records as required by this article:
 - (1) First offense (if backflow prevention device protection is not interrupted): Civil penalty of \$50.00.
 - (2) Any other offense: Civil penalty of \$1,000.00.

(Ord. of 8-13-2007(01), intro.)

Sec. 22-68. Right of entry.

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

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- (b) On request, the consumer shall furnish to the town or its contractors, any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

(Ord. of 8-13-2007(01), § 5)

Sec. 22-69. Elimination of cross connections; degree of hazard.

- (a) When cross connections are found to exist, the owner, his agent, occupant or tenant will be notified in writing to disconnect the same within the time limit established by the town or its contractors. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:
 - (1) Cross connections with private wells or other auxiliary water supplies: immediate disconnection.
 - (2) All facilities that pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly: within six months.
 - (3) All industrial and commercial facilities not identified, as a health hazard shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly: within six months.
 - (4) If, in the judgment of town or its contractors, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
- (b) Based upon recommendation from the town or its contractors, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).
- (c) Water mains served by the town but not maintained by the town or its contractors should be considered cross connections, with degree of hazard to be determined by town or its contractors. Degree of protection shall be based upon the degree of hazard as determined by town or its contractors. Degree of protection shall be based upon the degree of hazard, as determined by town or its contractors.
- (d) In the event that a town or its contractors does not have sufficient access to every portion of private water system (i.e., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- (e) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

(Ord. of 8-13-2007(01), § 6)

Sec. 22-70. Installation of assemblies.

- (a) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the town or its contractors and/or the manufacturer's installation instructions and/or in the latest edition of the state building code, whichever is most restrictive.
- (b) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Health Services (NCDEHNR), shall be made available to the town or its contractors for review and approval, and to determine the degree of hazard.

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- (c) Ownership, testing and maintenance of the assembly shall be the responsibility of the customer.
 - (d) All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the town or its contractors.
 - (e) Reduced pressure principle assemblies must be installed in horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited). Double check valve assemblies may be installed in a vertical position with prior approval from the town or its contractors, provided the flow of water is in an upward direction.
 - (f) The installation of a backflow prevention assembly that is not approved must be replaced with an approved backflow prevention assembly.
 - (g) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the town or its contractors within 15 days after a reduced pressure principle backflow preventer (RP), double check-detector assembly (DCDA), pressure vacuum breaker (PVB), double check-detector assembly (DCDA) or reduced pressure principle detector assembly (RPDA) is installed:
 - (1) Service address where assembly is located.
 - (2) Owner (and address, if different from service address).
 - (3) Description of assembly's location.
 - (4) Date of installation.
 - (5) Installer (including name, plumbing company represented, plumber's license number and project permit number).
 - (6) Type of assembly, size of assembly.
 - (7) Manufacturer, model number, serial number.
 - (8) Test results/reports.
 - (h) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The town or its contractors will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.
 - (i) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:
 - (1) Health hazard: Six months.
 - (2) Non-health hazard: Six months.
 - (j) Following installation, all RPs, DCVAs, PVBs, DCDA's and RPDAs are required to be tested by a certified backflow prevention assembly tester within ten days.

(Ord. of 8-13-2007(01), § 7)

Sec. 22-71. Testing and repair of assemblies.

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

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- (b) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the town or its contractors, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
 - (1) Health hazard facilities: 14 days.
 - (2) Non-health hazard facilities: 21 days.
 - (c) All backflow prevention assemblies with test cocks are required to be tested annually or at a frequency established by the town or its contractors. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
 - (d) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the prevention assembly test equipment, which has been evaluated and/or approved by the town or its contractors. All test equipment shall be registered with the town or its contractors. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the town or its contractors as to such accuracy/calibration, employing a calibration method acceptable to the town or its contractors. (See section 22-65.)
 - (e) It shall be unlawful for any customer or certified tester to submit any record to the town or its contractors that is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the town or its contractors any record that is required by this article. Such violations may result in any of the enforcement actions outlined in section 22-75.

(Ord. of 8-13-2007(01), § 8)

Sec. 22-72. Facilities requiring protection.

- (a) Approved backflow prevention assemblies shall be installed on the service line to any premises that the town or its contractors has identified as having a potential for backflow.
- (b) The following types of facilities or services have been identified by the town or its contractors as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed in this subsection may also be required to install approved backflow prevention assemblies if determined necessary by the town or its contractors. As a minimum requirement, all new commercial services will be required to install a double check valve assembly, unless otherwise listed as follows:

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

- (1) Aircraft and missile plants: RP.
- (2) Automotive services station, dealerships, etc.: RP.
- (3) Automotive plants: RP.

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- (4) Auxiliary water systems:
 - a. Approved public/private water supply: RP.
 - b. Unapproved public/private water supply: AG.
 - c. Used water and industrial fluids: RP.
 - (5) Bakeries:
 - a. No health hazard: DCVA.
 - b. Health hazard: RP.
 - (6) Beauty shops/barbershops: RP.
 - (7) Beverage bottling plants: RP.
 - (8) Breweries: RP.
 - (9) Buildings hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections: RP.
 - (10) Canneries, packing houses, and rendering plants: RP.
 - (11) Chemical plants manufacturing, processing, compounding or treatment: RP.
 - (12) Chemically contaminated water systems: RP.
 - (13) Commercial carwash facilities: RP.
 - (14) Commercial greenhouses: RP.
 - (15) Commercial sales establishments (department stores, malls, etc.).
 - a. Non-health hazard: DCVA.
 - b. Health hazard: RP.
 - (16) Concrete/asphalt plants: RP.
 - (17) Dairies and cold storage plants: RP.
 - (18) Dye works: RP.
 - (19) Film laboratories: RP.
 - (20) Fire system:
 - a. Systems three-quarter-inch to two inches:
 - 1. No health hazard: DCDA.
 - 2. Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA.
 - b. Systems 2½ inches to ten inches or larger:
 - 1. No health hazard: DCDA.
 - 2. Health hazard (booster pumps, foam, antifreeze solutions, etc.): RPDA.
 - (21) Hospitals, medical building, sanitariums, morgues, mortuaries, autopsy Facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP.
 - (22) Industrial facilities:
 - a. No health hazard: DCVA.
 - b. Health hazard: RP.

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- (23) Laundries: RP.
 - (24) Lawn irrigation systems (split taps): RP.
 - (25) Metal manufacturing, cleaning, processing, and fabricating plants: RP.
 - (26) Mobile home parks:
 - a. No health hazard: DCVA.
 - b. Health hazard: RP.
 - (27) Oil and gas production, storage or transmission properties: RP.
 - (28) Paper and paper products plants: RP.
 - (29) Pest control (exterminating and fumigation): RP.
 - (30) Plating plant: RP.
 - (31) Power plants: RP.
 - (32) Radioactive materials or substances—plants or facilities handling: RP.
 - (33) Restaurants:
 - a. No health hazard: DCDA.
 - b. Health hazard: RP.
 - (34) Restricted, classified or other closed facilities: RP.
 - (35) Rubber plants (natural or synthetic): RP.
 - (36) Sand and gravel plants: RP.
 - (37) Schools and colleges: RP.
 - (38) Sewage and storm drain facilities: RP.
 - (39) Swimming pools: RP.
 - (40) Waterfront facilities and industries: RP.
- (c) All assemblies and installations shall be subject to inspection and approval by the town or its contractors.
(Ord. of 8-13-2007(01), § 9)

Sec. 22-73. Connections with unapproved sources of supply.

- (a) No person shall connect or cause to be connected any supply of water not approved by the state department of environment, health and natural resources to the water system supplied by the town. Any such connections allow by the town must be in conformance with the backflow prevention requirements of the article.
- (b) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the town or its contractors immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(Ord. of 8-13-2007(01), § 10)

Sec. 22-74. Fire protection systems.

- (a) All connection for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.
- (b) All connections for fire protection systems connected with the public water system, greater than two inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
- (c) All existing back flow prevention assemblies, 2½ inches and larger, installed on fire protection systems (that were initially approved by the town or its contractors) shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this article. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this section.

(Ord. of 8-13-2007(01), § 11)

Sec. 22-75. Enforcement.

- (a) The owner, manager, supervisor or person in charge of any installation found not to be in compliance with the provisions of this article shall be notified in writing with regard to the corrective actions to be taken. The time for compliance shall be in accordance with section 22-69.
- (b) The owner, manager, supervisor or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in section 22-69, shall be considered in violation of this article and may be issued a civil citation by the town or its contractors. Said citation shall specify the nature of the violation and the provisions of this article violated, and further notify the offender that the civil penalty for said violation is as set forth in subsection (c) of this section and is to be paid to the Town of Spring Hope at 118 W. Railroad St., Spring Hope, NC, within 30 days. If the penalty prescribed herein is not paid within the time allowed, the town may initiate a civil action in the nature of a debt and recover the sums set forth in subsection (c) of this section plus the cost of the action.
- (c) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this article shall occur or continue shall constitute a separate and distinct offense.
- (d) If, in the judgment of the town or its contractors, any owner, manager, supervisor or person in charge of any installation found to be in noncompliance with the provisions of this article, neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.
- (e) Failure of a customer or certified tester to submit any record required by this article, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to the town or its contractors, the town or its contractors shall take the necessary actions to permanently revoke certification to test backflow prevention assemblies within the potable water system in addition to a civil penalty (as stated in subsection (c) of this section).
- (f) Enforcement of this article shall be administered by the town or its contractors.
- (g) Requests for extension of time shall be made in writing to the town or its contractors. All other appeals shall be made in accordance with the following procedures:

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- (1) Appeals. A customer assessed a civil penalty under this section shall have the right to appeal before the board of commissioners upon making written demand, identifying the specific issues to be contended, to the town within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding. The board of commissioners shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
 - (2) Official record. When a final decision is issued under subsection (a) of this section, the board of commissioners shall prepare an official record of the decision that includes:
 - a. A copy of the official minutes for all meetings related to its decision.
 - b. A copy of all documentary evidence reviewed.
 - c. A copy of the final decision of the board of commissioners.
 - (3) Any customer against whom a final decision of the board of commissioners is entered, pursuant to subsection (b) of this section, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the general court of justice of the county or of the county where the order or decision is effective, along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the town shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in subsection (b) of this section.

(Ord. of 8-13-2007(01), § 12)

Secs. 22-76—22-93. Reserved.

ARTICLE IV. SEWER USE REGULATIONS²

DIVISION 1. GENERALLY

Sec. 22-94. Purpose and policy.

- (a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).
- (b) The objectives of this article are:
 - (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
 - (3) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;

²State law reference(s)—Wastewater systems, G.S. 130A-333 et seq.

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- (4) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
 - (5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - (6) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.
- (c) This article 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 article shall apply to all users of the municipal wastewater system, as authorized by G.S. 153A-275 and/or 160A-312. The town shall designate an administrator of the POTW and pretreatment program hereafter referred to as the town manager. Except as otherwise provided herein, the town manager shall administer, implement, and enforce the provisions of this article. Any powers granted to or imposed upon the town manager may be delegated by the town manager to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions, or orders issued hereunder.

(Ord. of 5-12-2008, § 1.1)

Sec. 22-95. Definitions and abbreviations.

- (a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the director of the division of water quality of the state department of environment and natural resources or his designee.

Authorized representative of the industrial user.

- (1) If the industrial user is a corporation, the term "authorized representative" means:
 - a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

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- (3) If the industrial user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in subsections (1) through (3) 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 town.
 - (5) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the town manager prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/l).

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical standards means national categorical pretreatment standards or pretreatment standard.

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

Grab sample means 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.

Holding tank waste means 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* means the discharge or the introduction from any nondomestic source regulated under section 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* means any person which is a source of indirect discharge.

Interference means the inhibition, or disruption of the treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the NPDES or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term "interference" includes prevention of sewage sludge use or disposal by the town in accordance with section 405 of the Act, (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 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 (NPDES), permit means a permit issued pursuant to section 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* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 22-119 and are developed under the authority of 307(b) of the Act and 40 CFR 403.5.

New source means:

- (1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c) of the Act, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment;
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-contact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-discharge permit means a disposal system permit issued by the state pursuant to G.S. 143-215.1.

Pass through means 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 town's NPDES or non-discharge permit, or a downstream water quality standard.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The term "person" includes all federal, state, and local government entities.

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

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into the town's 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 means the program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards means prohibited discharge standards, categorical standards, and local limits.

Publicly owned treatment works (POTW) means a POTW as defined by section 212 of the Act (33 USC 1292), which is owned in this instance by the town. The term "publicly owned treatment works (POTW)" 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 wastewater treatment plant. For the purposes of this article, the term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, or in any other way, users of the POTW of the town.

Severe property damage means 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. The term "severe property damage" does not mean economic loss caused by delays in production.

Significant industrial user means any industrial user of the wastewater disposal system who:

- (1) Has an average daily process wastewater flow of 25,000 gallons or more;
- (2) Contributes more than five percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is found by the town, the division of 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 means a status of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits.

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- a. Chronic violations: 66 percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - b. Technical review criteria (TRC) violations: 33 percent 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:
 1. For the conventional pollutants: BOD, TSS, fats, oil and grease, TRC equals 1.4.
 2. For all other pollutants: TRC equals 1.2.
 - c. Any other violations 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 has endangered the health of the sewage treatment plant personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the town's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
 - (3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
 - (4) Failure to accurately report noncompliance.
 - (5) Any other violation or group of violations that the control authority considers to be significant.

Slug load or discharge means any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW regulations, local limits, or industrial user permit conditions. This can include, but is not limited to:

- (1) Spills and other accidental discharges;
- (2) Discharges of a non-routine, episodic nature;
- (3) A non-customary batch discharge; or
- (4) Any other discharges that can cause a violation of the prohibited discharge standards in section 22-119.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids means 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.

Town manager means the town administrator designated with the responsibility for the pretreatment program and enforcement of this article.

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

Wastewater permit means as set forth in section 22-180.

Wastewater treatment plant means that portion of the town designed to provide treatment to wastewater.

Waters of the state means all streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

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

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
gpd	Gallons per day
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
G.S.	North Carolina General Statutes
NPDES	National Pollution Discharge Elimination System
O & M	Operation and maintenance
RCRA	Resource conservation and recovery act
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act
TSS	Total suspended solids
TKN	Total Kjeldahl Nitrogen
USC	United States Code

(Ord. of 5-12-2008, § 1.2)

Secs. 22-96—22-118. Reserved.

DIVISION 2. REGULATIONS GOVERNING SEWER USE

Sec. 22-119. Prohibitions—Discharges.

- (a) No person shall discharge wastes to a community sanitary sewer which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:
- (1) A fire or explosion;
 - (2) Obstruction of flow or injury to the POTW;
 - (3) Danger to life or safety of personnel;

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- (4) A strong offensive odor that inhibits the effective maintenance or operation of the POTW;
 - (5) Air pollution by the release of toxic or malodorous gases or noxious gas-producing substances;
 - (6) Interference with the treatment process;
 - (7) The town's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
 - (8) A condition unacceptable to any public agency having regulatory jurisdiction over the final discharge of the town's POTW;
 - (9) Conditions at or near the town's POTW which violate any statute or any lawful rule, regulation, or ordinance of any state or federal agency having jurisdiction over the town;
 - (10) The town's POTW to be hydraulically overloaded or cause physical damage or injury to the collection system or POTW.
- (b) The list of prohibited discharges in subsection (a) of this section is in addition to the pollutants of 40 CFR 403.5, which are hereby included as part of this list of prohibited pollutant discharges to the sanitary sewer system.

(Ord. of 5-12-2008, § 2.1)

Sec. 22-120. Same—Inflow sources.

Inflow sources, as defined in 40 CFR 35.905, shall be prohibited in new connections to the sanitary sewer system.

(Ord. of 5-12-2008, § 2.2)

Sec. 22-121. Same—Unpolluted water.

- (a) Unpolluted water, included by way of illustration but not limited to cooling water, process water or blow-down water from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the town. The town shall approve the discharge of such water only when there is no reasonable alternative method of disposal available.
- (b) If a permit is granted for the discharge of such water into a community sewer, the user shall pay such charges and fees and shall meet such other conditions as required by the town.

(Ord. of 5-12-2008, § 2.3)

Sec. 22-122. Limitations—On radioactive wastes.

Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the town manager in compliance with applicable state or federal regulations is prohibited.

(Ord. of 5-12-2008, § 2.4)

Sec. 22-123. Same—Direct discharges.

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

(Ord. of 5-12-2008, § 2.5)

Sec. 22-124. Holding tank wastes.

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

(Ord. of 5-12-2008, § 2.6)

Sec. 22-125. Limitations on wastewater strength.

- (a) In order that the biological treatment process is not subjected to unacceptable levels of toxic wastes and so that the process can function properly to meet state and federal standards, it shall be unlawful for any person to discharge into the town's wastewater collection system, waters containing an excess of:

Constituent	Code	Maximum Concentration
Arsenic	As	0.003 mg/l
Cadmium	Cd	0.003 mg/l
Chromium	Cr	0.05 mg/l
Copper	Cu	0.061 mg/l
Cyanide	CN-	0.015 mg/l
Lead	Pb	0.049 mg/l
Mercury	Hg	0.0003 mg/l
Nickel	Ni	0.021 mg/l
Silver	Ag	0.005 mg/l
Zinc	Zn	0.175 mg/l
Biochemical oxygen demand	BOD	2.50 mg/l
Chemical oxygen demand	COD	500 mg/l
Total suspended solids	TSS	250 mg/l
Ammonia	NH3	25 mg/l
pH	pH	5 to 10 specific units
Temperature	N/A	45°C
Oil and grease	O & G	150 mg/l

- (b) It shall be unlawful for any person to discharge into the town's wastewater collection system, waters:
- (1) Containing toxic substances or poisonous substances in sufficient quantities to interfere with the biological processes used at the town's POTW.
 - (2) Containing strong iron pickling wastes or concentrated plating solutions unless pretreated in such a way as to comply with all other limitations of section 22-119.

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- (3) Containing any solid viscous substances, including but not being limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, slurry, lime residues, slops, whole blood, fleshings, chemical residues, paint residues, waxes, asphalt, hair, tar, plastics, wood, paunch manure, butcher's offal, animal viscera, lime or any solid or viscous substances capable of causing obstructions of any kind in either the collection system or at any point in the treatment plant. Also, any waste that will not pass through a one-fourth-inch mesh screen or its equivalents in screening ability is not to be discharged into the sanitary sewer collection system, but disposed of by an alternative means.
 - (4) Containing any liquid waste or other substance that contains dyes or other color of such character and quantity as to prevent removal by biological processes employed at the treatment plant.
 - (5) Containing any liquid or other such substance that require excessive amounts of chlorine for stabilization in addition to biological treatment. The excess chlorine demand exerted by such waste shall be determined by comparing the chlorine demand of said waste to the average chlorine demand of all other wastes entering the treatment plant.
 - (6) Of the industrial variety with such a volume that the peak hourly flow exceeds 2.5 percent of the design flow of the POTW. In such cases where a peak hourly flow of more than 2.5 percent is discharged, the town may require the discharger to provide holding facilities of sufficient capacity so as to discharge into the collection system at an assigned rate over a specified period of time.
 - (7) Of such a nature that will cause contamination of the wastes in the collection system, or which may contaminate the treatment plant, or the receiving waters of the state, resulting in injury or harm to persons, livestock, or aquatic life.
 - (8) Users in industrial categories subject to effluent guidelines issued under section 304(b) of the Act which are discharging incompatible pollutants to POTW, are required to adopt best practicable control technology currently available, as defined by the administrator pursuant to section 304(b) of the Act. Where the town's POTW was designed to and does achieve substantial removal of BOD, TSS, pH and fecal Coliform bacteria, the town manager may not require the user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into the town's POTW. However, any adjustments required for particular industrial categories should be considered in connection with the town's requirements and the national pretreatment standards. Limitations on wastewater strength in this article may be supplemented with more stringent limitations as provided in the Act.

(Ord. of 5-12-2008, § 2.7)

Sec. 22-126. Special provisions.

- (a) If any waters or wastes (discharged or proposed to be discharged to the public sewers) contain the substances or possess the characteristics enumerated in this division and in the judgment of the town may have a deleterious effect upon the wastewater POTW, processes, equipment or receiving waters, or which create a hazard to life, or constitute a public nuisance, the town may reject the wastes.
- (b) The town may discontinue water service or sewer service, or both to any user who violates this division when, in the judgment of the town, such action is necessary to protect the wastewater POTW, processes, equipment or receiving waters from injury or damage, or is necessary to protect life or health.

(Ord. of 5-12-2008, § 2.8)

Secs. 22-127—22-150. Reserved.

DIVISION 3. WASTEWATER VOLUME DETERMINATION AND FEES

Sec. 22-151. Purpose.

It is the purpose of this division to provide for the recovery of costs from users of the wastewater disposal system of the town 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 board of commissioners. A copy of these charges and fees will be made available from the POTW director.

(Ord. of 5-12-2008, § 3.1)

Sec. 22-152. Metered water supply.

When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources, public and private, determined by means of the user and approved by the town, adding private sources volume to the metered water consumption.

(Ord. of 5-12-2008, § 3.2)

Sec. 22-153. User charges.

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

- (1) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
- (2) Each user shall pay its proportionate cost based on volume of flow.
- (3) The town manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the board of commissioners for adjustments in the schedule of charges and fees as necessary.
- (4) 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. of 5-12-2008, § 3.3)

Sec. 22-154. Surcharges.

The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater:

- (1) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - a. Metered water consumption as shown in the records of meter readings maintained by the town;

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- b. If required by the town or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the town. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the town; or
 - c. Where any user procures all or part of his water supply from sources other than the town, the user shall install and maintain at his own expense a flow measuring device of a type approved by the town.
- (2) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR 136.
 - (3) The determination of the character and concentration of the constituents of the wastewater discharge by the town manager or his duly appointed representatives shall be binding as a basis for charges.

(Ord. of 5-12-2008, § 3.4)

Sec. 22-155. Pretreatment program administration charges.

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

- (1) Reimbursement of costs of setting up and operating a pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permitting;
- (5) Other fees as the town may deem necessary to carry out the requirements of a pretreatment program.

(Ord. of 5-12-2008, § 3.4)

Secs. 22-156—22-178. Reserved.

DIVISION 4. INDUSTRIAL DISCHARGE REPORTS AND WASTEWATER DISCHARGE PERMITS

Sec. 22-179. Connecting or discharging to the POTW.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the town manager, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The town manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. of 5-12-2008, § 4.1)

Sec. 22-180. Significant industrial user—Permit.

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 town manager to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the town manager's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the town manager be required to obtain a wastewater discharge permit for non-significant industrial users.

(Ord. of 5-12-2008, § 4.2)

Sec. 22-181. Same—Determination.

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

(Ord. of 5-12-2008, § 4.2(a))

Sec. 22-182. Same—Permit application.

Users required to obtain a significant industrial user permit shall complete and file with the town, an application in the form prescribed by the town manager, 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 town manager's determination in section 22-181. 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 division 2 of this article, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended and as required in sections 22-234 and 22-235;
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the

pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) 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 town manager including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the town manager.
- (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 section 22-225;
- (14) Any other information as may be deemed by the town manager to be necessary to evaluate the permit application.

(Ord. of 5-12-2008, § 4.2(b))

Sec. 22-183. Application—Signatories and certification.

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in section 22-95 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 ensure 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."

(Ord. of 5-12-2008, § 4.2(c))

Sec. 22-184. Review and evaluation.

- (a) The town manager will evaluate the data furnished by the user and may require additional information.
- (b) The town manager is authorized to accept applications for the town and shall refer all applications to the POTW staff for review and evaluation.

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- (c) Within 30 days of receipt the town manager 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.

(Ord. of 5-12-2008, § 4.2(d))

Sec. 22-185. Tentative determination and draft permit.

- (a) 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.
- (b) If the staff's tentative determination in subsection (a) of this section is to issue the permit, the following additional determinations shall be made in writing:
 - (1) Proposed discharge limitations for those pollutants proposed to be limited;
 - (2) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (3) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (c) The staff shall organize the determinations made pursuant to subsections (a) and (b) of this section and the general permit conditions of the town into a significant industrial user permit.

(Ord. of 5-12-2008, § 4.2(e))

Sec. 22-186. Permit synopsis.

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

- (1) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the town 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.

(Ord. of 5-12-2008, § 4.2(f))

Sec. 22-187. Final action on significant industrial user permit applications.

- (a) The town manager shall take final action on all applications not later than 90 days following receipt of a complete application.
- (b) The town manager is authorized to:

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- (1) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and G.S. 143-215.1;
 - (2) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (3) Modify any permit upon not less than 60 days' notice and pursuant to this division;
 - (4) Revoke any permit pursuant to division 7 of this article;
 - (5) Suspend a permit pursuant to division 7 of this article;
 - (6) Deny a permit application when in the opinion of the town manager 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.

(Ord. of 5-12-2008, § 4.2(g))

Sec. 22-188. Hearings.

The local government may conduct hearings in accordance with its regular hearing procedure.

- (1) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under division 7 of this article, or one issued an administrative order under division 7 of this article shall have the right to an adjudicatory hearing before a hearing officer designated by the town manager upon making written demand, identifying the specific issues to be contested, to the town manager within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such 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 town manager 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 subsection (1) of this section may be appealed to the board of commissioners upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The board of commissioners shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
- (3) *Official record.* When a final decision is issued under subsection (2) of this section, the board of commissioners 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;

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- 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 board of commissioners serving the town.
- (4) *Judicial review.* Any person against whom a final order or decision of the board of commissioners serving the town is entered, pursuant to the hearing conducted under subsection (2) of this section, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the superior court of the county along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the board of commissioners serving the town shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. of 5-12-2008, § 4.2(h))

Sec. 22-189. Permit modification.

- (a) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed in subsection (a)(1) through (3) of this section. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (1) Changes in the ownership of the discharge when no other change in the permit is indicated;
 - (2) A single modification of any compliance schedule not in excess of four months;
 - (3) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (b) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 22-182, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.
- (c) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

(Ord. of 5-12-2008, § 4.2(i))

Sec. 22-190. Permit conditions.

- (a) The town manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (1) A statement of duration (in no case more than five years);
 - (2) A statement of nontransferability;
 - (3) Applicable effluent limits based on categorical standards or local limits or both;
 - (4) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
 - (5) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in section 22-95;

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- (6) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in section 22-95 if determined by the town manager to be necessary for the user;
 - (7) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in section 22-95; and
 - (8) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (b) In addition, permits may contain, but are not limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (8) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.
 - (9) Compliance schedules for meeting pretreatment standards and requirements.
 - (10) Requirements for submission of periodic self-monitoring or special notification reports.
 - (11) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 22-237 and affording the town manager, or his representatives, access thereto.
 - (12) Requirements for prior notification and approval by the town manager 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.
 - (13) Requirements for the prior notification and approval by the town manager of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (14) 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.
 - (15) Other conditions as deemed appropriate by the town manager to ensure compliance with this article, and state and federal laws, rules, and regulations.

(Ord. of 5-12-2008, § 4.2(j))

Sec. 22-191. 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.

(Ord. of 5-12-2008, § 4.2(k))

Sec. 22-192. 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.

(Ord. of 5-12-2008, § 4.2(l))

Sec. 22-193. Permit reissuance.

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with division 4 of this article a minimum of 180 days prior to the expiration of the existing permit.

(Ord. of 5-12-2008, § 4.2(m))

Secs. 22-194—22-224. Reserved.

DIVISION 5. REPORTING REQUIREMENTS

Sec. 22-225. 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 town manager a report which contains the information listed in subsection (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 town manager a report which contains the information listed in subsection b below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described in subsection (a) of this section shall submit the information set forth as follows:
 - (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 operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

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- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the town manager, 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 section 22-234.
 - c. Sampling must be performed in accordance with procedures set out in section 22-235 and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
 - (6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in section 22-95 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 section 22-226.
 - (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 22-183.

(Ord. of 5-12-2008, § 5.1)

Sec. 22-226. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 22-225:

- (1) 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);
- (2) No increment referred to in subsection (1) of this section shall exceed nine months;
- (3) The user shall submit a progress report to the town manager 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
- (4) In no event shall more than nine months elapse between such progress reports to the town manager.

(Ord. of 5-12-2008, § 5.2)

Sec. 22-227. Reports on compliance with categorical pretreatment standard; deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the town manager a report containing the information described in section 22-225. 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 section 22-183.

(Ord. of 5-12-2008, § 5.3)

Sec. 22-228. Periodic compliance reports.

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

- (1) All significant industrial users shall, at a frequency determined by the town manager but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in sections 22-234 and 22-235. All periodic compliance reports must be signed and certified in accordance with section 22-183.
- (2) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the town manager, using the procedures prescribed in sections 22-234 and 22-235, the results of this monitoring shall be included in the report.

(Ord. of 5-12-2008, § 5.4)

Sec. 22-229. Reports of changed conditions.

Each user must notify the town manager 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.

- (1) The town manager 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 division 4 of this article.
- (2) The town manager may issue a wastewater discharge permit under division 4 of this article or modify an existing wastewater discharge permit under division 4 of this article in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent of permitted flow or greater, and the discharge of any previously unreported pollutants.

(Ord. of 5-12-2008, § 5.5)

Sec. 22-230. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 22-95 that may cause potential problems for the POTW, the user shall immediately telephone and notify the town manager 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 such discharge, the user shall, unless waived by the town manager, submit a detailed written report describing the causes of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (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 subsection (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.
- (d) All significant industrial users (SIUs) are required to notify the town manager or designated personnel immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 22-95.

(Ord. of 5-12-2008, § 5.6)

Sec. 22-231. Reports from unpermitted users.

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

(Ord. of 5-12-2008, § 5.7)

Sec. 22-232. Notice of violation/repeat sampling and reporting.

- (a) If sampling performed by a user indicates a violation, the user must notify the town manager 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 town manager within 30 days after becoming aware of the violation.
- (b) If the town manager does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the town manager shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:
 - (1) The town manager monitors at the user's facility at least once a month;
 - (2) The town manager samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - (3) The town manager requires the user to perform sampling and submit the results to the town manager within the 30-day deadline of the POTW becoming aware of the violation.

(Ord. of 5-12-2008, § 5.8)

Sec. 22-233. Notification of the discharge of hazardous waste.

The town prohibits the discharge of any hazardous wastes without notification and approval of the town manager.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW personnel, 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. Such 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 such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:
 - a. An identification of the hazardous constituents contained in the wastes;
 - b. An estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month; and
 - c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 22-229. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 22-225, 22-227 and 22-228.

- (2) Dischargers are exempt from the requirements of subsection (1) of this section, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the town manager, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(Ord. of 5-12-2008, § 5.9)

Sec. 22-234. 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 the EPA.

(Ord. of 5-12-2008, § 5.10)

Sec. 22-235. Grab and composite sample collection.

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the town manager may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite samples. All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the town manager. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. of 5-12-2008, § 5.11)

Sec. 22-236. 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. of 5-12-2008, § 5.12)

Sec. 22-237. Recordkeeping.

- (a) Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include:
 - (1) The date, exact place, method, and time of sampling, and the name of the person taking the samples;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques or methods used; and
 - (5) The results of such analyses.

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- (b) These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the town manager.

(Ord. of 5-12-2008, § 5.13)

Secs. 22-238—22-267. Reserved.

DIVISION 6. COMPLIANCE MONITORING

Sec. 22-268. Monitoring facilities.

- (a) The town requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (b) There shall be ample room in or near such sampling manhole 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 town and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.

(Ord. of 5-12-2008, § 6.1)

Sec. 22-269. Inspection and sampling.

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

(Ord. of 5-12-2008, § 6.2)

Sec. 22-270. Search warrants.

If the town manager, 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 article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the town manager, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the town.

(Ord. of 5-12-2008, § 6.3)

Sec. 22-271. 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 town manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge 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. of 5-12-2008, § 7)

Secs. 22-272—22-290. Reserved.

DIVISION 7. ENFORCEMENT

Sec. 22-291. Administrative remedies.

- (a) *Notification of violation.* Whenever the town manager finds that any industrial user has violated or is violating this article, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the town manager may serve upon such a 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 town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (b) *Consent orders.* The town manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct

the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) of this section.

(c) *Show cause hearing.*

- (1) The town manager may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this division 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 town manager determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement 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 town manager 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 section 22-292 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under division 4 of this article.

(d) *Administrative orders.* When the town manager finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement, the town manager 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 town manager may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.
- (2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the town manager 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 town manager 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 town manager prior to the date of the hearing described in this subsection.

(f) *Termination of permit or permission to discharge.* The town manager may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
 - (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit or permission to discharge, conditions of this article, or any applicable state and federal regulations.

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. of 5-12-2008, § 8.1)

Sec. 22-292. Civil penalties.

- (a) Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$25,000.00 per day per violation. Penalties between \$10,000.00 and \$25,000.00 per day per violation may be assessed against a violator only if:
 - (1) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or
 - (2) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this article, or the orders, rules, regulations and permits issued hereunder, only if the town manager determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) In determining the amount of the civil penalty, the town manager shall consider the following:
 - (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (2) The duration and gravity of the violation;
 - (3) The effect on ground or surface water quantity or quality or on air quality;
 - (4) The cost of rectifying the damage;
 - (5) The amount of money saved by noncompliance;
 - (6) Whether the violation was committed willfully or intentionally;
 - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (8) The costs of enforcement to the town.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in division 4 of this article.

(Ord. of 5-12-2008, § 8.2)

Sec. 22-293. Other available remedies.

Remedies, in addition to those mentioned in sections 22-291 and 22-292, are available to the town manager who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (1) *Criminal violations.* The district attorney for the applicable judicial district may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B. Note— Under state 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 article 21 of chapter 143 of the General Statutes (G.S. 143-215.6B(i)).

- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the town manager, through the town attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (3) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (4) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the town manager. Any person creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the town governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. of 5-12-2008, § 8.3)

Sec. 22-294. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The town manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the town manager may take other action against any user when the circumstances warrant. Further, the town manager is empowered to take more than one enforcement action against any noncompliant user.

(Ord. of 5-12-2008, § 8.4)

Sec. 22-295. Annual publication of significant noncompliance.

At least annually, the town manager shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H.0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. of 5-12-2008, § 9)

Secs. 22-296—22-323. Reserved.

DIVISION 8. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 22-324. Upset.

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (b) of this section are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the town manager within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. of 5-12-2008, § 10.1)

Sec. 22-325. Prohibited discharge standards defense.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 22-119 or the specific prohibitions in sections 22-119, division 3 of this article, and divisions 6 through 8 of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when The town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. of 5-12-2008, § 10.2)

Sec. 22-326. Bypass.

- (a) *Conditions for allowing bypass.* 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 ensure efficient operation. These bypasses are not subject to the provision of subsections (b) and (c) of this section.
- (b) *Notice.*
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the town manager, at least ten days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the town manager of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain:
 - a. A description of the bypass and its cause;
 - b. 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
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

The town manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (c) *Exceptions.*
 - (1) Bypass is prohibited, and the town manager 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 backup 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 subsection (b) of this section.
 - (2) The town manager may approve an anticipated bypass, after considering its adverse effects, if the town manager determines that it will meet the three conditions listed in subsection (c)(1) of this section.

(Ord. of 5-12-2008, § 10.3)

Secs. 22-327—22-355. Reserved.

ARTICLE V. OIL AND GREASE CONTROL

Sec. 22-356. Scope and purpose.

The purpose of this article is to aid in the prevention of sanitary sewer blockages and obstructions from the contributions and accumulation of fats, oils, and greases into said sewer system from industrial, commercial, and institutional establishments, particularly food preparation and serving facilities.

(Prior Code, ch. VIII, § 10(A))

Sec. 22-357. Definitions.

The following words, terms and phrases, when used in this article have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Fats, oils, and greases means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures. All are sometimes referred to herein as "grease" or "greases."

Grease trap or interceptor means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors."

Minimum design capacity means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

Noncooking establishments means establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

User means any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution of discharge of wastewater into the publicly owned treatment works (POTW), including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(Prior Code, ch. VIII, § 10(B))

Sec. 22-358. Violations and penalties.

- (a) Any user failing to submit the grease trap service record, due by the first of each month, to the town by the seventh day of the month, may be fined \$100.00 per week until said document is submitted.
- (b) It shall be a violation of this article for any user to allow floatable oils, fats, or greases to enter the town's wastewater collection or treatment system, in excess of the limits outlined in section 22-359(c), because of grease interceptors or other grease handling facilities being inadequately serviced or maintained.
- (c) Users receiving unsatisfactory evaluations during inspections may be required, at the user's expense, to sample its grease interceptor discharge and have it analyzed for oil and grease. Results of such analyses shall be reported to the town.
- (d) Any user found to be in violation shall be notified in writing of any noncompliance and will be required to provide a schedule whereby corrections will be accomplished. user's known to be in violation shall be subject to fines of \$500.00 per day until actions are taken to prevent said violations from recurring.
- (e) Users who continue to violate this article may be considered for discontinuance of sewer services.

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- (f) Users whose operations cause or allow excessive grease to discharge or accumulate in the town wastewater collection and treatment system may be liable to the town for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(Prior Code, ch. VIII, § 10(D))

Sec. 22-359. Grease interceptor maintenance; recordkeeping; grease removal.

- (a) Grease interceptors shall be installed by users as required by the town. Grease interceptors shall be installed at the user's expense, when such user operates a cooking establishment. Grease interceptors may also be required in noncooking or cold dairy and frozen foodstuffs establishments and other industrial, commercial, or institutional establishments when they are deemed necessary by the town for the proper handling of liquid wastes containing grease.
- (b) No user shall allow wastewater discharge concentration from subject grease interceptor to exceed 325 milligrams per liter, as identified by EPA method 1664 or 275 milligrams per liter, as identified by EPA method 413.
- (c) All grease interceptors shall be of a type, design, and capacity approved by the town and shall be readily and easily accessible for user cleaning and town inspection. No grease interceptor shall be less than 1,000 gallons total capacity unless otherwise approved by the town.
- (d) All grease interceptors shall be subject to review, evaluation, and inspection by the town during normal working hours. Results of in inspections will be made available to facility owner, lease-holder, or operator. The town may make recommendations for correction and improvement.
- (e) All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every 30 days.
- (f) Users who are required to pass water through a grease interceptor shall:
- (1) Provide a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20 percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as "sludge pocket."
 - (2) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than 30 days at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into the sludge pocket and thereby reduce the effective volume of the grease interceptor.
 - (3) Accept the following conditions: If any skimmed or pumped wastes or other materials removed from the grease interceptor are treated in any fashion on site and reintroduced back into the grease interceptor as an activity of and after said onsite treatment, the user shall be responsible for the attainment of established grease numerical limit consistent with and contained in subsection (c) of this section on all discharges of wastewater from said grease interceptor into the town's sanitary sewer collection and treatment system.
 - (4) Operate the grease interceptor in a manner so as to maintain said device such that attainment of the grease limit is consistently achieved. The term "consistent" shall mean any wastewater sample taken from said grease interceptor shall be subject to terms of numerical limit attainment described in subsection (c) of this section. If an establishment desires to use an alternative to an out-of-

building grease interceptor, because of documented space restraints, the request for an alternative location shall contain the following information:

- a. Location of town sewer main and easement in relation to available exterior space outside building.
 - b. Existing plumbing at or in a site that uses common plumbing for all services at that site.
- (5) Understand and agree that: The use of biological additives as a grease degradation agent is not permitted.
 - (6) Understand and agree that the use of automatic grease removal systems is conditionally permissible, upon prior written approval by the town. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit outlined in subsection (c) of this section, as measured from the unit's outlet, is consistently achieved.
 - (7) Understand and agree that: The town reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, modifications, or replacement of such traps.
 - (8) Understand and agree that: A minimum of once per year, the town will conduct an inspection of the user's grease interceptor. The town will coordinate with the user during regular monthly pumping to inspect the condition of the grease interceptor walls, bottom, top, cover, inlet and outlet pipes, and baffles.
- (g) The user shall submit a grease trap service record form provided by the town to the town on the first day of each month. The user shall maintain a written record of trap maintenance for three years. All such records will be available for inspection by the town at all times.
 - (h) No non-grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.
 - (i) Except as provided herein, for a period of three months following adoption of this article, although installation and maintenance of grease interceptors will be required, no enforcement actions will be taken under this article for failure to achieve limits on grease discharges from said grease interceptors. If, during this three-month period an obstruction of a town sewer main occurs or a sewer lift station problem occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease from your establishment in the town's sewer main or lift station, the town will take appropriate enforcement actions and may hold the responsible user liable for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, fines, etc., including all labor, materials, and equipment.
 - (j) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(Prior Code, ch. VIII, § 10(C))

Sec. 22-360. Existing facilities.

- (a) All existing cooking establishments shall have grease interceptors approved by the town. Cooking establishments without grease interceptors will be given a compliance deadline not to exceed six months from the date of the ratification of this article.

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- (b) Failure to comply will be considered a violation of this article and such facilities may be subject to penalties and corrective actions. Said installations shall meet the same requirements for design as new facilities.
 - (c) In the event an existing cooking establishment's grease interceptor is either under-designed or substandard in accordance with this policy, the owner will be notified in writing of the deficiencies and required improvements, and given a compliance deadline not to exceed six months to conform with the requirements of this article.

(Prior Code, ch. VIII, § 10(E))

Subpart B LAND USE REGULATIONS