

# CITY OF HIGH POINT

## AGENDA ITEM



### **Title: Sewer Use Ordinance Update**

**From:** Terry Houk-Public Services Director  
Derrick Boone - Asst. Director Public Services  
Bill Frazier-Lab Manager  
Carrie Hyler- Pretreatment Supervisor

**Meeting Date:** May 18, 2020

**Public Hearing:** N/A

**Advertising Date:** N/A

**Advertised By:** N/A

**Attachments:** Attachment A – Letter- NCDEQ Dental Amalgam Implementation Policy  
Attachment B – Revised Sewer Use Ordinance (2020) with SUO Update Summary  
Attachment C- Current Sewer Use Ordinance (Adopted 2012)

---

### **PURPOSE:**

To update the City of High Point Sewer Use Ordinance to meet federal and state permitting requirements.

### **BACKGROUND:**

The sewer use ordinance is a legal document that authorizes how the utility manages, operates and maintains its wastewater collection system. All updates to the Sewer Use Ordinance must be approved as a legal requirement of state/federal laws by the governing body of a permittee when:

- The headworks analysis finds that upgrades or adjustments are necessary due to changes in pollution limits from state and federal agencies.
- New pollution programs or limits are imposed.

The last update to the Sewer Use Ordinance was in 2012. The current updates are necessary to address changes to the local limits based on headworks analyses for both the Eastside and Westside wastewater treatment plants. In addition, the ordinance addresses the new dental discharger requirements outlined in 40 CFR Part 441 and the recently additional language in section 8-2-55.5 regarding industries cannot use split samples for their monthly compliance sample.

**BUDGET IMPACT:** N/A

### **RECOMMENDATION / ACTION REQUESTED:**

The Public Services Department is recommending that Council adopt the revised Sewer Use Ordinance.

City Attorney

JoAnne L. Carlyle



December 21, 2012

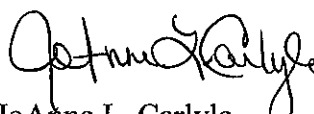
Ms. Julia Storm  
Pretreatment Unit Supervisor  
North Carolina Division of Environmental Management  
P.O. Box 29535  
Raleigh, NC 27626-04535

RE: Sewer Use Ordinance and Sewer Use Check List, High Point, North Carolina

Dear Ms. Storm:

I certify that I am the duly appointed City Attorney for the City of High Point, North Carolina, and I have reviewed the proposed sewer use ordinance for the City of High Point, North Carolina and also its sewer use ordinance check list as required by 15A NCAC 2H .0907 (b) (1) and 40 CFR 403.9(b)(1) and they meet with my approval.

Sincerely,

  
JoAnne L. Carlyle

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

LINDA CULPEPPER

Director



NORTH CAROLINA  
Environmental Quality

August 16, 2019

To: Pretreatment Professionals  
Subject: Dental Amalgam Implementation Policy

Dear Pretreatment Professional:

As you are no doubt aware, the Dental Amalgam Rule (40 CFR Part 441) became effective July 14, 2017. New sources must comply immediately with the requirements of the rule, while existing sources have until July 14, 2020 to attain compliance. The final rule gives Control Authorities the discretion to determine the appropriate level of oversight, compliance assistance and enforcement.

To assist you in implementing this rule, the PERCS Branch with the assistance of the NC Pretreatment Consortium, has developed the attached Dental Amalgam Rule (40 CFR Part 441) Implementation Options. Please review the options presented and choose which works best for your program.

If mercury related issues, such as pass through, interference or NPDES permit limit violation are identified at your POTW, the DWR will require the POTW to increase its level of oversight and compliance assistance.

Depending on the option you choose, updates to your enforcement response plan (ERP) may be required. Please review the attached North Carolina Model Enforcement Response Plan and make any necessary revisions to your ERP.

Submit the revised ERP to PERCS no later than **February 14, 2020**. If you have decided to use industrial user enforcement actions for dental dischargers no changes are required for you ERP. Please inform PERCS if this is your decision.

Thank you for your continued cooperation with the Pretreatment Program. If you have any questions please contact Monti Hassan, (919) 707-3626 or Vivien Zhong, (919) 707-3627 or via email [firstname.lastname@ncdenr.gov]

Sincerely,

A handwritten signature in blue ink that reads "Deborah Gore".

Deborah Gore

PERCS Supervisor

cc: PERCS files  
RO Pretreatment Staff



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

## **Updated 2020- ARTICLE B Sewer**

**Editor's note:** Ordinance No. 07-81, adopted Sept. 20, 2007 (will revise date upon adoption), amended article B in its entirety to read as herein set out. Formerly, this article pertained to similar subject matter and derived from Ord. No. 94-15, adopted March 17, 1994; and Ord. No. 97-102(3), adopted Dec. 18, 1997.

### **Sec. 8-2-51 SEWER RESPONSIBILITY**

The public services department shall be charged with the maintenance and repair of all sewer mains, including house connections, pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this department an adequate number of employees to properly maintain and operate the facilities of this department. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-52 GENERAL PROVISIONS**

#### **A. Purpose and policy.**

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of High Point, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants and wastewater discharges into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants and wastewater discharges 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 improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) To protect both municipal personnel who may come into contact with 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 the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any Federal or State laws which the municipal wastewater system is subject to.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City of High Point shall designate an administrator of the Publicly Owned Treatment Works or POTW and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the Publicly Owned Treatment Works (POTW) Director shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other City of High Point personnel.

By discharging wastewater into the City of High Point wastewater system, industrial users located outside the City limits agree to comply with the terms and conditions established in this ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

#### **B. RESERVED.**

(Ord. No. 6486/07-81, § 1, 9-20-07)

## Sec. 8-2-53 DEFINITIONS AND ABBREVIATIONS.

- A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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

**Approval authority.** The Director of the Division of Water ~~Quality Resources~~ of the North Carolina Department of Environmental ~~and Natural Resources Quality~~ or his or her designee.

**Authorized representative of the industrial user.**

1. If the industrial user is a corporation, authorized representative shall mean:
  - a. The president, secretary, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one (1) or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.
3. If the industrial user is Federal, State or local governments, or an agent thereof, 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 paragraphs (1)--(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.
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 City of High Point prior to or together with any reports to be signed by an authorized representative.

**Best Management Practices or BMPs.** Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the General Prohibitions listed in 40 CFR Part 403.5(a)(1). BMPs also include treatment requirements, operating procedures and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw-material storage.

**Biochemical oxygen demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

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

**Bypass.** The intentional diversion of wastestreams from any portion of a user's treatment facility.

**Categorical standards.** National Categorical Pretreatment Standards or pretreatment standard.

**Categorical Industrial User (CIU).** Are Industrial Users that are subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

**Control Authority.** Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.

**Dental amalgam.** Shall mean an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

**Dental Discharger.** Shall mean a facility where the practice of dentistry is performed, including but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments that discharges wastewater to a publicly owned treatment works (POTW).

**Discharger.** Means any person who discharges or causes the discharge of wastewater to a community sewer system, storm water system, or directly to the POTW. Discharger shall mean the same as user.

**Domestic sewage.** The liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

**Duly Authorized Representative.** Shall have the same definitions as defined by Authorized Representative #s 1a and 1b of this section.

**Effluent.** Means wastewater or other liquid, partially or completely treated, or in its natural state or any portion thereof flowing out of a reservoir, basin, treatment plant or industrial treatment plant.

**Enforcement Response Plan (ERP).** The set of enforcement actions to be taken by the city in response to violations of any part(s) of this article.

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

**Existing Sources.** Shall mean a discharger that is not a new source

**Fats, Oils and Grease (FOG).** Shall mean any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

**FOG Best Management Practices.** Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sanitary and storm water systems.

**Food Service Establishment.** Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public operating in a permanently constructed structure such as a room, building, or place, or portion thereof, that utilize one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, 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 a hot, non-drinkable food product in or on a receptacle that requires washing.

**Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Grab sample.** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and for a period of time not to exceed 15 minutes.

**Grease** shall mean, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but not need be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution. Grease is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate methods and procedures approved by the Environmental Protection Agency, and identified in 40 CFR Part 136.

**Grease Control Device.** Shall mean a grease interceptor, grease trap, or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of fats, oils or grease (FOG) to the sanitary sewer.

**Grease Generating Activity.** Shall mean any activity that includes the following in regards to wastewater or any FOG materials entering the sanitary sewer system by means of washing dishes, kitchen equipment, discharging FOG in a drain which leaves the property.

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

**Hot Spots.** Shall mean areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained at an accelerated frequency to avoid blockages of sewer system as a result from FOG buildup in the sanitary sewer system.

**Indirect discharge.** The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

**Industrial user.** Any person which is a source of indirect discharge.

**Low Grease Generator Agreement.** Shall refer to an agreement between certain categories of FSEs and the City that do not require the installation of a Grease Control Device.

**Interference.** The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES, collection system or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with [section] 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. section 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.

**Maintenance log.** Shall mean any form of record keeping requirements as addressed in Section 8-2-54.11(5).

**Manifest.** Shall mean the receipt which is retained by the generator of wastes for disposing recyclable waste, liquid or solid wastes as required by the city.

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

**Middle Tier CIU.** Categorical Industrial User (CIU) designated by the City as Middle tier if its discharge of categorical wastewater does not exceed any of the following:

- (1) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller
- (2) 0.01 percent of the design dry weather organic treatment capacity of the POTW
- (3) 0.01 percent of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by the POTW.

**Mobile unit.** Shall mean a specialized mobile self-contained van, trailer or equipment used in providing dentistry services at multiple locations.

**Monitoring facility.** Structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the wastes, the design, location and operation of which must be approved by the director.

**National Categorical Pretreatment Standard or categorical standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

**National Prohibitive Discharge Standard or prohibitive discharge standard.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsection 8-2-54(a) of this article and developed under the authority of [section] 307(b) of the Act and 40 CFR, section 403.5.

**New source.**

1. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 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 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 subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous on-site construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which



are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

**Noncontact cooling water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**National Pollution Discharge Elimination System or NPDES permit.** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to N.C.G.S. 143-215.1 by the state under delegation from EPA.

**Non-discharge permit.** A permit issued by the State pursuant to G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the state

**Non-Significant Categorical Industrial User (NSCIU).** Categorical Industrial User (CIU) designated by the City as "non-significant," never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment Standard). A NSCIU must also:

- (1) Have consistently complied with all applicable Pretreatment Standards
- (2) Annually submit a certification statement and
- (3) Never discharge any untreated concentrated wastewater

**Pass through.** A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES, collection system, or non-discharge permit or downstream water quality standard even if not included in the permit.

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

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

**Pollutant.** Any "waste" as defined in N.C.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, metals, BOD, COD, toxicity, ~~or~~ and odor).

**POTW Director.** The City of High Point Director of Public Services or his/her delegate.

**Pretreatment.** 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 a POTW collection system and/or treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, **except** as prohibited by 40 CFR 403.6(d).

**Pretreatment program.** The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and 403.11 and as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

**Pretreatment requirements.** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

**Pretreatment standards.** Any prohibited discharge standards, categorical standards, or local limits which applies to an industrial user.

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

**Sanitary Sewer Overflow** shall mean any discharge of sewage from the sanitary sewer to the inside or outside of a FSE or to the Stormwater system.

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

**Significant industrial user or SIU.** Any industrial user that discharges wastewater into a publicly owned treatment works and that:

- (1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters; or
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern; or
- (3) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N, Parts 405-471; or
- (4) Is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options.
- (5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above have no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- (6) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- (7) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User Sampling and inspection requirements may be cut in half as per 40 CFR Parts

403.8 (f)(2)(v)(C) and 403.12 (e)(3).

**Significant noncompliance.** SNC is the status of noncompliance of a Significant Industrial user when one or more of the following criteria are met. Additionally, any Industrial User that meets the criteria in (c), (d), or (h) shall also be SNC.

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numerical Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, Fats, Oils and grease; 1.2 for all other pollutants (except flow and pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 8-2-54(a) of this ordinance to halt or prevent such a discharge;
- (e) 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.
- (f) 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.
- (g) Failure to accurately report noncompliance.
- (h) Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug load or Discharge.** Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in subsection 8-2-54(a) of this section.

**Standard industrial classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1987.

**Standard manhole.** Shall mean a sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

**Stormwater.** Any flow occurring during or following any form of natural precipitation and resulting there from.

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

**Trap** means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

**Twenty-five percent (25%) Rule** shall mean the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in any location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

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

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

**Wastewater permit.** As set forth in subsection 8-2-56(b) of this article.

**Waters of the State.** All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs 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.



This article is gender neutral and the masculine gender shall include the feminine and vice versa.

"**Shall**" is mandatory; "**may**" is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The following abbreviations shall have the designated meanings:

1. *BOD*. Biochemical oxygen demand.
2. *CFR*. Code of Federal Regulations.
3. *COD*. Chemical oxygen demand.
4. *EPA*. Environmental Protection Agency.
5. *gpd*. Gallons per day.
6. *l*. Liter.
7. *mg*. Milligrams.
8. *mg/l*. Milligrams per liter.
9. *NCGS*. North Carolina General Statutes.
10. *NPDES*. National Pollution Discharge Elimination System.
11. *O&M*. Operation and maintenance.
12. *POTW*. Publicly owned treatment works.
13. *SIC*. Standard industrial classification.
14. *SWDA*. Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
15. *USC*. United States Code.

- 16.  **Significant Industrial User**
  - 17.  Total suspended solids.
  - 18. *TKN*. Total kjeldahl nitrogen.
- (Ord. No. 6486/07-81, § 1, 9-20-07)

DRAFT

## Sec. 8-2-54 REGULATIONS.

### Sec. 8-2-54.1 *Prohibited discharge standards.*

- A. **General prohibitions.** No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.
- B. **Specific prohibitions.** No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
  1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter.
  2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch in any dimension.
  3. Any wastes or water containing mineral or, hydrocarbon, vegetable or animal fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit. Animal and vegetable fats above these units may be allowed following written application and approval by the director.
  4. Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
  5. Any wastewater containing pollutants, including oxygen demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.
  6. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
  8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the POTW's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.



9. Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).
10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable state or federal regulations.
11. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.
12. Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with section 8-2-65 of this article.
13. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.
14. Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season, but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease unless authorized by the POTW Director.
15. Petroleum oil, non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds in amounts that will cause interference or pass through.
16. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
17. Any medical wastes, except as specifically authorized by the POTW Director in an industrial wastewater discharge permit.
18. Any material containing ammonia, ammonium salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
19. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW Director.
20. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.
21. Recognizable portions of the human or animal anatomy.
22. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

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

When the POTW Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the Director shall:

- (1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with subsections 8-2-54.1 and 8-2-54.2;
- (2) Take appropriate actions in accordance with section 8-2-60 for such user to protect the POTW from interference or pass through.

### **Sec. 8-2-54.2 *Polluted water control.***

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the city or not, when polluted by its use, shall be forced into the city's sanitary sewer system provided such wastes meet the requirements of this chapter.

### **Sec. 8-2-54.3 *Use of public sewers required.***

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction, any sewage or other polluting materials, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

### **Sec. 8-2-54.4 *National Categorical Pretreatment Standards.***

1. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471 and incorporated herein.
  - A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with CFR 403.6(c).
  - B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
  - C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
  - D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
  - E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7

**Sec. 8-2-54.5 Local limits.**

To implement the general and specific discharge prohibitions listed in this article, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

TABLE INSET:

Parameter	Daily Limit (mg/l)
BOD	<del>500</del> 300
TSS	<del>300</del> 200
Ammonia	15
Cadmium (T)	<del>0.05</del> 0.005
Chromium (T)	0.050
Copper (T)	0.050
Cyanide (T)	0.010
Lead (T)	0.050
Mercury (T)	0.0005
Nickel (T)	0.050
Silver (T)	<del>0.005</del>
Zinc (T)	0.10
Oil and grease	100
Total Phosphorus	5.0
pH range: Between 5.0 and 11.0 (standard units)	

(T) = Total

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The City of High Point reserves the right to re-evaluate and/or institute additional local limits at any time it is determined necessary.

**Sec. 8-2-54.6 State requirements.**

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

**Sec. 8-2-54.7 Right of revision.**

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulations if deemed necessary to comply with the objectives presented in section 8-2-52 of this article or the general and specific prohibitions in section 8-2-54 of this article, as is allowed by 40 CFR 403.4.

**Sec. 8-2-54.8 Dilution.**

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

## **Sec. 8-2-54.9 Pretreatment of Wastewater.**

### **1. Pretreatment Facilities.**

Users shall provide necessary wastewater treatment as required to comply with this article and wastewater permits issued under subsection 8-2-56.2 of this article and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 8-2-54.1 within the time limitations as specified by the EPA, the State, or the POTW Director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the POTW Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method(s) of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

### **2. Additional Pretreatment Measures**

- a. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- b. The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-controlled facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

## **Sec. 8-2-54.10 Grease Control Devices shall be installed on the premises where FOG is used or Generated.**

1. All commercial kitchens in new or existing buildings, undergoing significant improvement, undergoing remodeling or change in operations shall have grease control devices (GCD) as required by the Uniform Plumbing Code. IF there is a size discrepancy in GCD installation (due to space limitations, etc) a mutual agreement between the Building Department and Industrial Pretreatment Department shall agree to compromise regarding size and fixtures to be discharged through the GCD.
2. All grease generating fixtures shall connect to a GCD, including but not limited to pre-rinse sinks, three compartment sinks, two compartment sinks, mop or janitor sinks, food preparation sinks, floor drains in dishwashing areas and kitchens, etc. All drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD.
3. No high temperature kitchen equipment discharges shall be allowed to connect through any type of GCD. Discharge of wastewater from dishwashers, pasta cookers, other hot lines and non-grease generating fixtures to any GCD is prohibited unless authorized by the POTW Director.
4. FSEs shall have a sink or other area for cleaning floor mats, containers, exhaust hood filters and equipment, which is connected to a GCD. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. Outside washing of floor mats, equipment grills, or other containers is prohibited; this may allow contaminated wastewater to flow to the storm drain system.
5. All in-ground GCDs greater than 750 gallons in capacity shall have a minimum of three manholes (refer to City of High Point Design Standards) to allow visibility over each inlet piping, baffle (divider) piping and outlet piping to ensure accessibility for inspection, cleaning

and removal of all contents. Two manholes may be allowed under certain conditions only granted by the City of High Point. Nothing shall be allowed to be stored on top of any GCD manholes.

6. In ground GCDs shall be installed in a suitable location that will allow access for inspection, cleaning, and maintenance. This includes drive-thru roads and parking stalls where inspection would be difficult or unsafe and impeded business operations.
7. Laterals installed between a FSE and GCD, also between the GCD and the City's main shall include installation of two way clean outs as required to allow access points for sewer line maintenance and inspection.

**Sec. 8-2-54.11 Grease, Oil and Sand Traps required for Commercial and Industrial Establishments.**

1. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of sewerage system from liquid wastes containing petroleum based oils, fluids and greases in excessive amounts, or any flammable wastes, sand and other harmful pollutants not prohibited in section 8-2-54(a). Such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, automotive repair garages, car washes, and other commercial or industrial establishments as the city may designate.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
3. **Grease Control Device Maintenance Requirements**
  - A. Maintenance Requirements
    - a. All GCDs shall be kept in good repair, functioning properly and shall be maintained in continuous operation according to manufacturer's guidelines and the City of High Point's requirements.
    - b. GCDs shall be maintained by the owner at the owner's expense.
    - c. Sewer lines to and from GCDs shall be kept in good repair and clear of any buildup of FOG that could potentially contribute to backups and/or SSOs.
    - d. All FOG discharged during GCD or sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, exit lines from a GCD and/or laterals cleaned by jetting or hydro flushing shall have the contractor capture the contents removed from the line to prevent SSOs depending on the main size the lateral feeds into. All contents removed from sewer lines shall be contained and disposed properly by a licensed contractor.
    - e. No additives may be introduced to GCDs or a FSE's wastewater system for the purpose of emulsifying FOG. Additives, such as solvents or enzymes that dissolve or mobilize FOG are prohibited.
4. **GCD Maintenance Frequency**
  - A. The maintenance frequency shall be set so as to ensure the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer collection system. The maintenance frequency for all FSEs with a GCD shall be determined by one of the following methods:
    - i. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth in any location of the GCD. The 25% Rule shall apply to all GCDs.

- ii. The entire contents of all grease interceptors (gravity grease interceptors) and GCDs greater than 100 gallons shall be removed every three months or more frequently as to prevent FOG from entering the sanitary sewer.
  - iii. The entire contents of all grease traps (hydro mechanical grease interceptors and automatically or mechanically cleaning GCDs) shall be removed every month or more frequently as to prevent FOG from entering the sanitary sewer.
- B. The city may modify the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.
  - C. If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements in section (g)(1)(i) above, the FSE shall have the GCD serviced immediately such that all FOG, solids, and other materials are completely removed from the GCD.
  - D. Waste haulers servicing GCDs shall not reinsert or discharge into GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from the GCD or to cause those materials to be so handled.

## **5. Requirements for Record Keeping**

### **A. GCD & Plumbing record keeping**

- i. The FSE shall retain all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier and disposal site location for at least three years. Such records, which include at a minimum of the following, shall be made immediately available for inspection and copying to the inspector or City representative upon request:
- ii. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
- iii. Copies of records of waste hauling GCD contents. The grease haulers shall leave, at the facility site, a manifest with the following information:
  - Name of site pumped
  - Street address
  - City Name
  - Date and Time Pumped
  - Volume collected
  - Hauler name
  - Truck #
  - Observed GCD structural problems
  - Final destination of material collected
- iv. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCDs
- v. Records of any SSOs, backups, spills and/or cleaning of the lateral sewer system
- vi. A record of Best Management Practices being implemented including employee training
- vii. Any other information deemed appropriate by the city to ensure and document compliance with this Article.

## **6. Tallow Bins**

### **1. Segregation and collection of waste cooking oil**

- 1. No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.



All waste cooling oils shall be collected and stored properly in tallow receptacles such as barrels or drums or bins for recycling or other acceptable methods of disposal.

- a. Segregated waste grease and oil bins (tallow bins) shall be in place at the location of any FSE that creates grease or oil from the use of fryers, automatically or mechanically cleaning GCDs which need FSE staff maintenance, rotisserie drip lines not connected to a GCD or any other type of grease and oil waste created by cooking or cleaning of equipment. FSE staff, not limited to kitchen staff, shall properly dispose of grease or oils from cooking equipment into an oil/grease receptacle such as a tallow bin, barrel or drum. Appropriate measures shall be taken to eliminate spills. An absorption rag, towel, or material shall be immediately available each time the waste oil/grease is emptied to the tallow bin or segregated receptacle and used to clean up spills. The transporting of waste oil/grease shall be conducted with a covered and sealed container.
- b. Tallow bins or used waste oil and grease container areas shall be kept clean. Containers shall be covered with lids and free from excessive fats, oil and grease and debris to prevent foul-smelling odors and vector attraction. Housekeeping procedures shall be put in place and signs posted.
- c. Tallow bins shall be located in areas that reduce the risk of spills or discharges to the storm drain system. Where relocation is not possible, spill prevention should be implemented to prevent such discharges.

#### **7. Tallow Haulers**

Tallow haulers servicing FSEs shall clean up all spills created during the collection and transporting of grease whether it is on the containers, bins, barrels or the ground.

#### **8. Tallow Bin Record Keeping**

The FSE shall keep all manifests, receipts and invoices of all oil/grease removal from the FSE, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative or inspector. These records may include:

- A logbook of all segregated oil bins cleaning and maintenance practices
- A record of Best Management Practices being implemented including employee training.
- Copies of records and manifests of waste hauling activities.
- Records of any spills and/or cleaning.
- Any other information deemed appropriate by the City to ensure compliance with this Article.

#### **9. Best Management Practices – FSEs**

All FSEs shall implement Best Management Practices (BMPs). Emphasis shall be on minimizing the discharge of FOG to the sewer system and preventing non-stormwater discharges to the storm drain system. All FSEs shall be required, at a minimum, to provide staff training for the appropriate ordinance requirements and for the following kitchen BMPs:

- a. Install screens in all drains. The screens shall be installed to all sinks, drains, floor drains, floor sinks, dishwasher, etc. The screens shall be cleaned frequently by disposing waste to the trash or food scrap container if available. Regular inspections shall be conducted by lead Managers and/or Executive Chefs to ensure screens are functioning properly and are present. It is

- recommended that the inspections be documented to confirm compliance and be available to the City representative or inspector upon request.
- b. Dispose of all food waste. Food waste shall not be disposed to sinks or drains. FSE staff shall dispose of all food waste directly into the trash, garbage, compost or food waste collection bins by scraping with scrapers, towels, paper towels and/or rubber spatulas prior to using water to rinse off plates, dishes, pots, pans, containers, etc. This practice helps remove FOG from entering the sanitary sewer system and GCDs. Properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
  - c. Maintain kitchen exhaust hood and equipment. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly and shall be cleaned in sinks connected to a GCD to ensure to capture of FOG prior to entering the sanitary sewer.
  - d. Post signs and posters for best management and waste minimization practices conspicuously in the food preparation and dishwashing areas at all times.
  - e. Clean all kitchen equipment and other equipment in the sinks or drains that flow directly into a GCD. Never clean equipment in a sink not connected to a GCD.
  - f. Dry methods shall be used to clean up oil and grease spills. Pick up liquids or grease with rags or absorbents such as raw dust or cat litter. Sweep up absorbent, seal in a plastic bag and dispose in the trash. Regularly use dry methods to clean under fryer baskets and other locations where grease may be spilled or dripped. Clean up all oil and grease spills prior to mopping. If possible, always discharge waste mop water to a drain that will flow to a GCD.
  - g. Dry sweep pavement, such as walkways, dining areas and dumpster areas as frequently as possible.
  - h. Never pour, sweep or direct wash wastewater into a Stormwater collection system, street or gutter. If any pavement cleaning requires water, sweep first; next use a mop without soap and bucket and dispose of wash wastewater in a sink that drains to a GCD.
  - i. Never wash down dumpsters or tallow bins with a hose. If a dumpster or tallow bin must be cleaned, contact the dumpster or tallow bin vendor. Check dumpsters and tallow bins frequently for leaks. Notify the dumpster or tallow bin vendor to maintain and replace leaking dumpsters or tallow bins.

### **Sec. 8-2-54.12 *Accidental discharge /Slug Control Plans***

The POTW Director shall evaluate whether each Significant Industrial User needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 8-2-53(A). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

1. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non- customary batch discharge, or a slug load. Also, see subsections 8-2-57.6 and 8-2-57.7.
2. An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (a) Description of discharge practices, including non-routine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by subsection 8-2-57.7 of this article; and
  - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of

storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

- (e) Flow and loading equalization. In order to promote the equalization of flows and any constituent loadings, including but not limited to BOD and TSS on the sewer system, each person whose operations produce wastewaters having widely fluctuating flows or constituents is required to install and maintain at his own expense, a suitable storage or holding tank. The holding tank shall have a minimum capacity of 75 percent of the user's average daily flow, except that no tank shall be less than 1,000 gallons. Suitable air mixing will be required to keep solids in suspension and maintain aerobic conditions. Such holding or storage tank, air mixing system and any outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the director.
- (f) Monitoring facilities.
  - (1) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:
    - a. The BOD concentration exceeds 300 mg/l;
    - b. The TSS concentration exceeds 250 mg/l;
    - c. The average flow per work day exceeds 25,000 gallons; or
    - d. The manufacturing processes produce toxic or poisonous wastes such as but not limited to cyanides, heavy metals, insecticides, herbicides, etc.
  - (2) All industrial users that are subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the director or the categorical pretreatment standards. Plans for the location and construction of the monitoring facilities shall be approved by the director prior to commencing the installation. (Ord. No. 6486/07-81, § 1, 9-20-07)

### ***Sec.8-2-54.13 Dental Facilities***

*As promulgated by the Environmental Protection Agency, and as incorporated below, dental facilities that use or remove amalgam must install, operate and maintain, at user's expense, one or more amalgam separators that meet established standards and record keeping requirements listed under 40 CFR Part 441.*

#### ***A. Amalgam Separators Required***

1. *Dental facilities that use or remove amalgam must install, operate and maintain at user's expense, one or more amalgam separators or amalgam removal device(s) that meet the following requirements:*
  - a. *Compliant with American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) or*

- b. Compliant with the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions if the separators achieve at least a 95% removal efficiency.*
- c. Amalgam removal device, other than an amalgam separator shall have a removal efficiency of at least 95% from all amalgam process wastewater. Removal efficiency and performance testing information is outlined in 40 CFR Part 441.30(a)(2)(i) through (viii).*

*B. Implementation of the following best management practices(BMPs):*

- 1. Waste amalgam including, but not limited to, dental amalgam from chairside traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.*
- 2. Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with an oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.*

*C. Dental dischargers that meet any of the criteria below are exempt from this section:*

- 1. Dental dischargers that exclusively practice one or more of the following specialties are exempt from these requirements:*
  - a. Oral pathology*
  - b. Oral and Maxillofacial radiology*
  - c. Oral and maxillofacial surgery*
  - d. Orthodontics*
  - e. Periodontics*
  - f. Prosthodontics*
- 2. Mobile unit operated by a dental discharger.*
- 3. Dental dischargers that do not discharge any amalgam process wastewater to a POTW because amalgam process wastewater is collected and transferred to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.*
- 4. Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify to such to the Control Authority as required in Section 8-2-54.13(D)(1)(b)(ii).*

*D. Reporting and Recordkeeping Requirements*

- 1. Dental Dischargers subject to this part must comply with the following reporting requirements:*
  - a. One-Time Compliance Report.*
    - i. A One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following introduction of wastewater into a POTW.*
  - b. Signature and certification.*
    - i. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of Section 8-2-53(A)(1) and 8-2-56.2(C).*
    - ii. The One-Time Compliance Report for dental dischargers subject to this part that do not place or remove dental amalgam as described in Section 8-2-54.13(C)(1) through (4) and must include the following:*
      - 1. Facility name*
      - 2. Physical address*

3. *Mailing address*
  4. *Contact information*
  5. *Name of the operator(s) and owner(s)*
  6. *Certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.*
- iii. *The One-Time Compliance Report for dental dischargers subject to the standards of this section must include the following information:*
1. *The facility name*
  2. *Physical address*
  3. *Mailing address*
  4. *Contact information*
  5. *Name(s) of the operator(s) and owner(s)*
  6. *A description of the operation at the dental facility including:*
    - a. *The total number of chairs*
    - b. *The total number of chairs at which dental amalgam may be present in the resulting wastewater*
    - c. *A description of any existing amalgam separator(s) or equivalent device(s) currently operated to include at a minimum, the make, model and year of installation*
  7. *Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D)*
  8. *Certification that the dental discharger is implementing BMPs specified in Sections 8-2-54.13(A)(2) or 8-2-54.13(D) and will continue to do so.*
  9. *The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D).*
- iv. *Transfer of Ownership notification*
1. *If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer*
- v. *Retention period*
1. *If a Dental Discharger subject to this section is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance report required by Section 8-2-54.13(D)(1)(a) and make it available for inspection in either physical or electronic form.*
  2. *Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:*

- a. *Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions if needed.*
- b. *Documentation of amalgam retaining container or equivalent container replacement (including date as applicable).*
- c. *Documentation of all dates that collected amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.*
- d. *Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement and a description of the repair or replacement (including make and model).*
- e. *Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, the manufacturer's operating manual for the current device.*

## **Sec. 8-2-55 FEES**

### **Sec. 8-2-55.1 *Purpose.***

It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be as set forth in the city's schedule of charges and fees.





### **Sec. 8-2-55.2 *User charges.***

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

- A. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.
- B. Each user shall pay its proportionate cost based on volume of flow.
- C. The city 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 city council for adjustments in the schedule of charges and fees as necessary.
- D. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
- E. For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for water and/or sewer service is set forth by a rate schedule adopted by city council. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.
- F. Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the city at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the director of public services may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.
- G. Where a well is used by any person and water from such well is put into the sanitary sewer system of the city, then such person shall install, at his own expense, the necessary meter or meters, obtained from the city, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required if it is determined by the director of public services to be in the best interest of the city.
- H. In cases where the city determines not to require the installation of a meter, a flat rate shall be applied, as outlined in a rate schedule adopted by city council. These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one-family residence. The director of public services shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range. A flat rate shall not be used where the water supply is from a state approved public water supply.

### Sec. 8-2-55.3 *Surcharges.*

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

BOD = ~~300~~ 250 mg/l

TSS = ~~250~~ 200 mg/l

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

- (1) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or TSS exceeds the limits as hereinbefore prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and TSS concentration above the permissible limits of ~~300~~ 250 mg/l BOD, and ~~250~~ 200 mg/l TSS, according to the following formulate:
  - a. The number of hundreds of pounds of constituent (BOD or TSS) subject to the surcharge will be determined by:

TABLE INSET:

$$P = \frac{U \times C \times 0.006238}{100}$$

where:

P = pounds of constituent (BOD or TSS) in hundreds

U = units of wastewater discharged (1 unit = 100 cu. ft.)

C = strength of constituent in wastewater in mg/l in excess of ~~300~~ 250 for BOD, or ~~250~~ 200 for TSS

0.006238 = weight of wastewater (million pounds per unit)

- b. The amount of the surcharge will be calculated by:

$$S = (R1 \times P1) + (R2 \times P2)$$

where:

S = total surcharge

R1 = surcharge rate per CWT BOD

R2 = surcharge rate per CWT TSS

P1 = pounds of BOD in hundreds

P2 = pounds of TSS in hundreds

R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by city council.

- (2) The city council, in a meeting with the city manager and the director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment.
- (3) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the city. Where satisfactory evidence can be produced that more than 10 percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the director and excluded from the surcharge computation.

**Sec. 8-2-55.4 Pretreatment program administration charges.**

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

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

**Sec. 8-2-55.5 Sampling and testing procedures.**

- A. Each person discharging liquid wastes into the public sewer shall be subject to periodic inspections to determine the character and concentration of such wastes. The frequency of sampling shall be as determined by the director. Sampling and inspections will be both scheduled and unscheduled.
- B. Samples from monitoring facilities may be grab and/or composite according to flow. All other sampling will be conducted in a manner prescribed by the director.
- C. Each person subject to sampling and analytical services will be charged the cost of such services. All costs incident to the supervision, inspection, sampling and analyses will be billed to the user in accordance with a fee schedule adopted by city council. The city council, in a meeting with the city manager and the director, will annually review the actual cost of supervision, inspection, sampling and analyses required for monitoring industrial discharges and adjust fees to reflect the true cost of the pretreatment program. Any analyses performed by contract laboratory services on behalf of the City will be billed directly to the user by the contract laboratory.
- D. The city, upon request by the industry concerned, shall make available a split sample collected. **Split samples with a POTW sample cannot be used for the industry's monthly compliance sample.** If the industry feels the results are not representative of their wastes, the city will resample at a cost in accordance with the fee schedule referred to in subsection 8-2-55.2(C). The values determined from any re-sampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing. (Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-56 ADMINISTRATION****Sec. 8-2-56.1 Wastewater dischargers.**

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

**Sec. 8-2-56.2 Wastewater permits.**

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

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

**B. *Significant industrial user permit application.*** Users required to obtain a significant industrial user permit shall complete and file with the city, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in subsection 8-2-56(b) above. The application shall include at a minimum:

- a. name of industrial user;
- b. address of industrial user;
- c. standard industrial classification (SIC) code(s) or expected classification and industrial user category;
- d. wastewater flow;
- e. types and concentrations (or mass) of pollutants contained in the discharge;
- f. major products manufactured or services supplied;
- g. description of existing on-site pretreatment facilities and practices;
- h. locations of discharge points;
- i. raw materials used or stored at the site;
- j. flow diagram or sewer map for the industrial user;
- k. number of employees;
- l. operation and production schedules; and
- m. description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g);

**C. *Application signatories and certification.*** All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the POTW Director as defined in subsection 8-2-53.1 and contain the following certification statement:

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

**D. *Application review and evaluation.***

- a. The POTW Director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
- b. Within 30 days of receipt the POTW Director shall acknowledge and accept the complete application or if not complete shall return the application to the applicant with a statement of what additional information is required.

**E. *Tentative determination and draft permit.***

- a. The POTW staff shall conduct a review of the application and on 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 paragraph (5)(a) above 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 paragraphs (5)(a) and (b) above and the city's general permit conditions into a significant industrial user permit.

- F. ***Permit Supporting documentation.*** The Control Authority staff shall prepare the following documents for all significant Industrial User Permits:
1. An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
  2. The basis, or rationale, for the pretreatment limitations, including the following:
    - a. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
    - b. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- G. ***Final action on significant industrial user permit applications.***
- a. The POTW Director shall take final action on all applications not later than 90 days following receipt of a complete application.
  - b. The director is authorized to:
    1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and N.C.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 subsection 8-2-56(I) of this article;
    4. Revoke any permit pursuant to subsection 8-2-60.1 of this article;
    5. Suspend a permit pursuant to subsection 8-2-60.1 of this article;
    6. Deny a permit application when in the opinion of POTW Director such discharge may cause or contribute to pass through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- H. ***Permit modification.***
- A. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
    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 (4) 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.
    4. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection 8-2-56.2(B) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
    5. 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.

**I. *Permit conditions.***

- A. The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and N.C.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 (5) years);
  2. A statement of non-transferability;
  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 subsection 8-2-53(A);
  6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 8-2-53(A), if determined by the POTW Director 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 subsection 8-2-53(A). Also see subsections 8-2-57.4 and 8-2-54.5; and
  8. A statement of applicable civil and/or 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/or 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 treatment works.
  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 re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).
  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 records relating to wastewater discharges as specified in subsection 8-2-57.13 and affording the POTW Director, or his representatives, access thereto.
12. Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
13. Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.
14. A statement that compliance with 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 director to ensure compliance with this article, and state and federal laws, rules, regulations, and the term of the permit.

J. ***Permit duration.***

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

K. ***Permit transfer.***

Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial 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.

L. ***Permit reissuance.***

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with subsection 8-2-56.2 minimum of 180 days prior to the expiration of the existing permit. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-57 REPORTING REQUIREMENTS.**

### **Sec. 8-2-57.1 *Baseline monitoring reports.***

- A. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in paragraph (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
  1. ***Identifying information.*** The name and address of the facility, including the name of the operator and owner.
  2. ***Environmental permits.*** A list of any environmental control permits held by or for the facility.
  3. ***Description of operations.*** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  4. ***Flow measurement.*** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined 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 POTW Director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 8-2-57.10 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4). Standard Pretreatment
- c. When determining mass calculations, standard pretreatment conversion factors shall be used.
- d. Sampling must be performed in accordance with procedures set out in subsection 8-2-57.11 of this article 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 subsection 8-2-53(A)(1) 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 subsection 8-2-57.2 of this article.

**8. *Signature and certification.***

All baseline monitoring reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.

***Sec. 8-2-57.2 Compliance schedule progress reports.***

The following conditions shall apply to the compliance schedule required by subsection 8-2-57.1(B)(7). of this article:

- 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. These events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the POTW Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the POTW Director.

***Sec. 8-2-57.3 Reports on compliance with categorical pretreatment standard, deadline.***

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in subsection 8-2-57.1(B)(4) through (6) of this article. 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 measures 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 subsection 8-2-56.2(C) of this article.

#### **Sec. 8-2-57.4 *Periodic compliance reports.***

- A. All significant industrial users shall, at a frequency determined by the POTW Director, but in no case less than once every six (6) 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 subsections 8-2-57.10 and 8-2-57.11 of this section. All periodic compliance reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW director, using the procedures prescribed in subsections 8-2-57.10 and 8-2-57.11 of this article, the results of this monitoring shall be included in the report.

#### **8-2-57.5 *Reports of changed conditions.***

Each user must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change. The permittee shall not begin the changes until receiving written approval from the City. See subsection 8-2-57. for other reporting requirements.

- A. The POTW director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 8-2-56.2 of this article.
- B. The POTW director may issue a wastewater discharge permit under subsection 8-2-56.2 of this article or modify an existing wastewater discharge permit under subsection 8-2-56.2 of this article in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20 percent (20%) or greater, and the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the City; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

#### **8-2-57.6 *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 non-customary batch discharge, or a slug load as defined in section 8-2-53(A), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the POTW director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 paragraph (A), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

- D. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 8-2-53(A).

#### ***Sec. 8-2-57.7 Reports from unpermitted users.***

All users classified as Non-Significant Categorical Industrial Users under Section 8-2-53(A) shall provide appropriate reports to the POTW Director as the POTW Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

#### ***Sec. 8-2-57.8 Notice of violation; Repeat sampling and reporting.***

- A. If sampling performed by a user indicates a violation, the user must notify the POTW director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW director within 30 days after becoming aware of the violation. The user is not required to resample if the POTW director monitors at the user's facility at least once a month, or if the POTW director samples between the user's initial sampling and when the user receives the results of this sampling.
- B. If the POTW Director or designee has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the POTW Director (or designee) shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one (1) of the following occurs:
  1. The POTW Director monitors at the user's facility at least once a month; or
  2. The POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
  3. The POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30-day deadline of the POTW becoming aware of the violation.

#### ***Sec. 8-2-57.9 Notification of the discharge of hazardous waste.***

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the 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: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. The user shall not begin the discharge until receiving written approval from the City. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under subsection 8-2-57.5 of this article. 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 subsections 8-2-57.1, 8-2-57.3, and 8-2-57.4 of this article.
- B. Discharges are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

#### **Sec. 8-2-57.10 *Analytical requirements.***

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the City. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved EPA and the City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

#### **Sec. 8-2-57.11 *Sample collection.***

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

#### **Sec. 8-2-57.12 *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.

**Sec. 8-2-57.13 *Record keeping.*** 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 article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the POTW director.

**Sec. 8-2-57.14 *Electronic reporting.***

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 8-2-60 of this article. (Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-58 COMPLIANCE MONITORING.****Sec. 8-2-58.1 *Monitoring facilities.***

The city requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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.

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

**Sec. 8-2-58.2 *Inspection and sampling.***

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

**Sec 8-2-58.3 *Search warrants.***

If the City, 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 city 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 City, approval authority, or EPA may seek issuance of a search warrant from the 18th Judicial District of Guilford County. (Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-59 CONFIDENTIAL INFORMATION**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

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

All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-60 ENFORCEMENT**

### **Sec. 8-2-60.1 *Administrative remedies.***

#### **A. *Notification of violation.***

Whenever the POTW director 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 POTW director 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 city by the user. Submission of this plan does not relieve the discharge of liability for any violations occurring before or after receipt of the notice of violation. Violations will be administered according to the enforcement response plan (ERP).

#### **B. *Consent orders.***

The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. 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 section 8-2-60.1(D) below.

#### **C. *Show cause hearing.***

The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contributor permit to show cause why a proposed enforcement action should not be taken. 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under subsection 8-2-60 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under subsection 8-2-56.2 POTW director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

#### **D. *Administrative orders.***

When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set in the order;
3. Take appropriate remedial or preventive action in the event of a continuing or threatened violation.



E. ***Emergency suspensions.***

The POTW Director 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.

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 suspended order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

F. ***Termination of permit or permission to discharge.***

The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this section, 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 subsection 8-2-57.1 of this article why the proposed action should not be taken.

**Sec. 8-2-60.2 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 assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges (40 CFR 403.8(f), GS 143-215.6A(a)).
  1. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
    - a. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
    - b. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this section, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.
- B. In determining the amount of the civil penalty, the POTW director 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 City.

- C. Appeals of civil penalties assessed in accordance with this section shall be as provided in subsection 8-2-70.

### **8-2-60.3 Other available remedies.**

- A. Remedies, in addition to those previously mentioned in this article, are available to the POTW director/superintendent who may use any single one (1) or combination against a noncompliant user. Additional available remedies include, but are not limited to:
1. ***Criminal violations.***  
The district attorney for the (18th) judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. (Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).
  2. ***Injunctive relief.***  
Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
  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 consistent compliance.
  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 POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of subsections 8-2-54(a)(2)(f) and 8-2-60(b) of the sewer use ordinance.

### **8-2-60.4 Remedies nonexclusive.**

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-61 ANNUAL PUBLICATION OF REPORTABLE NONCOMPLIANCE**

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with this article or any order or permit issued hereunder, during the 12-month period since the previous publication. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-62 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.**

### **Sec. 8-2-62.1 Upset.**

- A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), below, 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(s) of the upset;
  2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  3. The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) 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.

### **Sec. 8-2-62.2 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 subsection 8-2-54.1 of this article or the specific prohibitions in subsections 8-2-54.1(B)(2), (B)(5), (B)(7) through (11), (B)(13) through (22) 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:

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

### **Sec. 8-2-62.3 Bypass.**

- A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (D) of this section.
- B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least 10 days before the date of the bypass, if possible.
- C. A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. Bypass is prohibited, and the POTW director may ~~take~~ **take** an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The user submitted notices as required under subparagraph (C) of this section.
- E. The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three (3) conditions listed in subparagraph (D). of this section.  
(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-63 SEVERABILITY.**

If any provision, paragraph, word, or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-64 CONFLICT.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-65 SEPTIC TANK WASTE.**

No person shall discharge into the sanitary sewerage system any waste from any septic tank or other private sewage disposal device except under the following conditions:

- A. Only waste of domestic character (or other waste approved on special arrangement and in advance which in the opinion of the director of public services will not be detrimental to operation of the pollution control plants) will be allowed.
- B. All waste shall be discharged at either the eastside or westside pollution control plant at the discretion of the director of public services or his authorized representative and under the supervision of the operator on duty.
- C. Persons desiring to discharge waste in accordance with this section shall make application to and contract with the director of public services for such service, and obtain septage vouchers.
- D. Fee for septage vouchers shall be paid for in advance at the rate set forth in a rate schedule adopted by city council for each truckload of 1,000 gallons or fraction thereof.
- E. Prior to discharging any waste, the truck driver will complete the septage voucher, which shall be submitted to the operator on duty, setting forth the name of the individual, firm or corporation responsible for the waste, the name of the driver of the waste-carrying vehicle, the date and time of discharge, and the name, address and telephone number of the owner of each premises where the waste was collected.
- F. All waste-carrying vehicles shall have clear permanent markings showing the owner's name, address, Guilford County Health Department permit number and waste-carrying capacity in gallons.
- G. If at any time, in the opinion of the director of public services, the best interest of the city will be served by discontinuance of this service, then no more such wastes shall be accepted from any person, firm or corporation. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-66 SEWER CONNECTIONS—COMPULSORY RULES AND REGULATIONS FOR PERMANENT PAVEMENT OF STREET**

All owners, whether in fee or as life tenants, of houses or lots abutting on a street where a public sewer is laid, or which otherwise have access to a public sewer, shall connect all water closets or privies on such property with the sewer system, under such rules and regulations as are prescribed by the city council, and in the event that an order has been made for the permanent paving of any street, the sewer department shall make a connection from the sewer line to the curb line in front of each lot. Such connection shall be 15 feet from the lower property line when practicable. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-67 SEWER CONNECTIONS—PROCEDURE FOR COMPELLING**

Whenever any property in the city or within its service area shall be required by this article to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows: 30 days' notice printed or written requiring such connection shall be served by the director of public services of the city on the owner of the property if he is a resident of the city or on his agent if such owner is a nonresident, and where a nonresident has no agent in the city then such notice shall be published for 10 days in a newspaper published in the city.  
(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-68 SEWER CONNECTIONS—REFUSAL TO MAKE**

It shall be unlawful for any property owner whose property or premises shall be required by the ordinances of the city to be connected with the public sewerage system to refuse or neglect to make connection in the manner required.(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-69 SEWER CONNECTIONS--FEES**

- A. The charges for sewer connections shall be as prescribed in a rate schedule adopted by city council.
- B. Any person residing outside of the corporation limits of the city and seeking permission to tap on any sewer line located outside the city must first make written application to the city council and must furnish a set of approved plans, from which no additions or deletions shall be made without city approval, showing any information concerning the location, size, depth and length of main to be laid and any other information deemed necessary and requested by the public services department and must secure the approval of the public services department and of the city council before such connection is made.
- C. Any person who shall receive such permission to tap on to the city sewer system shall not permit any extension of such main to serve any other family, firm or corporation unit except by special permission of the city council.
- D. The city reserves the right to have any waste matter going into the city's sewer main or sewer system to be checked and examined to determine whether such material or waste matter is corrosive, volatile, suffocating, flammable or explosive and/or would result in damage or destruction of the city's sewer line or system and if found hazardous or damaging to the city system, the owner shall be required to remove such waste from the city system.
- E. Drawings and specifications for all laterals required for industrial or residential development must be submitted to and approved by the director of public services.
- F. Charges for sewer connections outside the corporate limits of the city shall be submitted as outlined in a rate schedule adopted by city council, plus an additional amount as set forth in a rate schedule adopted by the city council per front foot of lot tract based on division or use. If the tap on is made to an outfall line, the same charge based on frontage shall apply, except for residences on undivided farm land where a frontage of 100 feet will be assumed.
- G. Where such sewer lines are in a street right-of-way, the city shall extend the connection to the curb line; where such sewer lines are not in a street right-of-way, the city shall extend the connection at the most convenient point within the right-of-way of the sewer main or outfall.
- H. Any person, firm or corporation found to be illegally connected to the sanitary sewer system of the city shall be required to pay a penalty as set forth in a rate schedule adopted by city council plus the usual connection fee and service charges as determined by the public services department for the period of illegal use. After payment of the determined amount of money, the person, firm or corporation must submit an application, on forms supplied by the city; provided that sewer connection charges on lines installed under the agreement with Guilford County shall be the same rate for sewer connections inside the corporate limits.
- I. Any property owner desiring to connect to a sewer main laid under assessment shall, in addition to the regular tap-on fee, pay an amount equal to his prorated share of the assessment.  
(Ord. No. 6486/07-81, § 1, 9-20-07)

## Section 8-2-70 HEARINGS

### A. 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 subsection 8-2-60.2, or one issued an administrative order under subsection 8-2-60.1(D) shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

1. **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.
2. **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.
3. **Terminated Permits.** Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

### B. **Final appeal hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (A) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with city policies. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (C) below. The decision is a final decision for the purposes of seeking judicial review.

### C. **Official record.** When a final decision is issued under paragraph (A) above, the Hearing Officer shall prepare an official record of the case that includes:

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

### D. **Judicial Review.** Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Guilford County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the City. Within 30 days after receipt of the copy written request for the review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

DRAFT

## **ARTICLE B Sewer**

**Editor's note:** Ordinance No. 07-81, adopted Sept. 20, 2007, amended article B in its entirety to read as herein set out. Formerly, this article pertained to similar subject matter and derived from Ord. No. 94-15, adopted March 17, 1994; and Ord. No. 97-102(3), adopted Dec. 18, 1997.

### **Sec. 8-2-51 SEWER; RESPONSIBILITY**

The public services department shall be charged with the maintenance and repair of all sewer mains, including house connections, pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this department an adequate number of employees to properly maintain and operate the facilities of this department. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-52 GENERAL PROVISIONS**

#### **A. Purpose and policy.**

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of High Point, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants and wastewater discharges into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants and wastewater discharges 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 improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) To protect both municipal personnel who may come into contact with 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 the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any Federal or State laws which the municipal wastewater system is subject to.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City of High Point shall designate an administrator of the Publicly Owned Treatment Works or POTW and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the Publicly Owned Treatment Works (POTW) Director shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other City of High Point personnel.

By discharging wastewater into the City of High Point wastewater system, industrial users located outside the City limits agree to comply with the terms and conditions established in this ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

#### **B. RESERVED.**

(Ord. No. 6486/07-81, § 1, 9-20-07)



## Sec. 8-2-53 DEFINITIONS AND ABBREVIATIONS.

- A.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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

***Approval authority.*** The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

***Authorized representative of the industrial user.***

1. If the industrial user is a corporation, authorized representative shall mean:
  - a. The president, secretary, or 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 (1) or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.
3. If the industrial user is Federal, State or local governments, or an agent thereof, 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 paragraphs (1)--(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.
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 City of High Point prior to or together with any reports to be signed by an authorized representative.

***Biochemical oxygen demand (BOD).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

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

***Bypass.*** The intentional diversion of wastestreams from any portion of a user's treatment facility.

**Categorical standards.** National Categorical Pretreatment Standards or pretreatment standard.

**Control Authority.** Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.

**Discharger.** Means any person who discharges or causes the discharge of wastewater to a community sewer system, storm water system, or directly to the POTW. Discharger shall mean the same as user.

**Domestic sewage.** The liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

**Effluent.** Means wastewater or other liquid, partially or completely treated, or in its natural state or any portion thereof flowing out of a reservoir, basin, treatment plant or industrial treatment plant.

**Enforcement response plan (ERP).** The set of enforcement actions to be taken by the city in response to violations of any part(s) of this article.

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

**Fats, Oils and Grease (FOG).** Shall mean any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

**FOG Best Management Practices.** Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sanitary and storm water systems.

**Food Service Establishment.** Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public operating in a permanently constructed structure such as a room, building, or place, or portion thereof, that utilize one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, 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 a hot, non-drinkable food product in or on a receptacle that requires washing.

**Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Grab sample.** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and for a period of time not to exceed 15 minutes.

**Grease** shall mean, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but not need be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution. Grease is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate methods and procedures approved by the Environmental Protection Agency, and identified in 40 CFR Part 136.

**Grease Control Device.** Shall mean a grease interceptor, grease trap, or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of fats, oils or grease (FOG) to the sanitary sewer.

**Grease Generating Activity.** Shall mean any activity that includes the following in regards to wastewater or any FOG materials entering the sanitary sewer system by means of washing dishes, kitchen equipment, discharging FOG in a drain which leaves the property.

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

**Hot Spots.** Shall mean areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained at an accelerated frequency to avoid blockages of sewer system as a result from FOG buildup in the sanitary sewer system.

**Indirect discharge.** The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

**Industrial user.** Any person which is a source of indirect discharge.

**Low Grease Generator Agreement.** Shall refer to an agreement between certain categories of FSEs and the City that do not require the installation of a Grease Control Device.

**Interference.** The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES, collection system or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with [section] 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. section 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).

**Maintenance log.** Shall mean any form of record keeping requirements as addressed in Section 8-2-54.11(5).

**Manifest.** Shall mean the receipt which is retained by the generator of wastes for disposing recyclable waste, liquid or solid wastes as required by the city.

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

**Monitoring facility.** Structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the wastes, the design, location and operation of which must be approved by the director.

**National Categorical Pretreatment Standard or categorical standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

**National Prohibitive Discharge Standard or prohibitive discharge standard.** Absolute prohibitions against the discharge or certain substances; these prohibitions appear in subsection 8-2-54(a) of this article and developed under the authority of [section] 307(b) of the Act and 40 CFR, section 403.5.

**New source.**

1. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 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 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 subsection (1)b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- 3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous on-site construction program:
    - 1. Any placement, assembly, or installation of facilities or equipment; or
    - 2. Significant site preparation work including clearing, excavation, or removal or existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

***Noncontact cooling water.*** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

***National Pollution Discharge Elimination System or NPDES permit.*** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to N.C.G.S. 143-215.1 by the state under delegation from EPA.

***Non-discharge permit.*** A permit issued by the State pursuant to G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the state

***Pass through.*** A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES, collection system, or non-discharge permit or downstream water quality standard even if not included in the permit.

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

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

***Pollutant.*** Any "waste" as defined in N.C.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, metals, BOD, COD, toxicity, ~~or~~ and odor).

***POTW Director.*** The City of High Point Director of Public Services or his/her delegate.

**Pretreatment** . 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 a POTW collection system and/or treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

**Pretreatment program**. The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and 403.11 and as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

**Pretreatment requirements**. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

**Pretreatment standards**. Any prohibited discharge standards, categorical standards, or local limits which applies to an industrial user.

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

**Sanitary Sewer Overflow** shall mean any discharge of sewage from the sanitary sewer to the inside or outside of a FSE or to the Stormwater system.

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

**Significant industrial user or SIU**. Any industrial user that discharges wastewater into a publicly owned treatment works and that::

- (1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters; or
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern; or
- (3) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N, Parts 405-471; or
- (4) Is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options.
- (5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above have no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge

disposal options, and thus is not a Significant Industrial User.

- (6) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is not a Non-significant Categorical Industrial User.
- (7) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12 (e)(3).

**Significant noncompliance.** SNC is the status of noncompliance of a Significant Industrial user when one or more of the following criteria are met. Additionally, any Industrial User that meets the criteria in (c), (d), or (h) shall also be SNC.

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numerical Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, Fats, Oils and grease; 1.2 for all other pollutants (except flow and pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 8-2-54(a) of this ordinance to halt or prevent such a discharge;
- (e) 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.
- (f) 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.
- (g) Failure to accurately report noncompliance.
- (h) Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug load or Discharge.** Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in subsection 8-2-54(a) of this section.

**Standard industrial classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1987.

**Standard manhole.** Shall mean a sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

**Stormwater.** Any flow occurring during or following any form of natural precipitation and resulting there from.

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

**Trap** means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

**Twenty-five percent (25%) Rule** shall mean the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in any location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

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

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

**Wastewater permit.** As set forth in subsection 8-2-56(b) of this article.

**Waters of the State.** All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs 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.

This article is gender neutral and the masculine gender shall include the feminine and vice versa.

"**Shall**" is mandatory; "**may**" is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The following abbreviations shall have the designated meanings:

1. **BOD.** Biochemical oxygen demand.
2. **CFR.** Code of Federal Regulations.
3. **COD.** Chemical oxygen demand.
4. **EPA.** Environmental Protection Agency.

5. *gpd.* Gallons per day.
  6. *l.* Liter.
  7. *mg.* Milligrams.
  8. *mg/l.* Milligrams per liter.
  9. *NCGS.* North Carolina General Statutes.
  10. *NPDES.* National Pollution Discharge Elimination System.
  11. *O & M.* Operation and maintenance.
  12. *POTW.* Publicly owned treatment works.
  13. *SIC.* Standard industrial classification.
  14. *SWDA.* Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
  15. *USC.* United States Code.
  16. *TSS.* Total suspended solids.
  17. *TKN.* Total kjeldahl nitrogen.
- (Ord. No. 6486/07-81, § 1, 9-20-07)



## Sec. 8-2-54 REGULATIONS.

### Sec. 8-2-54.1 *Prohibited discharge standards.*

- A. **General prohibitions.** No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.
- B. **Specific prohibitions.** No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
  1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter.
  2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch in any dimension.
  3. Any wastes or water containing mineral or, hydrocarbon, vegetable or animal fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit. Animal and vegetable fats above these units may be allowed following written application and approval by the director.
  4. Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
  5. Any wastewater containing pollutants, including oxygen demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.
  6. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
  8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the POTW's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

9. Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).
10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
11. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.
12. Any trucked or hauled pollutants, except at discharge points designated by the POTW director in accordance with section 8-2-65 of this article.
13. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.
14. Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season, but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease unless authorized by the POTW Director.
15. Petroleum oil, non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds in amounts that will cause interference or pass through.
16. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
17. Any medical wastes, except as specifically authorized by the POTW director in an industrial wastewater discharge permit.
18. Any material containing ammonia, ammonium salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
19. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW director.
20. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B.0200.
21. Recognizable portions of the human or animal anatomy.
22. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

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

When the POTW director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the director shall:

- (1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with subsections 8-2-54.1 and 8-2-54.2;
- (2) Take appropriate actions in accordance with section 8-2-60 for such user to protect the POTW from interference or pass through.

### **Sec. 8-2-54.2 *Polluted water control.***

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the city or not, when polluted by its use, shall be forced into the city's sanitary sewer system provided such wastes meet the requirements of this chapter.

### **Sec. 8-2-54.3 *Use of public sewers required.***

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction, any sewage or other polluting materials, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

### **Sec. 8-2-54.4 *National Categorical Pretreatment Standards.***

1. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471 and incorporated herein.
  - A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW director may impose equivalent concentration or mass limits in accordance with CFR 403.6(c).
  - B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
  - C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
  - D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
  - E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7

**Sec. 8-2-54.5 Local limits.**

To implement the general and specific discharge prohibitions listed in this article, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

TABLE INSET:

Parameter	Daily Limit (mg/l)	Monthly Average (mg/l)
BOD	1,000	500
TSS	600	300
Ammonia	20	15
Cadmium	0.10	0.05
Chromium	0.10	0.05
Copper	0.10	0.05
Cyanide	0.01	0.01
Lead	0.10	0.05
Nickel	0.10	0.05
Silver	0.10	0.05
Zinc	0.20	0.10
Oil and grease	100	50
pH range: Between 5.0 and 11.0 (standard units)		

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards.

**Sec. 8-2-54.6 State requirements.**

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

**Sec. 8-2-54.7 Right of revision.**

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulations if deemed necessary to comply with the objectives presented in section 8-2-52 of this article or the general and specific prohibitions in section 8-2-54 of this article, as is allowed by 40 CFR 403.4.

**Sec. 8-2-54.8 Dilution.**

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

### **Sec. 8-2-54.9 Pretreatment of Wastewater.**

#### **1. Pretreatment Facilities.**

Users shall provide necessary wastewater treatment as required to comply with this article and wastewater permits issued under subsection 8-2-56.2 of this article and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 8-2-54.1 within the time limitations as specified by the EPA, the State, or the POTW director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the POTW director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method(s) of operation shall be reported to and be approved by the POTW director prior to the user's initiation of the changes.

#### **2. Additional Pretreatment Measures**

- a. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- b. The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-controlled facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

### **Sec. 8-2-54.10 Grease Control Devices shall be installed on the premises where FOG is used or Generated.**

1. All commercial kitchens in new or existing buildings, undergoing significant improvement, undergoing remodeling or change in operations shall have grease control devices (GCD) as required by the Uniform Plumbing Code. IF there is a size discrepancy in GCD installation (due to space limitations, etc) a mutual agreement between the Building Department and Industrial Pretreatment Department shall agree to compromise regarding size and fixtures to be discharged through the GCD.
2. All grease generating fixtures shall connect to a GCD, including but not limited to pre-rinse sinks, three compartment sinks, two compartment sinks, mop or janitor sinks, food preparation sinks, floor drains in dishwashing areas and kitchens, etc. All drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD.
3. No high temperature kitchen equipment discharges shall be allowed to connect through any type of GCD. Discharge of wastewater from dishwashers, pasta cookers, other hot lines and non-grease generating fixtures to any GCD is prohibited unless authorized by the POTW Director.
4. FSEs shall have a sink or other area for cleaning floor mats, containers, exhaust hood filters and equipment, which is connected to a GCD. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. Outside washing of floor mats, equipment grills, or other containers is prohibited; this may allow contaminated wastewater to flow to the storm drain system.
5. All in-ground GCDs greater than 750 gallons in capacity shall have a minimum of three manholes (refer to City of High Point Design Standards) to allow visibility over each inlet piping, baffle (divider) piping and outlet piping to ensure accessibility for inspection, cleaning

and removal of all contents. Two manholes may be allowed under certain conditions only granted by the City of High Point. Nothing shall be allowed to be stored on top of any GCD manholes.

6. In ground GCDs shall be installed in a suitable location that will allow access for inspection, cleaning, and maintenance. This includes drive-thru roads and parking stalls where inspection would be difficult or unsafe and impeded business operations.
7. Laterals installed between a FSE and GCD, also between the GCD and the City's main shall include installation of two way clean outs as required to allow access points for sewer line maintenance and inspection.

**Sec. 8-2-54.11 Grease, Oil and Sand Traps required for Commercial and Industrial Establishments.**

1. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of sewerage system from liquid wastes containing petroleum based oils, fluids and greases in excessive amounts, or any flammable wastes, sand and other harmful pollutants not prohibited in section 8-2-54(a). Such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, automotive repair garages, car washes, and other commercial or industrial establishments as the city may designate.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
3. **Grease Control Device Maintenance Requirements**
  - A. Maintenance Requirements
    - a. All GCDs shall be kept in good repair, functioning properly and shall be maintained in continuous operation according to manufacturer's guidelines and the City of High Point's requirements.
    - b. GCDs shall be maintained by the owner at the owner's expense.
    - c. Sewer lines to and from GCDs shall be kept in good repair and clear of any buildup of FOG that could potentially contribute to backups and/or SSOs.
    - d. All FOG discharged during GCD or sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, exit lines from a GCD and/or laterals cleaned by jetting or hydro flushing shall have the contractor capture the contents removed from the line to prevent SSOs depending on the main size the lateral feeds into. All contents removed from sewer lines shall be contained and disposed properly by a licensed contractor.
    - e. No additives may be introduced to GCDs or a FSE's wastewater system for the purpose of emulsifying FOG. Additives, such as solvents or enzymes that dissolve or mobilize FOG are prohibited.
4. **GCD Maintenance Frequency**
  - A. The maintenance frequency shall be set so as to ensure the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer collection system. The maintenance frequency for all FSEs with a GCD shall be determined by one of the following methods:
    - i. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth in any location of the GCD. The 25% Rule shall apply to all GCDs.

- ii. The entire contents of all grease interceptors (gravity grease interceptors) and GCDs greater than 100 gallons shall be removed every three months or more frequently as to prevent FOG from entering the sanitary sewer.
  - iii. The entire contents of all grease traps (hydro mechanical grease interceptors and automatically or mechanically cleaning GCDs) shall be removed every month or more frequently as to prevent FOG from entering the sanitary sewer.
- B. The city may modify the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.
  - C. If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements in section (g)(1)(i) above, the FSE shall have the GCD serviced immediately such that all FOG, solids, and other materials are completely removed from the GCD.
  - D. Waste haulers servicing GCDs shall not reinsert or discharge into GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from the GCD or to cause those materials to be so handled.

## **5. Requirements for Record Keeping**

### **A. GCD & Plumbing record keeping**

- i. The FSE shall retain all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier and disposal site location for at least three years. Such records, which include at a minimum of the following, shall be made immediately available for inspection and copying to the inspector or City representative upon request:
- ii. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
- iii. Copies of records of waste hauling GCD contents. The grease haulers shall leave, at the facility site, a manifest with the following information:
  - Name of site pumped
  - Street address
  - City Name
  - Date and Time Pumped
  - Volume collected
  - Hauler name
  - Truck #
  - Observed GCD structural problems
  - Final destination of material collected
- iv. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCDs
- v. Records of any SSOs, backups, spills and/or cleaning of the lateral sewer system
- vi. A record of Best management Practices being implemented including employee training
- vii. Any other information deemed appropriate by the city to ensure and document compliance with this Article.

## **6. Tallow Bins**

### **1. Segregation and collection of waste cooking oil**

- 1. No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

All waste cooling oils shall be collected and stored properly in tallow receptacles such as barrels or drums or bins for recycling or other acceptable methods of disposal.

- a. Segregated waste grease and oil bins (tallow bins) shall be in place at the location of any FSE that creates grease or oil from the use of fryers, automatically or mechanically cleaning GCDs which need FSE staff maintenance, rotisserie drip lines not connected to a GCD or any other type of grease and oil waste created by cooking or cleaning of equipment. FSE staff, not limited to kitchen staff, shall properly dispose of grease or oils from cooking equipment into an oil/grease receptacle such as a tallow bin, barrel or drum. Appropriate measures shall be taken to eliminate spills. An absorption rag, towel, or material shall be immediately available each time the waste oil/grease is emptied to the tallow bin or segregated receptacle and used to clean up spills. The transporting of waste oil/grease shall be conducted with a covered and sealed container.
- b. Tallow bins or used waste oil and grease container areas shall be kept clean. Containers shall be covered with lids and free from excessive fats, oil and grease and debris to prevent foul-smelling odors and vector attraction. Housekeeping procedures shall be put in place and signs posted.
- c. Tallow bins shall be located in areas that reduce the risk of spills or discharges to the storm drain system. Where relocation is not possible, spill prevention should be implemented to prevent such discharges.

#### **7. Tallow Haulers**

Tallow haulers servicing FSEs shall clean up all spills created during the collection and transporting of grease whether it is on the containers, bins, barrels or the ground.

#### **8. Tallow Bin Record Keeping**

The FSE shall keep all manifests, receipts and invoices of all oil/grease removal from the FSE, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative or inspector. These records may include:

- A logbook of all segregated oil bins cleaning and maintenance practices
- A record of Best Management Practices being implemented including employee training.
- Copies of records and manifests of waste hauling activities.
- Records of any spills and/or cleaning.
- Any other information deemed appropriate by the City to ensure compliance with this Article.

#### **9. Best Management Practices – FSEs**

All FSEs shall implement Best Management Practices (BMPs). Emphasis shall be on minimizing the discharge of FOG to the sewer system and preventing non-stormwater discharges to the storm drain system. All FSEs shall be required, at a minimum, to provide staff training for the appropriate ordinance requirements and for the following kitchen BMPs:

- a. Install screens in all drains. The screens shall be installed to all sinks, drains, floor drains, floor sinks, dishwasher, etc. The screens shall be cleaned frequently by disposing waste to the trash or food scrap container if available. Regular inspections shall be conducted by lead Managers and/or Executive Chefs to ensure screens are functioning properly and are present. It is



recommended that the inspections be documented to confirm compliance and be available to the City representative or inspector upon request.

- b. Dispose of all food waste. Food waste shall not be disposed to sinks or drains. FSE staff shall dispose of all food waste directly into the trash, garbage, compost or food waste collection bins by scraping with scrapers, towels, paper towels and/or rubber spatulas prior to using water to rinse off plates, dishes, pots, pans, containers, etc. This practice helps remove FOG from entering the sanitary sewer system and GCDs. Properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
- c. Maintain kitchen exhaust hood and equipment. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly and shall be cleaned in sinks connected to a GCD to ensure to capture of FOG prior to entering the sanitary sewer.
- d. Post signs and posters for best management and waste minimization practices conspicuously in the food preparation and dishwashing areas at all times.
- e. Clean all kitchen equipment and other equipment in the sinks or drains that flow directly into a GCD. Never clean equipment in a sink not connected to a GCD.
- f. Dry methods shall be used to clean up oil and grease spills. Pick up liquids or grease with rags or absorbents such as raw dust or cat litter. Sweep up absorbent, seal in a plastic bag and dispose in the trash. Regularly use dry methods to clean under fryer baskets and other locations where grease may be spilled or dripped. Clean up all oil and grease spills prior to mopping. If possible, always discharge waste mop water to a drain that will flow to a GCD.
- g. Dry sweep pavement, such as walkways, dining areas and dumpster areas as frequently as possible.
- h. Never pour, sweep or direct wash wastewater into a Stormwater collection system, street or gutter. If any pavement cleaning requires water, sweep first; next use a mop without soap and bucket and dispose of wash wastewater in a sink that drains to a GCD.
- i. Never wash down dumpsters or tallow bins with a hose. If a dumpster or tallow bin must be cleaned, contact the dumpster or tallow bin vendor. Check dumpsters and tallow bins frequently for leaks. Notify the dumpster or tallow bin vendor to maintain and replace leaking dumpsters or tallow bins.

#### **Sec. 8-2-54.12 *Accidental discharge /Slug Control Plans***

The POTW Director shall evaluate whether each Significant Industrial User needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 8-2-53(A). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

1. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non- customary batch discharge, or a slug load. Also see subsections 8-2-57.6 and 8-2-57.7.
2. An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (a) Description of discharge practices, including non-routine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the POTW director of any accidental or slug discharge, as required by subsection 8-2-57.7 of this article; and
  - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading

operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

- (e) Flow and loading equalization. In order to promote the equalization of flows and any constituent loadings, including but not limited to BOD and TSS on the sewer system, each person whose operations produce wastewaters having widely fluctuating flows or constituents is required to install and maintain at his own expense, a suitable storage or holding tank. The holding tank shall have a minimum capacity of 75 percent of the user's average daily flow, except that no tank shall be less than 1,000 gallons. Suitable air mixing will be required to keep solids in suspension and maintain aerobic conditions. Such holding or storage tank, air mixing system and any outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the director.
- (f) Monitoring facilities.
  - (1) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:
    - a. The BOD concentration exceeds 300 mg/l;
    - b. The TSS concentration exceeds 250 mg/l;
    - c. The average flow per work day exceeds 25,000 gallons; or
    - d. The manufacturing processes produce toxic or poisonous wastes such as but not limited to cyanides, heavy metals, insecticides, herbicides, etc.
  - (2) All industrial users that are subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the director or the categorical pretreatment standards. Plans for the location and construction of the monitoring facilities shall be approved by the director prior to commencing the installation. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-55 FEES**

### **Sec. 8-2-55.1 *Purpose.***

It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be as set forth in the city's schedule of charges and fees.

### **Sec. 8-2-55.2 *User charges.***

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

- A. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.
- B. Each user shall pay its proportionate cost based on volume of flow.
- C. The city 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 city council for adjustments in the schedule of charges and fees as necessary.
- D. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
- E. For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for water and/or sewer service is set forth by a rate schedule adopted by city council. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.
- F. Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the city at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the director of public services may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.
- G. Where a well is used by any person and water from such well is put into the sanitary sewer system of the city, then such person shall install, at his own expense, the necessary meter or meters, obtained from the city, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required if it is determined by the director of public services to be in the best interest of the city.
- H. In cases where the city determines not to require the installation of a meter, a flat rate shall be applied, as outlined in a rate schedule adopted by city council. These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one-family residence. The director of public services shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range. A flat rate shall not be used where the water supply is from a state approved public water supply.

**Sec. 8-2-55.3 Surcharges.**

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

BOD = 300 mg/l

TSS = 250 mg/l

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

- (1) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or TSS exceeds the limits as hereinbefore prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and TSS concentration above the permissible limits of 300 mg/l BOD, and 250 mg/l TSS, according to the following formulate:

- a. The number of hundreds of pounds of constituent (BOD or TSS) subject to the surcharge will be determined by:

TABLE INSET:

$$P = \frac{U \times C \times 0.006238}{100}$$

where:

P = pounds of constituent (BOD or TSS) in hundreds

U = units of wastewater discharged (1 unit = 100 cu. ft.)

C = strength of constituent in wastewater in mg/l in excess of 300 for BOD, or 250 for TSS

0.006238 = weight of wastewater (million pounds per unit)

- b. The amount of the surcharge will be calculated by:

$$S = (R1 \times P1) + (R2 \times P2)$$

where:

S = total surcharge

R1 = surcharge rate per CWT BOD

R2 = surcharge rate per CWT TSS

P1 = pounds of BOD in hundreds

P2 = pounds of TSS in hundreds

R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by city council.

- (2) The city council, in a meeting with the city manager and the director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment.
  - (3) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the city. Where satisfactory evidence can be produced that more than 10 percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the director, and excluded from the surcharge computation.

**Sec. 8-2-55.4 *Pretreatment program administration charges.***

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

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

**Sec. 8-2-55.5 *Sampling and testing procedures.***

- A. Each person discharging liquid wastes into the public sewer shall be subject to periodic inspections to determine the character and concentration of such wastes. The frequency of sampling shall be as determined by the director. Sampling and inspections will be both scheduled and unscheduled.
- B. Samples from monitoring facilities may be grab and/or composite according to flow. All other sampling will be conducted in a manner prescribed by the director.
- C. Each person subject to sampling and analytical services will be charged the cost of such services. All costs incident to the supervision, inspection, sampling and analyses will be billed to the user in accordance with a fee schedule adopted by city council. The city council, in a meeting with the city manager and the director, will annually review the actual cost of supervision, inspection, sampling and analyses required for monitoring industrial discharges and adjust fees to reflect the true cost of the pretreatment program. Any analyses performed by contract laboratory services on behalf of the City will be billed directly to the user by the contract laboratory.
- D. The city, upon request by the industry concerned, shall make available a split sample collected. If the industry feels the results are not representative of their wastes, the city will resample at a cost in accordance with the fee schedule referred to in subsection 8-2-55.2(C). The values determined from any re-sampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing. (Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-56 ADMINISTRATION****Sec. 8-2-56.1 *Wastewater dischargers.***

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

**Sec. 8-2-56.2 *Wastewater permits.***

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

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

**B. *Significant industrial user permit application.*** Users required to obtain a significant industrial user permit shall complete and file with the city, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW director's determination in subsection 8-2-56(b) above. The application shall include at a minimum:

- a. name of industrial user;
- b. address of industrial user;
- c. standard industrial classification (SIC) code(s) or expected classification and industrial user category;
- d. wastewater flow;
- e. types and concentrations (or mass) of pollutants contained in the discharge;
- f. major products manufactured or services supplied;
- g. description of existing on-site pretreatment facilities and practices;
- h. locations of discharge points;
- i. raw materials used or stored at the site;
- j. flow diagram or sewer map for the industrial user;
- k. number of employees;
- l. operation and production schedules; and
- m. description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g);

**C. *Application signatories and certification.*** All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the POTW director as defined in subsection 8-2-53.1 and contain the following certification statement:

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

**D. *Application review and evaluation.***

- a. The POTW director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
- b. Within 30 days of receipt the POTW director shall acknowledge and accept the complete application or if not complete shall return the application to the applicant with a statement of what additional information is required.

**E. *Tentative determination and draft permit.***

- a. The POTW staff shall conduct a review of the application and on 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 paragraph (5)(a) above 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 paragraphs (5)(a) and (b) above and the city's general permit conditions into a significant industrial user permit.

F. ***Permit Supporting documentation.*** The Control Authority staff shall prepare the following documents for all significant Industrial User Permits:

1. An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
2. The basis, or rationale, for the pretreatment limitations, including the following:
  - a. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
  - b. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

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

- a. The POTW director shall take final action on all applications not later than 90 days following receipt of a complete application.
- b. The director is authorized to:
  1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and N.C.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 subsection 8-2-56(I) of this article;
  4. Revoke any permit pursuant to subsection 8-2-60.1 of this article;
  5. Suspend a permit pursuant to subsection 8-2-60.1 of this article;
  6. Deny a permit application when in the opinion of POTW director such discharge may cause or contribute to pass through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

H. ***Permit modification.***

- A. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
  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 (4) 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.
  4. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection 8-2-56.2(B) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
  5. 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.

**I. *Permit conditions.***

- A. The POTW director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and N.C.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 (5) years);
  2. A statement of non-transferability;
  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 subsection 8-2-53(A);
  6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 8-2-53(A), if determined by the POTW Director 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 subsection 8-2-53(A). Also see subsections 8-2-57.4 and 8-2-54.5; and
  8. A statement of applicable civil and/or 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/or 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 treatment works.
  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 re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).
  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 records relating to wastewater discharges as specified in subsection 8-2-57.13 and affording the POTW director, or his representatives, access thereto.
12. Requirements for prior notification and approval by the POTW director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
13. Requirements for the prior notification and approval by the POTW director of any change in the manufacturing and/or pretreatment process used by the permittee.
14. A statement that compliance with 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 director to ensure compliance with this article, and state and federal laws, rules, regulations, and the term of the permit.

J. ***Permit duration.***

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

K. ***Permit transfer.***

Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial 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.

L. ***Permit reissuance.***

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with subsection 8-2-56.2 minimum of 180 days prior to the expiration of the existing permit. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-57 REPORTING REQUIREMENTS.**

### **Sec. 8-2-57.1 *Baseline monitoring reports.***

- A. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW director a report which contains the information listed in paragraph (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
  1. ***Identifying information.*** The name and address of the facility, including the name of the operator and owner.
  2. ***Environmental permits.*** A list of any environmental control permits held by or for the facility.
  3. ***Description of operations.*** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  4. ***Flow measurement.*** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined 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 POTW director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 8-2-57.10 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4). Standard Pretreatment
- c. When determining mass calculations, standard pretreatment conversion factors shall be used.
- d. Sampling must be performed in accordance with procedures set out in subsection 8-2-57.11 of this article 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 subsection 8-2-53(A)(1) 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 subsection 8-2-57.2 of this article.

**8. *Signature and certification.***

All baseline monitoring reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.

***Sec. 8-2-57.2 Compliance schedule progress reports.***

The following conditions shall apply to the compliance schedule required by subsection 8-2-57.1(B)(7). of this article:

- 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. These events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the POTW director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the POTW director.

***Sec. 8-2-57.3 Reports on compliance with categorical pretreatment standard, deadline.***

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW director a report containing the information described in subsection 8-2-57.1(B)(4) through (6) of this article. 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 measures 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 subsection 8-2-56.2(C) of this article.

#### **Sec. 8-2-57.4 *Periodic compliance reports.***

- A. All significant industrial users shall, at a frequency determined by the POTW director, but in no case less than once every six (6) 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 subsections 8-2-57.10 and 8-2-57.11 of this section. All periodic compliance reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW director, using the procedures prescribed in subsections 8-2-57.10 and 8-2-57.11 of this article, the results of this monitoring shall be included in the report.

#### **8-2-57.5 *Reports of changed conditions.***

Each user must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change. The permittee shall not begin the changes until receiving written approval from the City. See subsection 8-2-57. for other reporting requirements.

- A. The POTW director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 8-2-56.2 of this article.
- B. The POTW director may issue a wastewater discharge permit under subsection 8-2-56.2 of this article or modify an existing wastewater discharge permit under subsection 8-2-56.2 of this article in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20 percent (20%) or greater, and the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the City; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

#### **8-2-57.6 *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 non-customary batch discharge, or a slug load as defined in section 8-2-53(A), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the POTW director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 paragraph (A), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

- D. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 8-2-53(A).

#### ***Sec. 8-2-57.7 Reports from unpermitted users.***

All users classified as Non-Significant Categorical Industrial Users under Section 8-2-53(A) shall provide appropriate reports to the POTW Director as the POTW Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

#### ***Sec. 8-2-57.8 Notice of violation; Repeat sampling and reporting.***

- A. If sampling performed by a user indicates a violation, the user must notify the POTW director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW director within 30 days after becoming aware of the violation. The user is not required to resample if the POTW director monitors at the user's facility at least once a month, or if the POTW director samples between the user's initial sampling and when the user receives the results of this sampling.
- B. If the POTW Director or designee has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the POTW Director (or designee) shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one (1) of the following occurs:
  - 1. The POTW Director monitors at the user's facility at least once a month; or
  - 2. The POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
  - 3. The POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30-day deadline of the POTW becoming aware of the violation.

#### ***Sec. 8-2-57.9 Notification of the discharge of hazardous waste.***

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the 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: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. The user shall not begin the discharge until receiving written approval from the City. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under subsection 8-2-57.5 of this article. 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 subsections 8-2-57.1, 8-2-57.3, and 8-2-57.4 of this article.
- B. Discharges are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

#### **Sec. 8-2-57.10 Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the City. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved EPA and the City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

#### **Sec. 8-2-57.11 Sample collection.**

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

#### **Sec. 8-2-57.12 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.

**Sec. 8-2-57.13 Record keeping.** 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 article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the POTW director.

**Sec. 8-2-57.14 *Electronic reporting.***

The [POTW Director] may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 8-2-60 of this article. (Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-58 COMPLIANCE MONITORING.****Sec. 8-2-58.1 *Monitoring facilities.***

The city requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications.

Construction shall be completed within 90 days following written notification by the city.

**Sec. 8-2-58.2 *Inspection and sampling.***

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

**Sec 8-2-58.3 *Search warrants.***

If the City, 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 city 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 City, approval authority, or EPA may seek issuance of a search warrant from the 18th Judicial District of Guilford County.

(Ord. No. 6486/07-81, § 1, 9-20-07)

**Sec. 8-2-59 CONFIDENTIAL INFORMATION**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

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

All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.(Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-60 ENFORCEMENT**

### **Sec. 8-2-60.1 *Administrative remedies.***

#### **A. *Notification of violation.***

Whenever the POTW director 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 POTW director 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 city by the user. Submission of this plan does not relieve the discharge of liability for any violations occurring before or after receipt of the notice of violation. Violations will be administered according to the enforcement response plan (ERP).

#### **B. *Consent orders.***

The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. 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 section 8-2-60.1(D) below.

#### **C. *Show cause hearing.***

The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contributor permit to show cause why a proposed enforcement action should not be taken. 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under subsection 8-2-60 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under subsection 8-2-56.2 POTW director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

#### **D. *Administrative orders.***

When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set in the order;
3. Take appropriate remedial or preventive action in the event of a continuing or threatened violation.

**E. *Emergency suspensions.***

The POTW Director 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.

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 suspended order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

**F. *Termination of permit or permission to discharge.***

The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this section, 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 subsection 8-2-57.1 of this article why the proposed action should not be taken.

**Sec. 8-2-60.2 *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 assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges (40 CFR 403.8(f), GS 143-215.6A(a)).
  1. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
    - a. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
    - b. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this section, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.
- B. In determining the amount of the civil penalty, the POTW director 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 City.



- C. Appeals of civil penalties assessed in accordance with this section shall be as provided in subsection 8-2-70.

### **8-2-60.3 Other available remedies.**

- A. Remedies, in addition to those previously mentioned in this article, are available to the POTW director/superintendent who may use any single one (1) or combination against a noncompliant user. Additional available remedies include, but are not limited to:
1. ***Criminal violations.***  
The district attorney for the (18th) judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. (Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).
  2. ***Injunctive relief.***  
Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
  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 consistent compliance.
  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 POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of subsections 8-2-54(a)(2)f. and 8-2-60(b) of the sewer use ordinance.

### **8-2-60.4 Remedies nonexclusive.**

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-61 ANNUAL PUBLICATION OF REPORTABLE NONCOMPLIANCE**

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with this article or any order or permit issued hereunder, during the 12-month period since the previous publication. (Ord. No. 6486/07-81, § 1, 9-20-07)

## **Sec. 8-2-62 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.**

### **Sec. 8-2-62.1 *Upset.***

- A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), below, 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(s) of the upset;
  2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  3. The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) 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.

### **Sec. 8-2-62.2 *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 subsection 8-2-54.1 of this article or the specific prohibitions in subsections 8-2-54.1(B)(2), (B)(5), (B)(7) through (11), (B)(13) through (22) 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:

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

### **Sec. 8-2-62.3 *Bypass.***

- A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (D) of this section.
- B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least 10 days before the date of the bypass, if possible.
- C. A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. Bypass is prohibited, and the POTW director may taken an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The user submitted notices as required under subparagraph (C) of this section.
- E. The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three (3) conditions listed in subparagraph (D). of this section.  
(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-63 SEVERABILITY.**

If any provision, paragraph, word, or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-64 CONFLICT.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-65 SEPTIC TANK WASTE.**

No person shall discharge into the sanitary sewerage system any waste from any septic tank or other private sewage disposal device except under the following conditions:

- A. Only waste of domestic character (or other waste approved on special arrangement and in advance which in the opinion of the director of public services will not be detrimental to operation of the pollution control plants) will be allowed.
- B. All waste shall be discharged at either the eastside or westside pollution control plant at the discretion of the director of public services or his authorized representative and under the supervision of the operator on duty.
- C. Persons desiring to discharge waste in accordance with this section shall make application to and contract with the director of public services for such service, and obtain septage vouchers.
- D. Fee for septage vouchers shall be paid for in advance at the rate set forth in a rate schedule adopted by city council for each truckload of 1,000 gallons or fraction thereof.
- E. Prior to discharging any waste, the truck driver will complete the septage voucher, which shall be submitted to the operator on duty, setting forth the name of the individual, firm or corporation responsible for the waste, the name of the driver of the waste-carrying vehicle, the date and time of discharge, and the name, address and telephone number of the owner of each premises where the waste was collected.
- F. All waste-carrying vehicles shall have clear permanent markings showing the owner's name, address, Guilford County Health Department permit number and waste-carrying capacity in gallons.
- G. If at any time, in the opinion of the director of public services, the best interest of the city will be served by discontinuance of this service, then no more such wastes shall be accepted from any person, firm or corporation.(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-66 SEWER CONNECTIONS—COMPULSORY RULES AND REGULATIONS FOR PERMANENT PAVEMENT OF STREET**

All owners, whether in fee or as life tenants, of houses or lots abutting on a street where a public sewer is laid, or which otherwise have access to a public sewer, shall connect all water closets or privies on such property with the sewer system, under such rules and regulations as are prescribed by the city council, and in the event that an order has been made for the permanent paving of any street, the sewer department shall make a connection from the sewer line to the curb line in front of each lot. Such connection shall be 15 feet from the lower property line when practicable. (Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-67 SEWER CONNECTIONS—PROCEDURE FOR COMPELLING**

Whenever any property in the city or within its service area shall be required by this article to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows: 30 days' notice printed or written requiring such connection shall be served by the director of public services of the city on the owner of the property if he is a resident of the city or on his agent if such owner is a nonresident, and where a nonresident has no agent in the city then such notice shall be published for 10 days in a newspaper published in the city.  
(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-68 SEWER CONNECTIONS—REFUSAL TO MAKE**

It shall be unlawful for any property owner whose property or premises shall be required by the ordinances of the city to be connected with the public sewerage system to refuse or neglect to make connection in the manner required.(Ord. No. 6486/07-81, § 1, 9-20-07)

### **Sec. 8-2-69 SEWER CONNECTIONS--FEES**

- A. The charges for sewer connections shall be as prescribed in a rate schedule adopted by city council.
  - B. Any person residing outside of the corporation limits of the city and seeking permission to tap on any sewer line located outside the city must first make written application to the city council and must furnish a set of approved plans, from which no additions or deletions shall be made without city approval, showing any information concerning the location, size, depth and length of main to be laid and any other information deemed necessary and requested by the public services department and must secure the approval of the public services department and of the city council before such connection is made.
  - C. Any person who shall receive such permission to tap on to the city sewer system shall not permit any extension of such main to serve any other family, firm or corporation unit except by special permission of the city council.
  - D. The city reserves the right to have any waste matter going into the city's sewer main or sewer system to be checked and examined to determine whether such material or waste matter is corrosive, volatile, suffocating, flammable or explosive and/or would result in damage or destruction of the city's sewer line or system and if found hazardous or damaging to the city system, the owner shall be required to remove such waste from the city system.
  - E. Drawings and specifications for all laterals required for industrial or residential development must be submitted to and approved by the director of public services.
  - F. Charges for sewer connections outside the corporate limits of the city shall be submitted as outlined in a rate schedule adopted by city council, plus an additional amount as set forth in a rate schedule adopted by the city council per front foot of lot tract based on division or use. If the tap on is made to an outfall line, the same charge based on frontage shall apply, except for residences on undivided farm land where a frontage of 100 feet will be assumed.
  - G. Where such sewer lines are in a street right-of-way, the city shall extend the connection to the curb line; where such sewer lines are not in a street right-of-way, the city shall extend the connection at the most convenient point within the right-of-way of the sewer main or outfall.
  - H. Any person, firm or corporation found to be illegally connected to the sanitary sewer system of the city shall be required to pay a penalty as set forth in a rate schedule adopted by city council plus the usual connection fee and service charges as determined by the public services department for the period of illegal use. After payment of the determined amount of money, the person, firm or corporation must submit an application, on forms supplied by the city; provided that sewer connection charges on lines installed under the agreement with Guilford County shall be the same rate for sewer connections inside the corporate limits.
  - I. Any property owner desiring to connect to a sewer main laid under assessment shall, in addition to the regular tap-on fee, pay an amount equal to his prorated share of the assessment.
- (Ord. No. 6486/07-81, § 1, 9-20-07)

## Section 8-2-70 HEARINGS

### A. 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 subsection 8-2-60.2, or one issued an administrative order under subsection 8-2-60.1(D) shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

1. **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.
2. **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.
3. **Terminated Permits.** Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

### B. **Final appeal hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (A) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with city policies. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (C) below. The decision is a final decision for the purposes of seeking judicial review.

### C. **Official record.** When a final decision is issued under paragraph (A) above, the Hearing Officer shall prepare an official record of the case that includes:

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

### D. **Judicial Review.** Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Guilford County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the City. Within 30 days after receipt of the copy written request for the review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.