

TITLE V: PUBLIC WORKS

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§ 50.01 WATER AND SEWER CONNECTION FEES.

(A) The Board of Aldermen shall adopt a rate schedule for water and sewer connection/tap fees, which it shall amend from time to time as necessary. All customers shall be charged for water and sewer connection/tap fees based on the rate schedule in effect at the time. The schedule for current water and sewer connection fees is set out in § 50.01(B) and (C).

(B) Water connection fees inside the town limits shall be as follows:

<i>Meter Size</i>	<i>Connection/Tap Fee</i>
3/4"	\$1,100
1"	\$1,300
2"	\$4,600
Larger than 2"	Cost, Plus Labor, Plus 10%

(C) Sewer connection fees inside the town limits shall be as follows:

<i>Meter Size</i>	<i>Connection/Tap Fee</i>
4"	\$550
6"	\$550
8"	\$550

(Water & Sewer fees current as of 12-5-2016)

(D) Customers shall pay all tap fees before connections are made. If the Town has to cut the road and/or the sidewalk, additional costs will apply.

(E) Owners of property requesting water and/or sewer service located outside town limits shall provide a petition for voluntary annexation. The Board of Aldermen shall then have the option of annexing the property seeking water and sewer services. If water and/or sewer service is needed before the town annexes the subject property, the town shall charge 200% of the fees for inside town limit connection/rates fees with prior approval by the Town Manager.

(F) When a water connection is requested for a sprinkler system, a two-inch water meter assembly shall be provided. Tap fees shall be paid in full before the connection is made. Deposits, sewer connection fees, and monthly service bills may not apply. The connection shall include a double check valve as the back flow prevention device. The back flow prevention device shall be installed next to the water meter assembly and shall be billed in addition to the tap fee. Should the town discover that water is being pulled through the connection for purposes other than fire suppression, then the town shall determine the use of the water, and may require that water usage and wastewater discharge fees be paid.

(G) The town shall provide meter boxes for water connections up to two inches in size as part of the tap fees. Meter vaults for water connection assemblies between four inches and six inches in size shall be the responsibility of the customer to provide. The town may then install the meter assembly inside the vault after connection fees are paid to the town. Meter vaults shall be located as close to the municipal water line as possible, and shall not be located within any privately-owned structure.

(H) Customers requesting water and sewer services shall pay, at the town office, a utility service deposit fee in the amount set forth by the Board of Aldermen, which it can amend from time to time as necessary. The current utility deposit fee is available in the utilities office. The customer shall provide a deposit before water and/or sewer service is provided. If the customer remains at the same location for a period of two years with reliable payment history, the deposit will be applied to their utility account in the form of a credit, upon request by the customer. In the event the customer wishes to discontinue his or her water and sewer services prior to two years of account history, and he or she has paid the final bill for these utility services, the deposit may be refunded to the customer or be used to pay for the final bill.

(I) Any account disconnected for non-payment shall be subject to a \$50 reconnect fee in addition to the balance of any disconnected account being paid in full.

(J) Should a customer, or any person not associated with the town, tamper with a water meter in any way, a fee of \$100 shall be charged to the account.

(Ord. passed 2-3-2005; Ord. passed 1-9-2012; Ord. amended 9-14-2015; Ord. amended 12-5-2016)

§ 50.02 WATER AND SEWER USAGE RATE SCHEDULE.

(A) All active service accounts shall be billed at least a monthly minimum charge, as specified in the rate schedule currently in effect and approved by the Board of Aldermen. The current rate schedule can be found in § 50.02(B) and (C) and in the utilities office. The rate schedule is subject to change at any time.

(B) Residential water and sewer rates shall be as follows:

- (1) Inside water.
 - (a) Zero to 1,000: \$13.30; and
 - (b) Over 1,000: \$7.18.
- (2) Outside water.
 - (a) Zero to 1,000: \$26.60; and
 - (b) Over 1,000: \$14.36.
- (3) Inside sewer.
 - (a) Zero to 1,000: \$13.25; and
 - (b) Over 1,000: \$6.56.
- (4) Outside sewer.
 - (a) Zero to 1,000: \$26.50; and
 - (b) Over 1,000: \$13.12.

(C) Commercial water and sewer rates shall be as follows:

- (1) Inside water.
 - (a) Zero to 1,000: \$16; and
 - (b) Over 1,000: \$8.65.
- (2) Outside water.
 - (a) Zero to 1,000: \$32; and
 - (b) Over 1,000: \$17.30.
- (3) Inside sewer.
 - (a) Zero to 1,000: \$15.90; and
 - (b) Over 1,000: \$7.90.

(4) Outside sewer.

(a) Zero to 1,000: \$31.80; and

(b) Over 1,000: \$15.80.

(Ord. passed - -; Ord. passed - -)

§ 50.03 WATER AND SEWER ADJUSTMENT POLICY.

(A) Customers are responsible for water and/or sewer line maintenance and repairs from the water and/or sewer connection to the structure. Water and sewer bill adjustments will only be made when absolutely necessary. An adjustment may be made upon showing of a good cause for such adjustment by the property owner, or by other entity responsible for the bill. Adjustments may be made for incorrect meter readings, or water leaks that are a result of breaks in water lines. Adjustments will not be made for faulty plumbing fixtures.

(B) Repair bills must be presented when a customer requests an adjustment. Adjustments will not be made for more than two consecutive billing periods, and will only be allowed once within a 12-month period. If a monthly adjustment is made, it shall be based on an average of the three prior billing periods.

(C) Adjustments will not be made for more than two consecutive billing periods, and will only be allowed once within a 12-month period. If a monthly adjustment is made, it shall be based on an average of the three prior billing periods. The Town Manager shall be responsible for approving all bill adjustment requests.

(Ord. passed - -; Ord. amended 9-14-2015)

General Provisions
CHAPTER 51: GARBAGE

Section

51.01 Residential and commercial garbage pickup

§ 51.01 RESIDENTIAL AND COMMERCIAL GARBAGE PICKUP.

(A) The town provides weekly residential garbage pickup for all households within the municipal limits of the town. This garbage fee shall be included within the yearly municipal taxes billed to each property owner and made payable to the town.

(B) The town will provide weekly commercial garbage pickup for all commercial locations, provided appropriate fees are paid to the town, based on the average amount of garbage picked up weekly. Charges for commercial garbage pickup are based in accordance with the town's published commercial garbage rate schedule. The current commercial garbage rate schedule is available in the utilities office.

(Ord. passed - -)

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GENERAL PROVISIONS**§ 52.001 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the General Pretreatment Regulations, 40 C.F.R. part 403.

(B) The objectives of this chapter are to:

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

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

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

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

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

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

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

(D) This chapter shall apply to all users of the municipal wastewater system, as authorized by G.S. §§ 160A-312 and/or 153A-275. The town shall designate an administrator of the POTW and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this chapter. Any powers

granted to or imposed upon the POTW Director may be delegated by the POTW Director to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions, or orders issued hereunder. Users subject to this chapter are also subject to Receiving POTW Ordinance.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.002 DEFINITIONS AND ABBREVIATIONS.

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

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

APPROVAL AUTHORITY. The Director of the Division of Water Quality of the state Department of Environment and Natural Resources or his or her designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

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

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

2. The manager of one or more manufacturing, production, or operation facilities, 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.

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

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

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

(e) 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 POTW Director prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, 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 waste streams from any portion of a user's treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

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

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

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

INDIRECT DISCHARGE OR DISCHARGE. The discharge or the introduction from any non-domestic source regulated under § 307(b), (c), or (d) of the Act, 33 U.S.C. § 1317, into the POTW, including holding tank waste discharged into the system.

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

INTERFERENCE. The inhibition or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority'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 § 405 of the Act, 33 U.S.C. § 1345 or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) 42 U.S.C. §§ 6901 *et seq.*, the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW.

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 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 C.F.R. parts 405 through 471.

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

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Absolute prohibitions against the discharge of certain substances. These prohibitions appear in § 52.015 and are developed under the authority of § 307(b) of the Act and 40 C.F.R. § 403.5.

NEW SOURCE.

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located;
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of division (a)(2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

NON-DISCHARGE PERMIT. A 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 Control Authority's (and/or POTW's, if different from the Control Authority) NPDES, collection system, or non-discharge permit, or a downstream water quality standard even if not included in the permit.

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

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

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

POTW DIRECTOR. The town administrator designated with the responsibility for the pretreatment program and enforcement of this chapter.

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

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

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

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

PRETREATMENT STANDARD. Prohibited discharge standards, categorical standards, or local limit which applied to an industrial user.

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

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:

(a) 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);

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

(c) Is subject to categorical pretreatment standards under 40 C.F.R. part 403.6 and 40 C.F.R. parts 405 through 471;

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

(e) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an industrial user meeting the criteria in division (c) above meets the requirements of 40 C.F.R. part 403.3(v)(2) and thus is a non-significant categorical industrial user.

SIGNIFICANT NONCOMPLIANCE. A status of noncompliance, as follows.

(a) ***CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS***, defined here as those in which 66% 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 C.F.R. part 403.3(l);

(b) ***TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS***, defined here as those in which 33% or more of all the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 C.F.R. part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil 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 C.F.R. 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 be the environment or has resulted in either the Control Authority's or the POTW's, if different from the control authority, exercise of its emergency authority under 40 C.F.R. part 403.8(f)(1)(vi)(B) and § 52.133 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 compliance reports within 30 days from the due date; and

(g) Failure to accurately report noncompliance.

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:

(a) Spills and other accidental discharges;

(b) Discharges of a non-routine, episodic nature;

(c) A non-customary batch discharge; or

(d) Any other discharges that can cause a violation of the prohibited discharge standards in § 52.015.

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

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

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

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

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

WASTEWATER PERMIT. As set forth in §§ 52.051 through 52.063.

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.

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

(C) **SHALL** is mandatory; **MAY** is permissive or discretionary.

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

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

<i>Abbreviation</i>	<i>Designated meanings</i>
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
gpd	Gallons per day
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
G.S.	General Statutes
NPDES	National Pollution Discharge Elimination System
O and M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act
TSS	Total Suspended Solids

<i>Abbreviation</i>	<i>Designated meanings</i>
TKN	Total Kjeldahl Nitrogen
U.S.C.	United States Code

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

SEWER USE REQUIREMENTS

§ 52.015 PROHIBITED DISCHARGE STANDARDS.

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

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. § 261.21;

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;

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

(4) Any wastewater having a pH less than 5.0, or more than 10.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment;

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

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

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

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § 52.023;

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

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

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

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

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

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l unless authorized by the POTW Director;

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

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

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

(18) Any material that would be identified as hazardous waste according to 40 C.F.R. part 261 if not disposed of in a sewer, except as may be specifically authorized by the POTW Director;

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

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

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

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

(23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any point in the system, be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

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

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

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with §§ 52.130 through 52.134; and

(2) Take appropriate actions in accordance with §§ 52.050 through 52.063 for the user to protect the POTW from interference or pass through.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.016 CATEGORICAL PRETREATMENT STANDARDS.

(A) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 C.F.R. parts 405 through 471 and incorporated herein.

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

(C) 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 C.F.R. § 403.6(e).

(D) 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 C.F.R. § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(E) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15.

(F) A user may request a removal credit adjustment to a categorical standard in accordance with 40 C.F.R. § 403.7.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.017 LOCAL DISCHARGE LIMITS.

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

BOD	250 mg/l
TSS	250 mg/l
NH ₃	25 mg/l
Arsenic	0.003 mg/l
Cadmium	0.003 mg/l
Chromium	0.05 mg/l (total chromium)
Copper	0.061 mg/l
Cyanide	0.015 mg/l
Lead	0.049 mg/l
Mercury	0.0003 mg/l
Nickel	0.021 mg/l
Silver	0.005 mg/l
Zinc	0.175 mg/l

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.018 STATE REQUIREMENTS.

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.019 RESERVATION OF RIGHT TO ESTABLISH REQUIREMENTS.

The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 52.001 or the general and specific prohibitions in § 52.015, as is allowed by 40 C.F.R. § 403.4.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.020 DILUTION AS TREATMENT SUBSTITUTE PROHIBITED.

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.021 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under §§ 52.051 through 52.063, and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in § 52.015 within the time limitations as specified by EPA, the state, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall

be submitted to the town for review, and shall be approved by the POTW Director before construction of the facility. The review of the plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

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

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

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

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.022 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL.

(A) At least once every two years, 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 § 52.002. 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 a plan. Alternatively, the POTW Director may develop a plan for any user.

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

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

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

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 52.080; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. The procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

Cross-reference:

Reports, see §§ 52.079 and 52.080

§ 52.023 HAULED WASTEWATER.

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

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

(C) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

FEES**§ 52.035 PURPOSE.**

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.036 USER CHARGES.

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

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

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.037 SURCHARGES.

(A) The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater.

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

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

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

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.038 ADMINISTRATION CHARGES.

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

(A) Reimbursement of costs of setting up and operating the pretreatment program;

(B) Monitoring, inspections and surveillance procedures;

(C) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;

(D) Permitting; and

(E) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

PERMIT APPLICATION AND ISSUANCE**§ 52.050 UNLAWFUL TO DISCHARGE WASTEWATER WITHOUT PERMISSION.**

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.051 SIGNIFICANT INDUSTRIAL USER DETERMINATION.

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013) Penalty, see § 52.999

§ 52.052 SIGNIFICANT INDUSTRIAL USER PERMIT APPLICATION.

(A) Users required to obtain a significant industrial user permit shall complete and file with the town an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in § 52.051(B) above. The application shall include at a minimum:

(B) (1) Name of industrial user;

(2) Address of industrial user;

(3) Standard industrial classification (SIC) code(s) or expected classification and industrial user category;

(4) Wastewater flow;

(5) Types and concentrations (or mass) of pollutants contained in the discharge;

(6) Major products manufactured or services supplied;

(7) Description of existing on-site pretreatment facilities and practices;

(8) Locations of discharge points;

(9) Raw materials used or stored at the site;

(10) Flow diagram or sewer map for the industrial user;

(11) Number of employees;

(12) Operation and production schedules; and

(13) Description of current and projected waste reduction activities in accordance with G.S. § 143-215.1(g).

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.053 APPLICATION SIGNATORIES AND CERTIFICATION.

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or town as defined in § 52.002 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.”

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.054 APPLICATION REVIEW AND DETERMINATION.

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

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

(C) 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.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.055 TENTATIVE DETERMINATION; DRAFT PERMIT.

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

(B) If the staff's tentative determination in division (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 divisions (A) and (B) above and the general permit conditions of the town into a significant industrial user permit.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.056 PERMIT SUPPORTING DOCUMENTATION.

The Control Authority staff shall prepare the following documents for all significant industrial user permits.

(A) 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.

(B) The basis, or rationale, for the pretreatment limitations, including the following:

(1) Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and

(2) Documentation of the rationale of any parameters for which monitoring has been waived under 40 C.F.R. part 403.12(e)(2).
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.057 FINAL ACTION ON APPLICATION.

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

(B) The POTW Director is authorized to:

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

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

(3) Modify any permit upon not less than 60-days' notice and pursuant to § 52.059;

(4) Revoke any permit pursuant to §§ 52.130 through 52.134;

(5) Suspend a permit pursuant to §§ 52.130 through 52.134; and

(6) Deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. § 143-215.1.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.058 HEARINGS; JUDICIAL REVIEW.

(A) *Hearings.* An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under § 52.999 shall have the right to a hearing or hearings(s) 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. The hearing shall be before the Town Manager. Unless the 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 term and conditions of a permit under review 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) *Reserved 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) *Judicial review.* Any person against whom a final order or decision of the Council or Board serving the town is entered, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Ashe County.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.059 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 months; and

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

(B) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to the standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 52.052, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(C) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. § 143-215.1(b) for modifications.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.060 PERMIT CONDITIONS.

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

- (1) A statement of duration, in no case more than five 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 § 52.002;
- (6) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 52.002, 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 § 52.002; and
- (8) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

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

- (1) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;
- (2) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices and the like, 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 resampling 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 and records relating to wastewater discharges as specified in § 52.087 and affording the POTW Director, or his or her 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 permitted;
- (14) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit; and

(15) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

Cross-reference:

Reports, see §§ 52.079 and 52.080

§ 52.061 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.062 PERMIT TRANSFER.

Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.063 PERMIT REISSUANCE.

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with §§ 52.052 and 52.053 a minimum of 180 days prior to the expiration of the existing permit.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

REPORTING REQUIREMENTS

§ 52.075 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 C.F.R. § 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director

a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

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

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

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

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

(5) *Measurement of pollutants.*

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

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.084.

(c) Sampling must be performed in accordance with procedures set out in § 52.085 and 40 C.F.R. § 403.12(b) and (g), including 40 C.F.R. § 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in § 52.002 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 and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

(7) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide the additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.076; and

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 52.053.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.076 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.075:

(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. Events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

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

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

(D) In no event shall more than nine months elapse between the progress reports to the POTW Director.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.077 DEADLINE FOR CATEGORICAL COMPLIANCE REPORTS.

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 pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 52.075. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.053.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.078 PERIODIC COMPLIANCE REPORTS.

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

(B) (1) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in section §§ 52.084 and 52.085. All periodic compliance reports must be signed and certified in accordance with § 52.055.

(2) If a user subject to the reporting requirement in this subchapter monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in §§ 52.084 and 52.085, the results of this monitoring shall be included in the report.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.079 CHANGED CONDITION REPORTS.

(A) Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or municipality.

(B) The POTW Director may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §§ 52.050 through 52.063.

(C) The POTW Director may issue a wastewater discharge permit under §§ 52.050 through 52.063 or modify an existing wastewater discharge permit under § 52.059 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 25% or greater, and the discharge of any previously unreported pollutants (increases or decreased to production, increases in discharge of previously reported pollutants, discharge of pollutants not previously reported to the Control Authority and/or municipality, new or changed product lines, new or changed manufacturing processes and/or chemicals, or new or changed customers).

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

Cross-reference:

Other reporting requirements, see § 52.080

§ 52.080 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 § 52.002, 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 days following the discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall the notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees who may cause 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 § 52.002.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.081 UNPERMITTED USER REPORTS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require. All users classified a non-significant categorical industrial users under § 52.002 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 C.F.R. § 403.12(q).
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.082 REPEAT SAMPLING; NOTICE OF VIOLATION.

(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. If allowed by the POTW Director, the user is not required to resample:

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

(2) 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 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 shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:

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

(2) The POTW Director samples the user between the 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.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.083 NOTIFICATION OF HAZARDOUS WASTE DISCHARGE.

(A) (1) The town prohibits the discharge of any hazardous wastes without notification to and approval by the POTW Director.

(2) 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 C.F.R. part 261. The notification must include the name of the hazardous waste as set forth in 40 C.F.R. 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 the waste per calendar month to the POTW, the notification also shall contain the following information to the extent the information is known and readily available to the user:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimation of the mass and concentration of the constituents in the wastestream discharge during the calendar month; and

(c) An estimation of the mass and concentration of constituents in the wastestream expected to be discharged during the following 12 months.

(3) All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from the town. Any notification under this division need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under § 52.079. 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 §§ 52.075, 52.077, and 52.078.

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

(C) In the case of any new regulation under § 3001 of RCRA, being 42 U.S.C. § 6921, 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 the substance within 90 days of the effective date of the 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 section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.084 ANALYTICAL REQUIREMENTS.

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.085 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 C.F.R. part 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 C.F.R. § 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 C.F.R. part 136.

(C) 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.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.086 TIMING OF REPORTS.

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.087 RECORD KEEPING; ELECTRONIC REPORTING.

(A) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of the requirements. Records shall include:

(1) The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples;

(2) The dates analyses were performed;

- (3) Who performed the analyses;
- (4) The analytical techniques or methods used; and
- (5) The results of the analyses.

(B) These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the POTW Director.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.088 INFORMATION TO REMAIN CONFIDENTIAL.

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

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

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

COMPLIANCE MONITORING**§ 52.100 MONITORING FACILITIES.**

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.101 INSPECTION AND SAMPLING.

The town will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying or in the performance of any of their duties. The town, approval authority, and EPA shall have the right to set up on the user's property devices as 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 his, her or their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, Approval Authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the town's, approval authority's, or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.102 SEARCH WARRANTS.

If the town, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the town, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the town.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.103 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H.0903(b)(34), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

AFFIRMATIVE DEFENSES**§ 52.115 UPSET.**

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

(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 worker-like 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 days):

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

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

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

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.116 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.015(A) or the specific prohibitions in § 52.015(B) 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 town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.117 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 provisions of divisions (B) and (C) of this section.

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

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

(a) A description of the bypass and its cause;

(b) The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and

(c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

(3) The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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

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

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

ADMINISTRATIVE ENFORCEMENT**§ 52.130 NOTIFICATION OF VIOLATION.**

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.131 SHOW CAUSE HEARING.

(A) The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

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

(C) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 52.999, nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 52.052.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.132 CONSENT ORDER; ADMINISTRATIVE ORDER.

(A) 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. The orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (B) below.

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

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation; and/or
- (4) Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.133 EMERGENCY SUSPENSION OF PERMIT OR PERMISSION.

(A) The POTW Director may suspend the wastewater treatment service and/or wastewater permit when the suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(B) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take 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.
(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.134 TERMINATION OF PERMIT OR PERMISSION.

(A) 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 or her 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 chapter, or any applicable state and federal regulations.

(B) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under § 52.131 why the proposed action should not be taken.

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

§ 52.999 PENALTY.

(A) *Civil penalties.*

(1) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations, and permits issued hereunder, may be assessed a civil penalty of up to \$25,000 per day per violation. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

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

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

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

- (a) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
- (b) The duration and gravity of the violation;
- (c) The effect on ground or surface water quantity or quality or on air quality;
- (d) The cost of rectifying the damage;
- (e) The amount of money saved by noncompliance;
- (f) Whether the violation was committed willfully or intentionally;
- (g) The prior record of the violator in complying or failing to comply with the pretreatment program; and
- (h) The costs of enforcement to the town.

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 52.058.

(B) *Other available remedies.*

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

(2) *Criminal violations.* The District Attorney for the applicable judicial district may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B. [Note: Under 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)).]

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

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

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

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

(Ord. passed 5-3-2007; Ord. passed 2-4-2013)

Section

Private Waste Disposal
CHAPTER 53: SEWER CONNECTIONS

- 53.01 Definitions
- 53.02 Use of public sewer system required
- 53.03 Septic tank usage prohibited; exceptions

Building Sewers and Connections

- 53.15 Unlawful to uncover or connect to public sewer without prior approval
- 53.16 Classes of sewer permits
- 53.17 Costs and expenses borne by owner
- 53.18 Separate sewers required; exception; when old sewers permitted
- 53.19 Sewer pipe specifications
- 53.20 Installation of sewer
- 53.21 Notification prior to building sewer connection to public sewer; plumber's license required
- 53.22 Connection to public sewer
- 53.23 Guarding of excavation

- 53.99 Penalty

PRIVATE WASTE DISPOSAL

§ 53.01 DEFINITIONS.

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

B.O.D. Biochemical Oxygen Demand, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from sanitary sewage.

MANAGER. The Town Manager or Town Clerk of the town or his or her authorized deputy, agent, or representative.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties shall have equal rights and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.
(Ord. passed 1-7-1965)

§ 53.02 USE OF PUBLIC SEWER SYSTEM REQUIRED.

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

(B) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(Ord. passed 1-7-1965)

§ 53.03 SEPTIC TANK USAGE PROHIBITED; EXCEPTIONS.

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

(B) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(C) The town Board of Aldermen may, by majority vote at a regular meeting, waive the above requirement. The requirement shall only be waived after the property owner shall make application on a form furnished by the town, at least ten days prior to the regular Board meeting. No application shall be considered by the Mayor and Board of Aldermen without compliance with the following provisions:

- (1) The lot area shall contain a minimum of 20,000 square feet;
- (2) The private disposal system shall comply with all applicable state and county laws and regulations;
- (3) A visual inspection of the site shows no evidence of a past or present health menace or nuisance; and
- (4) The Town Board reserves the right to revoke any waiver so granted at any time and to require the property owner to comply with this chapter as though no waiver had ever been granted.

(D) (1) Where a public sanitary or combined sewer is not available under the provisions of division (B) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Manager. The application for the permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Manager. A permit and inspection fee of \$5 shall be paid to the Manager, provided that no permit shall be required until public sewers are constructed and operating in the general area of construction.

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

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10, 000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (B) above, a direct connection shall be made to the public sewer in compliance with this chapter, and ally septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(7) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(E) All owners of residences and businesses within the town, which are presently connected to a private septic tank, shall have the right to continue to use the same and perform normal pumping operations to the same as needed. No existing septic tank or septic tank system, including any drain or field line, may be altered, expanded, or repaired once it has become defective, or dangerous to the public health and welfare of the citizens of the town, if a sewer line is located within 200 feet of the business or residence.

(F) All owners of residences and businesses within the town who desire to continue to use existing wells and subscribe to the town sewer system shall be required to meter the wells in order to determine and pay the fee for the amount of water being deposited in the town Wastewater Treatment Facility. These meters shall be installed in an easily accessible location for meter reading purposes.

(G) If any septic tank or septic tank system, existing within the town at the date of the passage of this provision, should hereafter become defective, the same may not be replaced with a new septic tank or septic tank system, if a sewer line is located within 200 feet of the subject premises.
(Ord. passed 1-7-1965; Ord. passed 4-7-1983)

BUILDING SEWERS AND CONNECTIONS

§ 53.15 UNLAWFUL TO UNCOVER OR CONNECT TO PUBLIC SEWER WITHOUT PRIOR APPROVAL.

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.

(Ord. passed 1-7-1965) Penalty, see § 53.99

§ 53.16 CLASSES OF SEWER PERMITS.

(A) There shall be two classes of building sewer permit:

- (1) Residential and commercial service; and
- (2) Service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. Before connection is made to the public sewer, a connection fee of \$50 shall be paid into the town treasury. An inspection fee of \$5 shall be paid to the Manager at the time the application is filed.

(Ord. passed 1-7-1965)

§ 53.17 COSTS AND EXPENSES BORNE BY OWNER.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. passed 1-7-1965)

§ 53.18 SEPARATE SEWERS REQUIRED; EXCEPTION; WHEN OLD SEWERS PERMITTED.

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

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of this chapter.

(Ord. passed 1-7-1965)

§ 53.19 SEWER PIPE SPECIFICATIONS.

(A) The building sewer shall be vitrified clay sewer pipe with rubber seal joints or cast iron soil pipe with rubber seal joints. Joints shall be tight and water-proof.

(B) The size and slope of the building sewer shall be subject to the approval of the engineer, but in no event shall the diameter be less than four inches. The slope of four-inch pipe shall be not less than one-eighth inch per foot.

(C) All joints and connections shall be made gastight and watertight. Material for factory applied joints on vitrified clay pipe shall be the latest approved standard, as manufactured by the pipe manufacturer or approved equal. When jointing vitrified clay pipe, the joint surfaces shall be wiped free of dust, dirt, gravel, or other foreign materials, both before and after the application of the lubricant sealer. The vitrified clay pipe with the factory applied coupling shall be connected by first brushing upon

the mating surfaces the proper lubricant sealer as recommended by the pipe supplier. The spigot end shall then be centered on grade into the bell end of the last downstream clay pipe length and shoved home and properly seated with the application of a moderate force by a pry or lever device. The pipes shall be joined no later than five minutes after the application of the lubricant sealer. Other jointing materials and methods may be used only by approval of the Manager.

(Ord. passed 1-7-1965)

§ 53.20 INSTALLATION OF SEWER.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

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

(C) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in a manner to be approved by the Manager.

(Ord. passed 1-7-1965)

§ 53.21 NOTIFICATION PRIOR TO BUILDING SEWER CONNECTION TO PUBLIC SEWER; PLUMBER'S LICENSE REQUIRED.

(A) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his or her representative.

(B) All persons installing sewer service connections for hire in the town shall, before cutting any street, sidewalk, or public property, and before connecting any service line to the public sewer, obtain from the town a plumber's license, the fee for which shall be \$7.50 per annum. Plumbers shall furnish to the town good and sufficient bond to save the town harmless from liability arising from any excavation, cut-in, or other work performed along or across any public right-of-way before a license is issued. The bond shall be in the form approved by the Town Attorney in the amount of \$5,000.

(Ord. passed 1-7-1965)

§ 53.22 CONNECTION TO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall be made at the Y branch, if the branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located Y branch is available, the town shall, at the expense of the owner, install a Y branch in the public sewer at the location specified by the Manager. Where the public sewer is greater than 12 inches in diameter, and no properly located Y branch is available, the town shall, at the expense of the owner, cut a neat hole into the public sewer, with entry in the downstream direction at an angle of about 45 degrees, and install a 45-degree ell with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Manager.
(Ord. passed 1-7-1965)

§ 53.23 GUARDING OF EXCAVATION.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
(Ord. passed 1-7-1965)

§ 53.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

Section

General Provisions
CHAPTER 54: WATER

- 54.001 Monthly meter reading; fee due and payable to the utilities office
- 54.002 Meters to be installed outside
- 54.003 Well customers permitted to continue use; prohibition against new wells
- 54.004 Unlawful use of sprinkler system, hydrants
- 54.005 Application required
- 54.006 Private water supply regulated
- 54.007 Use of town water
- 54.008 Tampering with water equipment
- 54.009 Work on system to comply with town requirements
- 54.010 Rate schedule for water usage
- 54.011 Owners of more than one house
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Water Shortage Response

- 54.030 Purpose
- 54.031 Authorization
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- 54.034 Triggers
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Enforcement Procedures

- 54.055 Injunctive relief
- 54.056 Suspension of service
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Appendix A: Conservation Measures

*GENERAL PROVISIONS***§ 54.001 MONTHLY METER READING; FEE DUE AND PAYABLE TO THE UTILITIES OFFICE.**

(A) Water meter readings and water charges shall be made on a monthly basis, the readings to be made on or around the twentieth day of every month or as practical. Meters will be read, weather and other considerations permitting, and bills shall be rendered monthly. The town reserves the right to vary the dates or length of the period between meter readings and covered in the customer's bill. The fee for the water shown to have been consumed in the preceding month to be due and payable on or before the fifteenth day of the month of billing. If the fifteenth day falls on a weekend or holiday, bills will be past due and delinquent if not paid in full by the end of the next business day.

(B) Fees and charges pursuant to this chapter shall be payable to the utilities office on or before the fifteenth day of the month following the billing.

(Ord. passed 3-4-1982; Ord. passed - -)

§ 54.002 METERS TO BE INSTALLED OUTSIDE.

All water meters shall be installed on the outside of premises being served with water, and on an easement duly conveyed to the town.

(Ord. passed 3-4-1982)

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§ 54.003 WELL CUSTOMERS PERMITTED TO CONTINUE USE; PROHIBITION AGAINST NEW WELLS.

All owners of residences and businesses within the town, which are presently obtaining water from private wells, shall have the right to continue to use the well and to perform general maintenance on the well, provided, however, that no new wells shall be drilled, nor shall an existing well be redrilled.

(Ord. passed 3-4-1982)

§ 54.004 UNLAWFUL USE OF SPRINKLER SYSTEM, HYDRANTS.

No use shall be made of sprinkler systems, fire hydrants, or similar equipment located within the town, for any purpose other than for firefighting or fire prevention. A violation of this section shall be punished by a fine of \$250 for all sprinkler system related violations, and by a fine of \$50 for all fire hydrant or related equipment violations. All fines imposed shall be added to the subscriber's water and sewer bill.

(Ord. passed 3-4-1982)

§ 54.005 APPLICATION REQUIRED.

No person, firm or corporation shall connect with the water system of the town, until they shall have made application for such connection in writing to the town and paid the required deposit. The application shall include a description of the location of the lot or parcel, along with any street address, the name of the person, firm or corporation making the application, the name of the owner, mailing address of the owner, service address of the account, date of application, and any other information that may be required by the town in processing the application. It should be noted that owners of a property located outside the town limits requesting water service shall first provide a petition for voluntary annexation (see § 50.01(E))

(Ord. passed - -)

§ 54.006 PRIVATE WATER SUPPLY REGULATED.

It shall be unlawful for any person, firm or corporation to furnish, supply, or provide, for gain or profit, any water from a private well, reservoir or pumps in or to any property within the corporate limits. Where no public water is available, private wells shall be permitted to serve the property on which it is located.

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§ 54.007 USE OF TOWN WATER.

(A) No customer will be allowed to supply or sell water to other persons, families or corporations, nor shall any person take or carry away water from any hydrant.

(B) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose, without the permission of the town.

§ 54.008 TAMPERING WITH WATER EQUIPMENT.

All meters, hydrants, water lines, and other equipment furnished by the town for the purpose of providing water service are the property of the town. No person, firm or corporation shall connect to, tamper with, or in any way affect the operation of, a meter, hydrant, water line, or other equipment owned by the town without prior written permission from the town.

§ 54.009 WORK ON SYSTEM TO COMPLY WITH TOWN REQUIREMENTS.

All work on the water system, and all connections or disconnections thereto, shall be performed by the authorized employees of the town, or their representatives, or plumbers approved by the town. All work shall be performed in accordance with the State and Town Plumbing Codes, and such amendments thereto that the town may from time to time adopt, or such non-conflicting standards or requirements that may be prescribed by the Public Works Director.

§ 54.010 RATE SCHEDULE FOR WATER USAGE.

All active service accounts shall be billed at least a monthly minimum charge as specified in the rate schedule currently in effect and approved by the Board of Aldermen. The current rate schedule can be found in § 50.02(B) and (C) or in the utilities office. The rate schedule is subject to change at any time.

(Ord. passed - -)

§ 54.011 OWNERS OF MORE THAN ONE HOUSE.

(A) In cases where property owners have more than one house, business, apartment, dwelling unit or establishment on one water meter, the owner shall be charged the water rate per consumption according to the meter reading, or minimum rates times the number of houses, businesses, apartments, dwelling units or establishments on the meter, whichever is more. The owner shall be charged a sewer rate for each house, business, apartment, dwelling unit or establishment using the town's sewer system. The above rates shall be charged regardless of the status, occupied or vacant, of individual houses, dwelling units or businesses.

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(B) Property owners having more than one house, business, dwelling unit or establishment serviced by the same meter may obtain separate meters and billing for each such unit or establishment by paying connection fees for each unit or establishment as provided herein.

(C) In all new construction, separate service connections shall be installed.

§ 54.012 BILLING PROCEDURES AND ACCOUNT INFORMATION.

(A) No water connection shall be made until such time that application has been made and all connection fees and other applicable fees have been paid. In projects requiring other permits, no connections shall be made until such time that all required building, zoning, driveway and other permits required by the town, county, state or federal agencies have been obtained.

(B) The town may reject any application for service not available under a standard rate, or which includes excessive service costs, or which may affect the supply of service to other customers or may be detrimental to the waste treatment process due to the volume, character or content of the discharge.

(C) The town shall reject any applications for connection or applications for service when the applicant is delinquent in payment of bills incurred for service supplied at any location.

(D) Accounts for sprinkler systems only shall not be billed a minimum charge nor shall water utilized in the extinguishment of fire be billed to the customer, if the sprinkler system is separated from all other plumbing fixtures and appurtenances, and is metered separately from all other consumption or usage. Any water passing through sprinkler systems due to negligence, carelessness, frozen pipes or improper maintenance shall be billed in accordance with the rate schedule in effect at the time.

(E) In cases where the customer provides conclusive proof that a leak has occurred in his or her plumbing system that has caused demand to increase and has been fixed, the utility bill for the period of time when the leak occurred may be adjusted by reducing the sewer portion of the bill to reflect average sewage charges for the account, or the minimum sewage charge, whichever is greatest. In no such circumstances shall the sewage portion of the bill be reduced below the minimum monthly charge for the period.

(F) Situations requiring that special arrangements be made for the payment of past due accounts may only be approved by the Town Manager.

(G) Not less than three-days' notice must be given, in person or in writing, at the town utilities office, to discontinue service for a change in occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

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(H) A claimed failure to receive a bill does not prevent a bill from being delinquent, or relieve the customer from timely payment, late charges or the other town remedies contained in this chapter.
(Ord. passed - -)

§ 54.013 METER FEES.

(A) Customers may be subject to a charge as deemed appropriate each time the town turns the customer's meter on or off, at the request of the customer, between the hours on 7:30 a.m. and 4:00 p.m., Monday through Friday. For cut-offs requested on weekends, holidays or other than normal business hours set forth above, the customer may be subject to a charge as deemed appropriate by the Board of Aldermen.

(B) There shall be a charge of \$50 to turn on a customer's meter whenever the meter was turned off due to:

- (1) The customer's failure to pay his or her bill;
- (2) To prevent fraud by the customer;
- (3) The customer's violation of any provision of this chapter;
- (4) The disconnection of electric service to the structure.

(Ord. passed - -)

§ 54.014 SERVICES; CONNECTIONS.

(A) Where service is available, and upon receipt of all fees, the town may extend service lines to serve properties as follows:

(1) In cases where the distribution or collection lines run in a roadway immediately adjacent to the property to be served, the town shall run a service line from its water and/or sewer main to the property line.

(2) In cases where the distribution or collection lines from which service is to be obtained is

located in a street separated from the property to be served by the property of another, the town shall run the service line from its distribution or collection line to the property line of the lot located adjacent to the road in which the main distribution or collection line is located.

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(B) Generally, service lines, meters, etc., installed by the town to serve properties will be located at a point along the property line mutually agreed upon by the town and property owner. However, in such cases where mutual agreement cannot be reached as to the most suitable location, the decision will rest with the town.

(C) The property owners shall be responsible for connecting all plumbing fixtures, piping and appurtenances on the property with the service lines installed by the town. Once installed, the property owner shall be responsible for maintaining his or her water service line from the property or structure being served to the meter.

(D) The town neither guarantees customers uninterrupted service, nor does it assume any liability for damage to private property due to interruptions in service. All utility customers are urged to ensure that their plumbing systems and appurtenances are adequately equipped with back-flow prevention devices or vacuum relief valves as necessary.

WATER SHORTAGE RESPONSE

§ 54.030 PURPOSE.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.
(Ord. passed 10-4-2010)

§ 54.031 AUTHORIZATION.

The Town Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in § 54.034 are met. In their absence, the Utility Director will assume this role.
(Ord. passed 10-4-2010)

§ 54.032 NOTIFICATION.

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills and on the town website <http://www.townofwj.com/>. Required water shortage response measures will be communicated through PSA announcements on local radio and cable stations.

Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone.

(Ord. passed 10-4-2010)

§ 54.033 LEVELS OF RESPONSE.

(A) Five levels of water shortage response are outlined in the table below. The five levels of water shortage responses are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary reductions	Water users are encouraged to reduce their water use and improve water use efficiency, however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory reductions I	Water users must abide required water use reduction and efficiency measures, penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory reductions II	Same as in stage 2.

Stage	Response	Description
4	Emergency reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

(B) *Stage 1, voluntary reductions.* All water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week, preventing water waste, runoff and watering impervious surfaces, watering plants deeply to encourage root growth, washing only full loads in clothes and dishwashers, using spring-loaded nozzles on garden hoses, and identifying and repairing all water leaks.

(C) *Stage 2, mandatory reductions I.* All customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8:00 p.m. and 9:00 a.m., outdoor use of drinking water for washing impervious surfaces is prohibited, and all testing and training purposes required drinking water (e.g. fire protection) will be limited.

(D) *Stage 3, mandatory reductions II.* Customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

(E) *Stage 4, emergency reductions.* Customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate.

(F) *Stage 5, water rationing.* The goal of stage 5 is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to the town's emergency response plan. Drought surcharges increase to five times the normal water rate.

(Ord. passed 10-4-2010)

§ 54.034 TRIGGERS.

(A) The town's water source is groundwater. The following measurements of well pumping times and well levels in relationship to pump intake levels trigger entry into corresponding water restriction stages.

Stage	Well Operating Conditions
1	Pumping time > 10 hours 20% reduction in seasonal normal distance from static water level and pump intake 20% increase pumping time for same output
2	Pumping time > 12 hours 40% reduction in distance from static water level and pump intake 40% increase pumping time for same output
3	Pumping time > 14 hours 60% reduction in distance from static water level and pump intake 60% increase pumping time for same output
4	Pumping time > 20 hours 80% reduction in distance from static water level and pump intake
5	Water level at pump intake elevation

(B) *Return to normal.* When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.
(Ord. passed 10-4-2010)

§ 54.035 ENFORCEMENT.

(A) The provision of the water shortage response plan will be enforced by the town Public Works Department and police personnel. Violators may be reported on the town's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water shortage level	First Violation	Second Violation	Third Violation
Voluntary reductions	N/A	N/A	N/A
Mandatory reduction (stages 2 and 3)	Warning	\$250	Discontinuation of service
Emergency reductions	\$250	Discontinuation of service	Discontinuation of service
Water rationing	\$500	Discontinuation of service	Discontinuation of service

(B) Drought surcharge rates are effective in stages 3, 4 and 5.
(Ord. passed 10-4-2010)

§ 54.036 PUBLIC COMMENT.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at Town Hall for customers to view. A notice will be included in customer water bill notifying them. Notice will be printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Town Aldermen.
(Ord. passed 10-4-2010)

§ 54.037 VARIANCE PROTOCOLS.

Applications for water use variance requests are available from the town website and Public Works Office. All applications must be submitted to the Public Works Office for review by the Utility Director or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.
(Ord. passed 10-4-2010)

§ 54.038 EFFECTIVENESS.

The effectiveness of the town water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

(Ord. passed 10-4-2010)

§ 54.039 REVISION.

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the Town Aldermen. The Utility Director is responsible for initiating all subsequent revisions.

(Ord. passed 10-4-2010)

ENFORCEMENT PROCEDURES**§ 54.055 INJUNCTIVE RELIEF.**

When necessary, the town may enforce this chapter through injunctive relief issued by a court of competent jurisdiction.

§ 54.056 SUSPENSION OF SERVICE.

The town may discontinue water service for any one of the reasons listed below.

- (A) The customer's failure to pay his or her bill.
- (B) To prevent fraud by the customer.
- (C) For emergency repairs initiated by the town.
- (D) Due to insufficiency of the water supply.

(E) Direction of public authorities.

(F) Strike, riot, fire, flood, or other accident that causes a water supply crisis.

(G) The customer's violation of any provision of this chapter.

(H) Upon discovery of water loss occurring at any unoccupied house, condominium or other structure.

(I) Electric service to the structure receiving water is turned off.

(J) For failure to pay a penalty assessed by the town for the customer's violation of any town ordinance.

(K) For failure to pay the town the cost incurred by the town in removing or otherwise remedying a public nuisance pursuant to the town's nuisance ordinance.

(L) For failure to pay any fee assessed pursuant to Chapter 50.

(M) For the customer's violation of any provision of Chapters 52, 53, or 55 of the Code of Ordinances.

(N) For failure to file an occupancy tax return by the date the return is due.

(O) For failure to pay the occupancy tax by the date the tax is due.

(P) For failure to pay the real or personal property taxes by the date the taxes are due. (Ord. passed 2-7-2011; Ord. passed 9-6-2011; Ord. passed 11-5-2012; Ord. passed - -)

§ 54.057 DISCONNECTION OF METER.

(A) The town may disconnect the water meter of a customer after service has been discontinued due to reasons in § 54.056(A), (B), (G), (J), (K), (L), (M), (N), (O) and (P) set forth above. Subject to the provisions of § 54.059 below, the meter will only be reconnected after the customer has:

(1) Corrected the conditions responsible for the disconnection of the meter.

(2) Paid a reconnection fee of \$50, plus all other unpaid charges.

(B) In the event that a property for which the meter has been disconnected is sold before service is reconnected, the new owner shall be required to pay a reconnection fee of \$500 before service will be restored to the property.

(Ord. passed 9-6-2011; Ord. passed 11-5-2012; Ord. passed - -)

§ 54.058 REFUSAL OF SERVICE.

The town may permanently refuse water service to any customer:

(A) Who connects his or her property to the town's water system without submitting a written application for service to the town;

(B) Who turns his or her water back on after the town has discontinued water service;

(C) Who connects to, tampers with, or in any way affects the operation of a meter, hydrant, water line, sewer line, or other equipment of the town, without prior written permission from the town; or

(D) Who violates any provision of this chapter more than two times in any 24-month period.

§ 54.059 HEARING PROCEDURE.

Prior to suspension of service pursuant to § 54.056(A), (B), (G), (J), (K), (L), (M), (N), (O) and (P) above, the customer has the right to request a hearing with the Town Manager. In order to exercise this right, the customer must deliver to the town a written request for a hearing. The request must state the reasons why the customer believes service should not be suspended. The written request must be received by the town within ten days after the date of the notice of suspension. The hearing shall be conducted within ten days after the written request for a hearing is received by the town. The Town Manager shall determine the date and time of the hearing. If the customer fails to attend the hearing, the Town Manager shall make a decision, based upon the written documents received from the customer and the Public Utilities Department. The decision of the Town Manager is final.

(Ord. passed 9-6-2011; Ord. passed 11-5-2012; Ord. passed - -)

§ 54.999 PENALTY.

Any person who violates any provision of this chapter for which a specific penalty is not prescribed shall be subject to the penalties and enforcement procedures set forth in § 10.99.

[Text continues on page 83]

Appendix

APPENDIX A: CONSERVATION MEASURES

APPENDIX A: CONSERVATION MEASURES.

Direct users to adopt the following conservation measures:

(A) Indoor residential use.

(1) Conservation for voluntary and mandatory conservation phases.

(a) Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons.

(b) Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.

(c) Turn off faucets while brushing teeth and the like. Saves about five gallons per day.

(d) Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. Do not use bricks-they disintegrate when soaked, and the resulting grit hinders closing of the flap valve.

(e) Do not use the toilet as a trash can.

(f) Use sink and tub stoppers to avoid wasting water.

(g) Keep a bottle of chilled water in the refrigerator for drinking.

(h) Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.

(i) Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install. See list of devices in Appendix E.

(j) Learn to read your water meter so you can judge how much water you use and what difference conservation makes.

(k) Take shorter showers and shallow baths. Saves about 25 gallons.

(l) Reduce the number of toilet flushes per day. Each flush uses about five gallons (two to three if you have water saving toilets).

(m) Don't use a garbage disposal. Use non-phosphate detergent and save laundry water for lawns and plants.

(2) Conservation for emergency conservation or rationing phase (in addition to measures listed above).

(a) Turn off shower while soaping up.

(b) Use disposable eating utensils.

(B) Outdoor residential use.

(1) Conservation for normal conditions and voluntary conservation phase.

(a) Lawns.

1. Water before 10:00 am. to prevent evaporation which occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.

2. Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.

3. Water thoroughly, not frequently; long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.

4. Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.

5. Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.

6. Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.

7. Aerate lawns by punching holes six inches apart. This allows water to reach roots rather than run off surfaces.

8. Position sprinklers to water the lawn, not the pavement.
9. Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
10. Keep sprinkler heads clean to prevent uneven watering.
11. Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
12. Know how to turn off an automatic sprinkler system in case of rain.
13. Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

(b) Vegetables and flower gardens.

1. Water deeply, slowly, and weekly. Most vegetables require moisture to a depth of six to eight inches.
2. Keep soil loose so water can penetrate easily.
3. Keep weeds out to reduce competition for water.
4. Put the water where you want it, and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

(c) Trees and shrubs.

1. Water deeply using a soil-soaker or drip-irrigation.
2. Water only when needed. Check the depth of soil dryness by digging with a trowel.
3. Mulch to reduce evaporation. A two to three inch layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer.
4. Dig troughs around plants to catch and retain water.
5. Water trees growing in full sun more often than those in shade.
6. Do not use sprinklers. Apply water directly at base.
7. Do not fertilize during the summer. Fertilizing increases a plant's need for water.

8. Postpone planting until fall or spring, when there is generally less need for water.

9. Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water in to the air. Use soil probes for large trees.

10. Water when cloudy, at night, or even when a light rain is falling.

(C) Outdoor residential use.

(1) Conservation for voluntary conservation phase (in addition to measures listed above).

(a) Do not allow children to play with hose or sprinklers.

(b) Limit car washing.

(c) Be ready to catch rainfall that occurs. Place containers under drain sprouts.

(d) Use leftover household water if available.

(e) Consider delaying the seeding or sodding of new lawns.

(f) Determine the amount of water being used outdoors by comparing water bills for summer and winter.

(2) Conservation for mandatory conservation phase (in addition to measures listed above).

(a) Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.

(b) Do not water lawns and inedible plants.

(c) Do not use sprinklers.

(d) Most outdoor watering is prohibited under emergency conservation conditions.

(D) Hospital and health care facility use.

(1) Reduce laundry usage or services by changing bed linens and the like only when necessary to preserve the health of patients or residents.

(2) Use disposable food service items.

(3) Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

(E) Industrial use.

(1) Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to water lines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.

(2) Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.

(3) Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.

(4) Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.

(5) For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.

(6) Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight.

(7) Install automatic flushing valves to use as little water as possible, or to cycle at longer intervals.

(8) Place water-saving posters and literature where employees, students, patients, customers, and the like will have access to them.

(9) Check meters on a frequent basis to determine consumptive patterns.

(10) Review usage patterns to see where other savings can be made.
(Ord. passed 7-3-2003)

Section

55.01	Purpose
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55.03	Control plan for (FOG) and food waste
55.04	General criteria
55.05	Design criteria
55.06	Grease trap maintenance
55.07	Additives
55.08	Chemical treatment
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55.10	Laundries
55.11	Control equipment
55.12	Alteration of control methods
55.13	Severability
55.14	Effective period
55.99	Penalty

§ 55.01 PURPOSE.

The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.
(Ord. passed 4-2-2009)

§ 55.02 DEFINITIONS.

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

FOOD SERVICE FACILITIES. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the town's Wastewater Collection System Superintendent who discharge applicable waste.

GREASE. Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as **GREASE** by definition. **GREASE** does not include petroleum based products.

GREASE TRAP. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

OIL/WATER SEPARATOR. An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharge into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the Wastewater Collections Superintendent.

USER. Any person or establishment including those located outside the jurisdictional limits of the town who contributes, causes or permits the contribution or discharge of wastewater into the town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
(Ord. passed 4-2-2009)

§ 55.03 CONTROL PLAN FOR (FOG) AND FOOD WASTE.

(A) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the town a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(B) Any existing food service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from requirements of this chapter. There will be no "Grandfathering."
(Ord. passed 4-2-2009)

§ 55.04 GENERAL CRITERIA.

(A) *Installation requirements.* All existing, proposed, or newly remodeled food service facilities inside the town's wastewater service area shall be required to install, at the user's expense an approved, properly operated and maintained grease trap.

(B) *Sanitary sewer flows.* Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(C) *Floor drains.* Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(D) *Garbage grinders/disposals.* It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(E) *Dishwashers.* Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(F) *Location.* Grease traps shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the Collection System Superintendent.

(G) *Pass trough limits.* No user shall allow wastewater discharge concentration from grease trap to exceed 100 mg/l (Milligrams per liter).
(Ord. passed 4-2-2009)

§ 55.05 DESIGN CRITERIA.

(A) *Construction.* Grease traps shall be constructed in accordance with the town's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the Collection System Superintendent. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(B) *Access.* Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at the finished grade with cast iron frame and cover.

(C) *Load-bearing capacity.* In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas)

(D) *Inlet and outlet piping.* Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

(E) *Grease trap sizing.* The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gallon nor exceed a capacity of 3,000 gallon. If the calculated capacity exceeds 3,000 gallon, multiple units plumbed in series shall be installed.

(Ord. passed 4-2-2009)

§ 55.06 GREASE TRAP MAINTENANCE.

(A) *Cleaning/pumping.*

(1) The user at the user's expense shall maintain all grease traps to ensure proper operation and efficiency and maintain compliance with the town's pass trough limits.

(2) Maintenance of grease trap shall include the complete removal of all contents, including floating materials, waster, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed wasted back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be made at user's expense.

(B) *Cleaning/pumping frequency.* The grease trap must be pumped out completely at a minimum of once every four months, or more frequently, as determined by the Collections System Superintendent, as needed to prevent carry over of grease into the sanitary sewer system.

(C) *Disposal.* All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the town's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

(D) *Maintenance log.* A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, hauler, and disposal site, and shall be kept in a conspicuous location for inspection. The log shall be made available to the Collection System Superintendent upon request.

(E) *Submittal of records.*

(1) Each user shall submit all cleaning and maintenance records to the Collection System Superintendent. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number.
- (b) Company name, address, phone number, and contact person responsible for performing the maintenance, cleaning, pumping or repair of grease trap.
- (c) Types of maintenance performed.
- (d) Dates maintenance was performed.
- (e) Date of next scheduled maintenance.
- (f) Copies of manifests.

(2) The user shall be required to submit maintenance records to the Collection System Superintendent on a biannual basis (twice a year). Records shall be submitted by March 1 and September 1 of each year. The records shall be submitted to:

ATTN. WASTEWATER COLLECTION SYSTEM
SUPERINTENDENT
P.O. BOX 490
WEST JEFFERSON, N.C. 28694

(3) The Collection System Superintendent will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Collections Superintendent, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the Collections Superintendent the user may be required to install, at his or her expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.
(Ord. passed 4-2-2009)

§ 55.07 ADDITIVES.

Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the Collections System Superintendent prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.
(Ord. passed 4-2-2009)

§ 55.08 CHEMICAL TREATMENT.

Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.
(Ord. passed 4-2-2009)

§ 55.09 SAND, SOIL AND OIL INTERCEPTORS.

All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the Collections Superintendent) that have sources of sand, soil, and oil shall install effective sand, soil, and oil traps, interceptors, and/or oil/water separators. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the Collection System Superintendent shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Collections Superintendent.
(Ord. passed 4-2-2009)

§ 55.10 LAUNDRIES.

Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids one-half inch or larger in size such as rags, strings, buttons, or other solids detrimental to the system.
(Ord. passed 4-2-2009)

§ 55.11 CONTROL EQUIPMENT.

(A) The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the Ashe County Plumbing Code (State of North Carolina), most current engineering standards, other applicable guidelines approved by the Wastewater Collections Superintendent. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

(B) Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant. If the town is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack of) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the town including fines incurred due to any sanitary sewer overflow due directly to the stoppage.

(C) The town retains the right to inspect and approve any and all installations of control equipment.
(Ord. passed 4-2-2009)

§ 55.12 ALTERATION OF CONTROL METHODS.

The town, through the Wastewater Collection Superintendent, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.
(Ord. passed 4-2-2009)

§ 55.13 SEVERABILITY.

Each section, subsection, paragraph, sentence, and clause of this chapter is declared to be separable and severable.
(Ord. passed 4-2-2009)

§ 55.14 EFFECTIVE PERIOD.

This chapter shall remain in effect until terminated by action of the town's governing body.
(Ord. passed 4-2-2009)

§ 55.99 PENALTY.

Any person who violates this chapter, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the Town of West Jefferson's Sewer Use Ordinance and Enforcement Response Plan. Each day's violation of this chapter shall be considered a separate offense.
(Ord. passed 4-2-2009)

CHAPTER 56: CROSS CONNECTION CONTROL PROGRAM

Section

56.01	Purpose
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56.03	Responsibility
56.04	Right of entry
56.05	Prohibited
56.06	Installation
56.07	Degree of hazard
56.08	Notices
56.99	Penalty

§ 56.01 PURPOSE.

The purpose of this cross connection chapter is:

(A) To protect the public potable water supply of the town from the possibility of contamination or pollution which could backflow into the public water system, due to backsiphonage or backpressure, by isolating the pollution or contaminants within the customer's private water system.

(B) To define the authority of the town as the water purveyor entitled to eliminating all cross connections, new or existing, within it's public water system.

(C) To provide for a continuing program of inspections and testing of existing cross connections, and those which may be installed in the future.
(Ord. passed 11-5-2012)

§ 56.02 DEFINITIONS.

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

AIR GAP. An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the device. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than two inches. An approved air gap may be considered as a backflow prevention assembly.

BACKFLOW. Any reverse flow of water, gas or any other liquid substance into the public water system of the town from any source due to an unprotected cross connection.

BACKFLOW ADMINISTRATOR. An employee of the town, trained and certified by the state, designated to administer and enforce this chapter, also known as the Cross Connection Control Technician.

BACKFLOW PREVENTION ASSEMBLY (APPROVED). An assembly that has been investigated and approved by the Town Backflow Administrator and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

BACK PRESSURE. Any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow of water.

BACKSIPHONAGE. A reversal of the normal direction of flow of water in the pipes due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

CERTIFIED TESTER. Any individual person who holds a certificate of completion and passes the exam from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control.

CUSTOMER. Any person, firm, or corporation using or receiving water from the town.

CONTAINMENT. The prevention of backflow from a private water system by an approved, properly functioning backflow prevention assembly which is installed, operated, and maintained in accordance with the provisions of this chapter.

CONTAMINATION. An impairment of the quality of the water to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

CROSS CONNECTION. Any actual or potential connection or piping arrangement between the public or a customer's potable water supply and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas, or any substance which could be harmful or hazardous to the potable water supply or system.

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of two single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the device and suitable connections for testing the water tightness of each check valve.

HAZARD (IMMINENT). An actual threat of contamination to the public water system that could cause serious illness or death.

HAZARD (NON HEALTH). An actual or potential threat of damage to the physical components comprising the public water system or to a customer's potable water system, or of pollution to the public water system or to a customer's potable water system.

HAZARD (HEALTH). A potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.

POTABLE WATER. Water from any source which has been approved for human consumption by the State of North Carolina, Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section.

PRIVATE WATER SYSTEM. Any water system located on the customer's premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

PUBLIC WATER SYSTEM. The potable water system owned and operated by the town. This includes all storage tanks, distribution mains, lines, pipes, connections, and other facilities conveying potable water from the water treatment plants to the service connections of each customer.

REDUCED PRESSURE ZONE ASSEMBLY. An approved, properly functioning assembly containing two, independently acting, approved check valves with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shut-off valves located at each end of the assembly.

SERVICE CONNECTION. The terminal end of a service connection from the public potable water system, immediately after the water meter, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's private water system.

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

WATER PURVEYOR. Owner or operator of a public potable water system providing approved potable water supply to the public.

WATER SUPPLY (AUXILIARY). Any water supply on or available to the customer's premises other than the water purveyor's public potable water system. The auxiliary water may include water from another purveyor's public potable water system or any natural source such as a well, spring, river, stream, and the like, and used or objectionable.

WATER SUPPLY (UNAPPROVED). Any water supply, which has not been approved for human consumption by the State of North Carolina, Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section.
(Ord. passed 11-5-2012)

§ 56.03 RESPONSIBILITY.

(A) Responsibility of the town.

(1) The Utilities Maintenance Division will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water system supply and includes all of the public water distribution system, and ends at the service connection, under the Safe Drinking Water Act. The Backflow Administrator shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the public potable water system.

(2) When it has been determined by an inspection of the customer's private water system that a backflow protection system is required for the protection of the public water system, the Backflow Administrator shall notify the owner, in writing, of any such building or premises, to correct within a time set by this chapter, any plumbing installed or existing that is in violation of this chapter.

(3) The Backflow Administrator will select an approved backflow prevention assembly to be installed at the service connection. The owner shall be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. In these circumstances the owner must understand and assume all liability and responsibilities for that phenomenon.

(B) Responsibility of the customer.

(1) The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the town. The customer, at his or her own expense, shall install, operate, test and maintain all backflow prevention assemblies specified within this chapter.

(2) If a tenant customer does not maintain the private water system, and has no authority to bring the system into compliance with the provisions of this chapter, the town may assert any available legal action against the tenant customer to assure the private water system is brought into compliance with this chapter.

(Ord. passed 11-5-2012)

§ 56.04 RIGHT OF ENTRY.

(A) Any authorized representative from the town shall have the right to enter any building, structure or premises during normal business hours to perform any duty imposed upon him or her by this chapter and in accordance with the North Carolina State Plumbing Code, and the North Carolina Administrative Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes will result in disconnection of water service.

(B) On request, the consumer shall furnish to the water purveyor any pertinent information regarding the water supply system on the property where cross connection and backflow are deemed possible. (N.C. State Plumbing Code Appendix).

(Ord. passed 11-5-2012)

§ 56.05 PROHIBITED.

(A) No water service connection to any private water system shall be installed or maintained by the town unless the water supply is protected as required by this chapter and in accordance with the North Carolina State Plumbing Code, and the North Carolina Administrative Code. Service of water to any premises shall be discontinued by the town if a backflow prevention assembly required by this chapter, is not installed, tested and maintained, or if a backflow prevention assembly has been removed, bypassed or if an unprotected cross connection exists on the premises. Service will be restored after all the conditions or defects are corrected.

(B) No customer shall allow an unprotected cross connection to be made or to remain involving the customer's private water system.

(C) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow prevention assembly, appropriate to the degree of hazard.

(D) No interconnection to any other water purveyor's water system shall be made unless it is protected against backflow by an approved backflow prevention assembly.

(E) No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this chapter.

(F) No customer shall fail to submit to the town any records, which are required by this chapter. (Ord. passed 11-5-2012)

§ 56.06 INSTALLATION.

(A) Installation and testing requirements:

(1) The purpose of this section is to require that, when a cross connection or health hazard has been identified, all water flowing from the public water system into that private water system, must flow through an approved backflow prevention assembly. Further, each backflow prevention assembly must be properly located, installed, maintained, and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.

(2) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation, replacement or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall only be performed by a licensed fire sprinkler contractor. All backflow prevention assemblies shall be tested by a certified backflow prevention assembly tester authorized by the town.

(3) All new construction plans and specifications which will receive service from the town public water system shall be made available to the Backflow Administrator for review, approval, and to determine the degree of hazard, and any required backflow prevention assembly to be installed.

(4) All existing facilities zoned commercial or industrial that have existing water services with the town and requesting certificate of occupancy from the Town or County Planning and Zoning offices, whether for new construction or change of use, shall be inspected for compliance of backflow prevention and cross connection prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release the certificate of occupancy.

(5) The Backflow Administrator will determine if a customer must install a backflow prevention assembly, and provide the customer with a letter of notification and list of approved backflow prevention assemblies. Any unapproved backflow prevention assembly must be replaced, with an approved backflow prevention assembly, within a time period set by the Backflow Administrator. The following time periods shall be set forth for the installation of the specified backflow prevention assemblies:

(a) *New construction.* No water meter will be installed by the town until the proper backflow prevention is installed, tested, and approved.

(b) *Change of use/change of ownership.* No water service will be activated by the town until the proper backflow prevention is installed, tested, and approved.

(c) *Existing facility evaluation:*

1. Health hazard: 90 days.
2. Non-health hazard: 180 days.

(d) If an imminent hazard or an unreasonable threat of contamination or pollution to the town's public water system is detected, the Backflow Administrator may require the installation of the required backflow prevention assembly immediately, or within a shorter time period than specified above. If installation is not completed within the specified time period, water service may be discontinued.

(6) All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the Backflow Administrator.

(7) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to zoning or DOT right-of-way, an approved backflow prevention assembly must be installed on any branch of plumbing installed between the service meter and the service backflow prevention assembly.

(8) Any branch of plumbing installed on the private water system that may be of a greater hazard than the supply line, (example: irrigation systems or pump systems, and the like) shall be protected with the appropriate backflow prevention device, as determined by the Backflow Administrator.

(9) *Approved backflow prevention assemblies.* Meets American Society of Sanitary Engineers (ASSE) standard and carries ASSE seal or is on the University of Southern California approval list. Also see the current revision of the town backflow assemblies specifications sheets.

(10) Any customer installing any backflow prevention assembly must provide the following information to the Backflow Administrator:

- (a) Owner;
- (b) Service address where assembly is installed;
- (c) Description of assembly's location;
- (d) Date of installation;

- (e) Type of assembly;
- (f) Manufacturer;
- (g) Model number;
- (h) Serial number; and
- (i) Test results/ reports.

(11) Reserved.

(12) Each backflow prevention assembly that is required must function properly at time of installation. Each customer will be required to maintain, and repair each assembly required as part of their private water system. Testing shall be done immediately following installation of any backflow prevention assembly and annually thereafter. The owner at their own expense shall have a certified backflow prevention assembly tester conduct the tests and forward the results to the town within ten business days.

(13) If a repair is necessary on an assembly it must be re-tested following any repairs. The owner at their own expense shall have a certified backflow prevention assembly tester conduct tests and forward the results to the town. A complete duplicate copy of any testing and/or repair shall be sent to the Backflow Administrator within ten business days of completion of test or repair. Each customer must maintain a complete copy of test or repair for no less than five years. All test and repair records must be maintained on forms approved by the Backflow Administrator.

(14) All rubber components must be replaced every five years or as often as needed, according to manufacturer's directions and components condition.

(15) Any existing backflow prevention assembly that was installed prior to the adoption of this chapter, which is not the proper type for the hazard will be allowed to remain in use until it fails the annual test. At that point the assembly shall be replaced with the proper type of assembly for the current hazard classification.

(B) *Installation location requirements:*

(1) Backflow prevention assemblies must be located in a place where it is readily accessible for regular testing, maintenance, repair, and inspection. Any customer's water service that is critical and can not be shut down for annual testing or maintenance may install parallel backflow prevention assembly. Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly that is equal to that on the main line.

(2) *Reduced pressure zone assembly (RPZ).*

(a) Above ground or indoor installation is preferred and encouraged.

(b) Below ground installation is strongly discouraged, and shall only be allowed in special cases as approved by the Backflow Administrator. The vault shall have positive drainage with adequate gravity drainage to atmosphere and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions.

(c) Twelve inches minimum and a maximum of 48 inches clearance from vault floor and walls.

(d) Horizontal installation unless manufacturer states otherwise.

(e) Installation in accordance with manufacturer's recommendations.

(f) Located where it is readily accessible for regular testing, maintenance, and inspection.

(3) *Double check valve assembly (DCVA).*

(a) Above ground or indoor installation is preferred and encouraged.

(b) Below ground installation is strongly discouraged, and shall only be allowed in special cases as approved by the Backflow Administrator. The vault shall have positive drainage with adequate gravity drainage to atmosphere and must be in a location where no portion of assembly can become submerged at any time or under any circumstances or conditions.

(c) Twelve inches minimum and a maximum of 48 inches clearance from vault floor and walls.

(d) Vertical or horizontal installation acceptable.

(e) Installation in accordance with manufacturer's recommendations.

(f) Located where it is readily accessible for regular testing, maintenance, and inspection.

(4) *Air gap (AG).*

(a) Above ground installation only.

(b) Must be in a location where no portion of assembly can become submerged at any time under any circumstances or conditions.
(Ord. passed 11-5-2012)

§ 56.07 DEGREE OF HAZARD.*(A) Determining.*

(1) No service shall be completed until the Backflow Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the town public water supply.

(2) Any customer making any modification to the private water system's use or configuration, which may change the degree of hazard, shall notify in writing the Backflow Administrator before any modification is made. If the Backflow Administrator determines that such modification requires a greater degree of backflow prevention assembly, that assembly must be installed prior to any modification of use or configuration.

(3) If the Backflow Administrator or his or her designee is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

(B) Degree.

(1) *Health hazard.* Actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.

(2) *Non-health hazard.* One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the town public drinking water supply.

(C) (1) Minimum backflow prevention assembly requirements:

Degree of hazard	RPZ	DCVA	AG	PVB
Health hazard	X		X	X
Non-health hazard		X		
AG - Air gap DCVA - Double check valve assembly RPZ - Reduced pressure zone assembly PVB - Pressure vacuum breaker				

(2) Facilities that require a backflow prevention assembly:

(a) *Residential dual check valve.* If no other backflow prevention assembly is specified a dual check valve assembly must be installed on all private water systems.

(b) *Non-health hazard.*

1. Connection to tanks, lines, and vessels that handle non-toxic substances.
2. Fire sprinkler systems.
3. Most commercial establishments.
4. Schools, daycares and colleges.
5. Bakeries, restaurants, and the like.
6. Churches.
7. Bottling plants without back pressure.
8. Office buildings.
9. Other facilities as determined by the Backflow Administrator.

(c) *Health hazard.* This is not intended to be an exhaustive list. Any other type facilities or services not listed below may also be required to install an approved backflow prevention assembly if determined by the Backflow Administrator. All assemblies and installations shall be subject to inspection and approval by the Backflow Administrator or his or her designee's.

1. Wastewater treatment plants.
2. Beauty shop and salons.
3. Connection to tanks, lines, boilers or vessels that handle sewage, lethal substances, toxic or radioactive substances.
4. All lawn irrigation systems.
5. Connection to an unapproved water system or auxiliary water supply.
6. Buildings with five or more stories above ground.
7. Hospitals and other medical facilities.
8. Morgues, mortuaries and autopsy facilities.
9. Metal plating facilities.

10. Breweries, bottling plants with back pressure.
11. Canneries.
12. Battery manufacturers.
13. Exterminators and lawn care companies.
14. Chemical processing plants.
15. Dairies.
16. Film laboratories.
17. Car wash facilities.
18. Dye works.
19. Laundries.
20. Swimming pools.
21. Water front facilities.
22. Concrete/asphalt plants.
23. Airports.
24. Oil and gas production, storage, or transmission facilities.
25. Sand and gravel plants.
26. Furniture manufacturing plants.
27. Interconnection with other water purveyor's potable water systems.
28. Gas/service stations.
29. Other facilities as determined by the Backflow Administrator.

(3) (a) Filling of tanks/tankers or any other container from a town owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and approved backflow prevention assembly. The town will issue a permit for this tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross connection to the town public water system and will be subject to penalties as set forth in the town fee schedule.

(b) *Exemption.* All fire apparatus are exempt from the backflow prevention requirements only if fighting fire or training. If training they are asked to notify the Town's Utilities Maintenance Division. However, if fire apparatus is being used to resell water the same rules for tank filling apply.

(4) *Imminent hazard.* If it has been determined a customer's private water system has an imminent hazard, that customer must install an approved backflow prevention assembly specified by the Backflow Administrator and this chapter. This assembly must be installed within 24 hours of notification from the Backflow Administrator. If the customer fails to install the specified assembly within the allowed time period, water service to the customer's private water system will be terminated and the customer may be subject to civil penalties. In the event the Backflow Administrator is unable to notify the customer within 24 hours of determining an imminent hazard exists, the Backflow Administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act and the North Carolina State Plumbing Code. (Ord. passed 11-5-2012)

§ 56.08 NOTICES.

(A) In the event the customer's private water system becomes contaminated or polluted the customer shall immediately notify the Backflow Administrator or Utilities Maintenance Division.

(B) In the event the customer has reason to believe that a backflow incident has occurred between the customer's private water system and the public water system the customer shall immediately notify the Backflow Administrator or Utilities Maintenance Division so that appropriate actions can be taken to isolate and remove the contamination or pollution. (Ord. passed 11-5-2012)

§ 56.99 PENALTY.

(A) *Notification of violation.*

(1) A written notice will be presented to any customer/person who has been found to be in violation of any part of this chapter.

(2) First notice must explain the violation and give the time period within which the violation must be corrected.

(3) Second notice will give 30 additional days to install all backflow prevention assemblies as required by this chapter.

(4) Third notice will be a civil penalty allowing 15 more days to comply before the penalties begin.

(5) In the event a customer found to be in violation of this chapter fails to correct the violation within the specified time or, fails to pay any civil penalties expense assessed under this chapter, water service will be terminated.

(B) *Civil penalties.*

(1) Unprotected cross connection involving a private water system, which is of a health hazard: \$1,000.00 per day not to exceed \$10,000.00.

(2) Unprotected cross connection involving a tank/tanker or other container hooked to a fire hydrant: \$1,000 per occurrence.

(3) Unprotected cross connection involving a private water system, which is of a non-health hazard: \$500 per day not to exceed \$5,000.

(4) Submitting false records which are required by this chapter: \$1,000.

(5) Failure to submit records which are required by this chapter: \$500.

(6) Failure to test or maintain backflow prevention assemblies as required by this chapter: \$100 per day.
(Ord. passed 11-5-2012)