

TITLE V: PUBLIC WORKS

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CHAPTER 50: SEWER USE

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GENERAL PROVISIONS**§ 50.001 PURPOSE.**

(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 USC §§ 1251 et seq.) and the general pretreatment regulations (40 C.F.R. Part 403).

(B) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
- (3) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (4) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (5) To provide for equitable distribution of the cost of operation, maintenance, and improvement of the municipal wastewater system; and
- (6) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the municipal wastewater system is subject.

(C) This 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.
(Ord. 122, passed 9-4-2007)

§ 50.002 DEFINITIONS.

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

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

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

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

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

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

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

(4) The individuals described in divisions (1) to (3) above may designate another ***AUTHORIZED REPRESENTATIVE*** if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

(5) If the designation of an ***AUTHORIZED REPRESENTATIVE*** is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the 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.

DIRECTOR. The person designated by the town to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

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

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, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE or ***DISCHARGE.*** The discharge or the introduction from any nondomestic source regulated under § 307(b), (c), or (d) of the Act, (33 USC § 1317), into the POTW (including holding tank waste discharged into the system).

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

INTERFERENCE. The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 USC § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC §§ 6901, et seq.), the Clean Air Act, 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 parts, 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 USC § 1317) which applies to a specific category of industrial users, and which appears in 40 C.F.R. Ch. 1, Subch. N, Parts 405-471.

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

NATIONAL PROHIBITIVE DISCHARGE STANDARD or ***PROHIBITIVE DISCHARGE STANDARD***. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in §§ 50.020 and 50.021 and are developed under the authority of § 307(b) of the Act and 40 C.F.R. § 403.5.

NEW SOURCE.

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

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a ***NEW SOURCE*** if the construction does not create a new building, structure, facility, or installation meeting the criteria of divisions (1)(b) or (1)(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of ***NEW SOURCE*** facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

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

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

PASS-THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or non-discharge permit, or a downstream water quality standard.

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

pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 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, BOD, COD, toxicity, or odor).

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

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

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing 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 STANDARDS. Prohibited discharge standards, categorical standards, and local limits.

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

- (1) Has an average daily process wastewater flow of 25,000 gallons or more;
- (2) Contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is found by the town, the Division of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

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

- (1) Violations of wastewater discharge limits.
 - (a) Chronic violations. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - (b) 1. Technical review criteria (TRC) violations. Thirty-three percent or more of the measurements are equal to or greater than the TRC times the limit (maximum or average) in a six-month period.

2. There are two groups of TRCs:

For the conventional pollutants: BOD, TSS, fats, oil and grease TRC = 1.4

For all other pollutants TRC = 1.2

(c) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference, or pass-through; or endangered the health of the sewage treatment plant personnel or the public.

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

(2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.

(4) Failure to accurately report noncompliance.

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

SLUG LOAD OR DISCHARGE. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a nonroutine, episodic nature; a non customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in §§ 50.020 and 50.021.

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, and treatment facilities and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER PERMIT. As set forth in § 50.056.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
(Ord. 122, passed 9-4-2007)

§ 50.003 INTERPRETATION OF CODE.

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

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

(C) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
(Ord. 122, passed 9-4-2007)

§ 50.004 ABBREVIATIONS.

The following abbreviations when used in this chapter shall have the designated meanings.

BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
gpd	Gallons per day
l	Liter

mg	Milligrams
mg/l	Milligrams per liter
G.S.	North Carolina General Statutes
NPDES	National pollution discharge elimination system
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act
TSS	Total suspended solids
TKN	Total kjeldahl nitrogen
U.S.C	United States Code

(Ord. 122, passed 9-4-2007)

§ 50.005 CONNECTION TO WATER AND SEWER SYSTEM REQUIRED.

(A) The owner of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the town limits and within 200 feet of a water line or sewer collection line owned by the town and abutting on any street, alley, easement, or right-of-way in which there is located a public water and sanitary sewer system, is hereby required at the property owner's expense to connect such facilities directly with the proper public water and sewer in accordance with the provisions of this section.

(B) In lieu of requiring water connection, any owner who already has in use a well approved by the County Health Department may pay an availability fee not to exceed the minimum service charge for properties that are connected and may continue the use of the well for so long as the availability fee is duly paid and for so long as the well remains suitable for use as determined by the County Health Department.

(C) In lieu of requiring sewer connection, any owner who already has in use a septic tank approved by the County Health Department may pay an availability fee not to exceed the minimum service charge for properties that are connected and may continue the use of the septic tank for so long as the availability fee is duly paid and for so long as the septic tank remains suitable for use as determined by the County Health Department.

(D) Connections of water lines and sewer lateral and any other connections to the town water and sewer systems or to any line which is dedicated to the town shall be done by the town or their authorized

agents or representatives. In each case, the town's responsibilities shall be limited to the work between the water and sewer systems and the right-of-way or property lines of the property being served.
(Ord. 128, passed - -)

PROHIBITED DISCHARGE STANDARDS

§ 50.020 GENERAL PROHIBITIONS.

No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass-through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.
(Ord. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.021 SPECIFIC PROHIBITIONS.

(A) 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, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

(4) Any wastewater having a pH less than 5.0 or more than 12.5 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment;

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

(6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which 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 § 50.029;

(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, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director;

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

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

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

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

(18) Any material that would be identified as hazardous waste according to 40 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

(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.

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

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

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with §§ 50.110 and 50.999; and

(2) Take appropriate actions in accordance with § 50.055 and 50.056 for such user to protect the POTW from interference or pass-through.
(Ord. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.022 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 C.F.R. Ch. 1, Subch. N, Parts 405-471 and incorporated herein.

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

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

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 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.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15.
(Ord. 122, passed 9-4-2007)

§ 50.023 LOCAL LIMITS.

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

Arsenic	0.003 mg/l
BOD	250 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
NH3	25 mg/l
Nickel	0.021 mg/l
Silver	0.005 mg/l
TSS	250 mg/l
Zinc	0.175 mg/l

(B) (1) 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.

(2) 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. 122, passed 9-4-2007)

§ 50.024 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. 122, passed 9-4-2007)

§ 50.025 RIGHT OF REVISION.

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 § 50.001 or the general and specific prohibitions in §§ 50.020 and 50.021, as is allowed by 40 C.F.R. § 403.4.

(Ord. 122, passed 9-4-2007)

§ 50.026 DILUTION.

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

(Ord. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.027 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 50.056 and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in §§ 50.020 and 50.021 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 such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the 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 such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

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

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such 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. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at 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. 122, passed 9-4-2007)

§ 50.028 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

(A) 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 § 50.002. 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 such a plan or other specific action. Alternatively, the POTW Director may develop such 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 nonroutine, episodic nature, a noncustomary batch discharge, or a slug load. Also see §§ 50.074 and 50.075.

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

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 50.075; and

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

(Ord. 122, passed 9-4-2007)

§ 50.029 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate §§ 50.020 to 50.029 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. 122, passed 9-4-2007)

FEES**§ 50.040 PURPOSE.**

It is the purpose of this chapter 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 Council. A copy of these charges and fees will be made available from the POTW Director.

(Ord. 122, passed 9-4-2007)

§ 50.041 USER CHARGES.

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

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

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

(C) The Administrator of the town 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 Town Council or Board serving the town for adjustments in the schedule of charges and fees as necessary.

(D) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
(Ord. 122, passed 9-4-2007)

§ 50.042 SURCHARGES.

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

(A) 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:

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

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

(3) 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. 122, passed 9-4-2007)

§ 50.043 PRETREATMENT PROGRAM 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. 122, passed 9-4-2007)

WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE**§ 50.055 WASTEWATER DISCHARGES.**

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. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.056 WASTEWATER PERMITS.

(A) *Permit requirement.* 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) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user

determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria, he or she will require that a significant industrial user permit application be filed.

(C) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in division (B) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address);
- (2) Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (3) Analytical data on wastewater constituents and characteristics including, but not limited to, those mentioned in §§ 50.020 to 50.029, any of the priority pollutants (§ 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. Part 136, as amended and as required in §§ 50.079 and 50.080;
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location, and elevation;
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule.

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.

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

(10) Each product produced by type, amount, process or processes, and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 C.F.R. § 403.12(b) and 15A NCAC 2H .0908(a), as outlined in § 50.070; and

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

(D) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the authorized representative of the user on file with the control authority and/or municipality, as defined in § 50.002, 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."

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

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

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

(F) *Tentative determination and draft permit.*

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

(2) If the staff's tentative determination in division (F)(1) above is to issue the permit, the following additional determinations shall be made in writing:

(a) Proposed discharge limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(c) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

(3) The staff shall organize the determinations made pursuant to divisions (F)(1) and (F)(2) above and the general permit conditions of the town into a significant industrial user permit.

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

(1) A sketch and detailed description of the industrial facilities and pretreatment facilities, including the location of all points of discharge to the POTW and all established compliance monitoring points; and

(2) A quantitative description of the discharge described in the application which includes at least the following:

(a) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;

(b) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(c) The basis for the pretreatment limitations, including the documentation of any calculations in applying categorical pretreatment standards.

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

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

(2) The POTW Director is authorized to:

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

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

(c) Modify any permit upon not less than 60 days' notice and pursuant to division (J) below;

(d) Revoke any permit pursuant to § 50.110;

(e) Suspend a permit pursuant to § 50.110; and

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

(I) *Hearings*. The local government may conduct hearings in accordance with its regular hearing procedure.

(1) *Initial adjudicatory hearing*. An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under § 50.999, or one issued an administrative order under § 50.110, shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

(a) *New permits*. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Renewed permits*. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) *Final appeal hearing*. Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (I)(1) above may be appealed to the Town Council or Board serving the town

upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this division (I)(2) shall be conducted in accordance with local hearing procedures. Local ordinance # _____ Failure to make written demand within the time specified herein shall bar further appeal. The Town Council or Board serving the town shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) *Official record.* When a final decision is issued under division (I)(2) above, the Town Council or Board serving the town shall prepare an official record of the case that includes:

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

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

(J) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance:

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

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

permit as required by division (C) above, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

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

(K) *Permit conditions.*

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

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

(b) A statement of non-transferability;

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

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

(e) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 50.002;

(f) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 50.002, if determined by the POTW Director to be necessary for the User;

(g) 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 50.002. Also see §§ 50.074 and 50.075; and

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

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

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

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

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

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

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

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

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

(h) 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);

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

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

(k) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 50.082 and affording the POTW Director or his or her representatives access thereto;

(l) 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;

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

(n) 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

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

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

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

(N) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with § 50.056 a minimum of 180 days prior to the expiration of the existing permit.

(Ord. 122, passed 9-4-2007)

REPORTING REQUIREMENTS

§ 50.070 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 such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined 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 § 50.079.

(c) Sampling must be performed in accordance with procedures set out in § 50.080 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 § 50.002, 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&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 50.071.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 50.056(D).
(Ord. 122, passed 9-4-2007)

§ 50.071 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 50.070(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to 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 such progress reports to the POTW Director.

(Ord. 122, passed 9-4-2007)

§ 50.072 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD, DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 50.070(B)(4) to (B)(6). 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 § 50.056(D).

(Ord. 122, passed 9-4-2007)

§ 50.073 PERIODIC COMPLIANCE REPORTS.

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

(B) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than 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 §§ 50.079 and 50.080. All periodic compliance reports must be signed and certified in accordance with § 50.056(D).

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 50.079, the results of this monitoring shall be included in the report.

(Ord. 122, passed 9-4-2007)

§ 50.074 REPORTS OF CHANGED CONDITIONS.

(A) Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. See § 50.075(D) for other reporting requirements.

(B) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 50.056.

(C) The POTW Director may issue a wastewater discharge permit under § 50.056 or modify an existing wastewater discharge permit under § 50.056 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.
(Ord. 122, passed 9-4-2007)

§ 50.075 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in § 50.002, 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 such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(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 nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in § 50.002.
(Ord. 122, passed 9-4-2007)

§ 50.076 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require.
(Ord. 122, passed 9-4-2007)

§ 50.077 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

(A) If sampling performed by a user indicates a violation, the user must notify the POTW Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within 30 days after becoming aware of the violation. 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 does not require the user to perform any self-monitoring 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 their initial sampling and when the POTW receives the results of this initial sampling; or

(3) The POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30-day deadline of the POTW becoming aware of the violation.
(Ord. 122, passed 9-4-2007)

§ 50.078 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

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

(B) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such 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 such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this division (B) need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under

§ 50.074. 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 §§ 50.070, 50.072, and 50.073.

(C) Dischargers are exempt from the requirements of division (B) 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 nonacute 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 such quantities of any hazardous waste do not require additional notification.

(D) In the case of any new regulation under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(E) 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.

(F) This provision 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. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.079 ANALYTICAL REQUIREMENTS.

(A) 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.

(B) 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. (Ord. 122, passed 9-4-2007)

§ 50.080 GRAB AND COMPOSITE SAMPLE COLLECTION.

(A) *Monitoring facilities.* 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*. 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. 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. § 136.

(C) *Composite samples*. All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. 122, passed 9-4-2007)

§ 50.081 TIMING.

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

(Ord. 122, passed 9-4-2007)

§ 50.082 RECORD KEEPING.

(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 such requirements.

(B) Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(C) 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. 122, passed 9-4-2007)

COMPLIANCE MONITORING

§ 50.095 MONITORING FACILITIES.

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

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

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

(Ord. 122, passed 9-4-2007)

§ 50.096 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 such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW Director'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. 122, passed 9-4-2007)

§ 50.097 SEARCH WARRANTS.

If the POTW Director, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be

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

(Ord. 122, passed 9-4-2007)

§ 50.098 CONFIDENTIAL INFORMATION.

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

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

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

(Ord. 122, passed 9-4-2007)

ENFORCEMENT

§ 50.110 ADMINISTRATIVE REMEDIES.

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

(B) *Consent orders.* The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (D) below.

(C) *Show cause hearing.*

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

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

(3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 50.999, nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 50.056(I).

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

(1) Immediately comply with all requirements;

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

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

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

(E) *Emergency suspensions.*

(1) The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which

presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(2) (a) 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.

(b) In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge.

(c) The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

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

(1) Failure to accurately report the wastewater constituents and characteristics of his 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.

(G) *Notification of noncompliance.* Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under this section why the proposed action should not be taken.

(Ord. 122, passed 9-4-2007)

§ 50.111 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)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. 122, passed 9-4-2007)

§ 50.112 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(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; and

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures and aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(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) above.

(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) above.

(Ord. 122, passed 9-4-2007) Penalty, see § 50.999

§ 50.999 PENALTY.*(A) Civil penalties.*

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

(b) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

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

2. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this 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 § 50.056(I).

(B) *Other available remedies.* 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 the following.

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

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

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

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

(C) *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the 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. 122, passed 9-4-2007)

CHAPTER 51: BACKFLOW AND CROSS-CONNECTION CONTROL

Section

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GENERAL PROVISIONS**§ 51.01 RESPONSIBILITY OF THE DIRECTOR.**

The Director of the Department of Public Works of the town or his or her designated agent shall inspect the plumbing in every building or premises in this city as frequently as in his or her judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The Director shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the Director, any plumbing installed or existing contrary to or in violation of this chapter, and which in his or her judgment may, therefore, permit the pollution of the city water supply or otherwise adversely affect the public health.

(Ord. 99, passed 11-5-2001)

§ 51.02 INSPECTION.

The Director or his or her designated agent shall have the right of entry into any building during reasonable hours for the purpose of making inspection of the plumbing systems installed in such building or premises, provided that with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

(Ord. 99, passed 11-5-2001)

§ 51.03 DEFINITIONS.

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

AGENCY. The department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this chapter.

AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

APPROVED. Accepted by the agency as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

AUXILIARY SUPPLY. Any water source or system other than the potable water supply that may be available in the building or premises.

BACKFLOW. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of **BACKFLOW**.

BACKFLOW PREVENTER. A device or means to prevent backflow.

BACKSIPHONAGE. Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

BAROMETRIC LOOP. A loop of pipe rising a least 35 feet, at its topmost point, above the highest fixture it supplies.

CHECK VALVE. A self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CONTAMINATION. See **POLLUTION**.

CROSS-CONNECTION. Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet that is submerged or can be submerged in wastewater and/or any other source of contamination. See **BACKFLOW** and **BACKSIPHONAGE**.

DRAIN. Any pipe that carries wastewater or waterborne wastes in a building drainage system.

FIXTURE, PLUMBING. Installed receptacles, devices, or appliances supplied with water or that receives or discharges liquids or liquid-borne wastes.

FLOOD-LEVEL RIM. The edge of the receptacle from which water overflows.

HAZARD, HEALTH. Any conditions, devices, or practices in the water supply system and its operation that create or, in the judgment of the Director, may create a danger to the health and well-being of the water consumer. An example of a **HEALTH HAZARD** is a structural defect in the water supply system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

HAZARD, PLUMBING. Any arrangement of plumbing, including piping and fixtures, whereby a cross-connection is created.

HYDROPNEUMATIC TANK. A pressure vessel in which air pressure acts on the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

INLET. The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

PLUMBING SYSTEM. Includes the water supply and distribution pipes, plumbing fixtures, and traps, soil, waste, and vent pipes, building drains, and building sewers, including their respective connections, devices, and appurtenances within the property lines of the premises, and water-treating or water-using equipment.

POLLUTION. The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent backflow.

SURGE TANK. The receiving, nonpressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

VACUUM. Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NONPRESSURE TYPE. A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE. A vacuum breaker designed to operate under conditions of static line pressure.

WATER, NONPOTABLE. Water that is not safe for human consumption of that is of questionable potability.

WATER, POTABLE. Water free from impurities in amounts sufficient to cause disease of harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the federal drinking water standards or to the regulations of the public health authority having jurisdiction. (Ord. 99, passed 11-5-2001)

TECHNICAL REQUIREMENTS

§ 51.15 GENERAL.

A potable water supply system shall be designed, installed, and maintained in such a manner as to prevent contamination from nonpotable liquids, solids, or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. (Ord. 99, passed 11-5-2001)

§ 51.16 CROSS-CONNECTION PROHIBITED.

Cross-connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested, and maintained to ensure proper operation on a continuing basis.

(Ord. 99, passed 11-5-2001) Penalty, see § 51.99

§ 51.17 INTERCONNECTIONS.

Interconnection between two or more public water supplies shall be permitted only with the approval of the health authority having jurisdiction.

(Ord. 99, passed 11-5-2001)

§ 51.18 INDIVIDUAL WATER SUPPLIES.

Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the health authority having jurisdiction.

(Ord. 99, passed 11-5-2001) Penalty, see § 51.99

§ 51.19 CONNECTIONS TO BOILERS.

Potable water connections to boilers shall be made through an air gap or provided with an approved backflow preventer.

(Ord. 99, passed 11-5-2001)

§ 51.20 PROHIBITED CONNECTIONS TO FIXTURES AND EQUIPMENT.

Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with §§ 51.35 to 51.43 or as set out herein:

(A) Bidets;

(B) Operating, dissection, embalming, and mortuary tables or similar equipment in such installations the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments;

(C) Pumps for nonpotable water, chemicals, or other substances priming connections may be made only through an air gap;

(D) Building drainage, sewer, or vent systems; and

(E) Any other fixture of similar hazard.

(Ord. 99, passed 11-5-2001) Penalty, see § 51.99

§ 51.21 REFRIGERATING UNIT CONDENSERS AND COOLING JACKETS.

Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

(Ord. 99, passed 11-5-2001)

PROTECTION AGAINST BACKFLOW AND BACKSIPHONAGE

§ 51.35 WATER OUTLETS.

A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet:

(A) *Air gap*. An air gap, as specified in § 51.36, between the potable water outlet and the flood-level rim of the fixture it supplies or between the outlet and any other source of contamination; or

(B) *Backflow preventer*. A device or means to prevent backflow.
(Ord. 99, passed 11-5-2001)

§ 51.36 MINIMUM REQUIRED AIR GAP.

(A) *How measured*. The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

(B) *Size*. The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a well or similar vertical surface, in which cases the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than shown in Table 3.1 below.

<i>Table 3.1 - Minimum Air Gaps for Generally Used Plumbing Fixtures</i>		
<i>Fixture</i>	<i>Minimum Air Gap</i>	
	<i>When Not Affected by Near Wall (in.)</i>	<i>When Affected by Near Wall (in.)</i>
Lavatories and other fixtures with effective openings not greater than 1/3-in. diameter	1.0	1.5
Sink, laundry trays, goose-neck bath faucets, and other fixtures with effective openings not greater than 3/4-in. diameter	1.5	2.25
Over-rim bath fillers and other fixtures with effective openings not greater than 1-in. diameter	2.0	3
Drinking water fountains - single orifice 7/16-in. diameter or multiple orifices having total area	1.0	1.5
<p>Effective openings greater than 1-in. Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for two intersecting walls. Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in the above note. The effect of three or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.</p>		

(Ord. 99, passed 11-5-2001)

§ 51.37 APPROVAL OF DEVICES.

(A) Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the agency director. Devices installed in a building’s potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

(B) The agency director or his or her designated agent shall routinely inspect such devices and, if found to be defective or inoperative, shall require the replacement thereof.

(Ord. 99, passed 11-5-2001)

§ 51.38 INSTALLATION OF DEVICES.

(A) *Vacuum breakers.* Vacuum breakers shall be installed with the critical level at least six inches above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels, such as pressure sterilizers, the top of the vessel shall be treated as the flood-level rim but a check valve shall be installed on the discharge side of the vacuum breaker.

(B) *Reduced pressure principle backflow preventer.* A reduced pressure principle type backflow preventer may be installed subject to full static pressure.

(C) *Devices of all types.* Backflow and backsiphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

(Ord. 99, passed 11-5-2001)

§ 51.39 TANKS AND VATS BELOW RIM SUPPLY.

(A) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table 3.2 below, the overflow pipe shall be provided with an air gap as close to the tank as possible.

<i>Maximum Capacity of Water Supply Line to Tank</i>	<i>Diameter of Overflow Pipe (in. ID)</i>	<i>Maximum Capacity of Water Supply Line</i>	<i>Diameter of Overflow Pipe (in. ID)</i>
0-50 gpm	2	400-700 gpm	5
50-150 gpm	2.5	700-1,000 gpm	6
100-200 gpm	3	Over 1,000 gpm	8
200-400 gpm	4		

(B) The potable water outlet to the tank or vat shall terminate a distance not less than one and one-half times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap overflow outlet closed.

(C) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

(Ord. 99, passed 11-5-2001)

§ 51.40 PROTECTIVE DEVICES REQUIRED.

(A) *Where devices are needed.* Approved devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

(B) *Connections not subject to back pressure.* Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in Table 3.3 below.

<i>Table 3.3 Cross-Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Vacuum Breakers*</i>	
<i>Fixture or Equipment</i>	<i>Method of Installation</i>
Aspirators and ejectors	C-L at least six inches above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers, C-L at least six inches above flood-level rim of bowl.
Dishwashing machines	C-L at least six inches above flood level of machine. Install on both hot and cold water supply lines.
Flush tanks	Equipment with approved ball cock. Where ball cocks touch tank water, equipment with vacuum breaker at least one inch above overflow outlets. Where ball cock does not touch tank water, install ball cock outlet at least one inch above overflow outlet or provide vacuum breaker as specified above.
Flushometers (closet and urinals)	C-L at least six inches above top if fixture supplies.
Garbage can cleaning machine	C-L at least six inches above flood level of machine. Install on both hot and cold water supply lines.
Hose bibbs	C-L at least six inches above flood level of receptacle served.
Hose outlets	C-L at least six inches above highest point on hose line.
Laundry machines	C-L at least six inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet.
Steam tables	C-L at least six inches above flood level.
Tanks and vats	C-L at least six inches above flood-level rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
*Critical level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.	

(C) *Connections subject to back pressure that require a reduced pressure principle backflow preventor.* Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap cannot be installed, the Director may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in Table 3.4 below.

Norwood - Public Works

<i>Table 3.4 - Partial List of Cross-Connections That May Be Subject to Back Pressure</i>
Chemical lines
Dock water outlets
Hose bibbs
Individual water supplies
Industrial process water lines
Pressure tanks
Pumps
Sprinkler systems
Steam lines
Swimming pools
Tank and vats-bottom inlets

(Ord. 99, passed 11-5-2001)

§ 51.41 DOUBLE CHECK VALVES.

The Director may authorize installation of approved double check valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems that present a moderate risk of a health hazard. A partial list of such connections is shown in Table 3.5 below.

<i>Table 3.5 - Partial List of Cross-Connections That May Be Subject to a Double Check Valve</i>
Beauty salons
Cafeterias
Commercial businesses, and the like
Restaurants
Service stations
Specialty shops

(Ord. 99, passed 11-5-2001)

§ 51.42 SINGLE CHECK VALVES.

In most cases concerning residential dwellings and duplex apartments, the minimum requirement of a single check valve backflow preventer would be recommended. Large apartment complexes, hotels, and the like that have a fire protection sprinkler system installed would require an isolated water system that would require a maximum hazard backflow device. See Table 3.4.

(Ord. 99, passed 11-5-2001)

§ 51.43 LOW-PRESSURE CUTOFF REQUIRED ON BOOSTER PUMPS.

When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of ten psi or less may occur on the suction side of the pump, there shall be installed a low pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

(Ord. 99, passed 11-5-2001)

§ 51.44 INDUSTRY OR MANUFACTURER CONNECTION TO WATER SYSTEM.

It shall be unlawful for any industry or manufacturer to connect to the town water system without installing a backflow preventer that is approved by the town. This is providing said industry has a sprinkling system or is a chemical user.

(Ord. 56, passed 6-1-1978) Penalty, see § 51.99

MAINTENANCE REQUIREMENTS**§ 51.55 GENERAL REQUIREMENTS.**

It shall be the responsibility of building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

(Ord. 99, passed 11-5-2001)

§ 51.56 BACKFLOW PREVENTERS.

Periodic testing and inspection schedules shall be established by the Director for all backflow preventers, and the interval between testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris

resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the Director. (Ord. 99, passed 11-5-2001)

§ 51.57 NOTICE OF VIOLATION.

The Director shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this chapter of such violation. The Director shall set a reasonable time for the owner to have the violation removed or corrected. On failure of the owner to have the defect corrected by the end of the specified time interval, the Director may, if in his or her judgment and imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided. (Ord. 99, passed 11-5-2001) Penalty, see § 51.99

§ 51.99 PENALTY.

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

(B) The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the Director shall, on conviction thereof by the court, be required to pay a fine of not more than \$500 for each violation. Each day of failure to comply with the requirements of this chapter, after the specified time provided under § 51.57, shall constitute a separate violation. (Ord. 99, passed 11-5-2001)

CHAPTER 52: INDIVIDUAL RESIDENTIAL GRINDER PUMP CONTROL

Section

- 52.01 Purpose
- 52.02 Responsibility of the town
- 52.03 Customer's responsibility
- 52.04 Definitions
- 52.05 Right of entry
- 52.06 Elimination of potential sanitary sewer overflows
- 52.07 Installation
- 52.08 Testing and repair
- 52.09 Notice of non-compliance
- 52.10 Notification of violation

- 52.99 Penalty

§ 52.01 PURPOSE.

(A) The purpose of this individual residential grinder pump control chapter is:

(1) To protect the environment and public health from the possibility of hazard associated with untreated sewage, sewer back up, and sanitary sewer overflows associate with individual grinder pumps, due to improper operation and maintenance, by requiring within the consumer's private wastewater system such inspection, operation, and maintenance necessary to ensure compliance with NC DENR regulations/permits and ensure proper operation and maintenance prior to discharge into the town's wastewater system;

(2) To define the authority of the town as the wastewater purveyor entitled to require such measures prior to discharge into its wastewater system; and

(3) To provide a continuing inspection, testing, and cleaning program of individual residential grinder pumps currently existing or that may be installed in the future. Simplex pump stations currently permitted and/or in operation shall adhere to the conditions set forth in their existing permits. This chapter applies to future connections tributary to the system.

(B) This chapter shall apply only to residences that are served by both water and wastewater by the town;

(C) This chapter will comply with all applicable state and federal law, including the Clean Water Act (33 USC §§ 1251, et seq.), NC DWR rules and regulations, and NC DWR Permit WQCS00153 and NPDES Permit NC0021628 as they pertain to operation and maintenance of individual residential grinder assemblies within the wastewater system; and

(D) Regardless of this chapter and in accordance with 15A NCAC 02T.0303(3), if a simplex pump (individual grinder pump) is connecting to a force main flow pressure main, or is part on an alternative sewer, then it would be required to be permitted by the Division.
(Ord. 150, passed 10-10-2013)

§ 52.02 RESPONSIBILITY OF THE TOWN.

(A) The town will be primarily responsible for preventing any contamination or pollution to the environment. This responsibility begins at the point of discharge/disposal of the treated effluent and includes all of the town's wastewater collection, treatment, and disposal system. This responsibility includes the service connection, and ends at the point of demarcation (clean out, edge of ROW, or isolation valve) to the consumer's wastewater system. The collection system operator in responsible charge (ORC) shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the environment, public health, and the town's wastewater system.

(B) When it has been determined that the owner has failed to operate or maintain the individual residential grinder pump assembly in accordance with this chapter, the town shall notify the owner, both in writing via certified mail with return receipt and by phone, when possible, of any such building or premises, to correct within a time set by this chapter, any deficiencies that are in violation of this chapter.

(C) When it has been determined that an individual residential grinder pump assembly is required to serve a residential dwelling, the collection system ORC shall review the application for service and the residential dwelling. After surveying the residential dwelling/application for service and the approved engineering plans, the collection system ORC will select an approved individual residential grinder pump assembly required to be installed at the dwelling. The individual residential grinder pump assembly will be in accordance with the plans and specifications approved by the State Building Code, NC DENR, and the town. Records of the ORC's selection of an approved individual residential grinder pump assembly should be maintained by the town and made available upon request by NC DENR personnel.

(D) Prior to the installation of any individual residential grinder pump assembly, the owner shall apply for service, understand the proper operation/maintenance associated with an individual grinder pump assembly, and assume all liability and responsibilities for operation and maintenance. The residential owner will be required to sign a letter of understanding of the proper operation/maintenance of the individual grinder pump assembly. The town will file the original in the Town Hall. A copy will be provided to the residential owner upon request. A copy of § 52.08 will be given to the residential owner when an application is processed.

(E) The residential owner will be responsible for informing renters of all policies associated with individual grinder pump assembly, including proper maintenance and operation.

(F) Certification records should be updated accordingly as ownership changes (service changes). New owners will be required to sign the certification and will receive the proper documents.
(Ord. 150, passed 10-10-2013)

§ 52.03 CUSTOMER'S RESPONSIBILITY.

(A) The customer has the responsibility of preventing sanitary sewer overflows and the introduction of contaminants or pollutants from the consumer's private wastewater system into the town's wastewater system owned and operated by the town. The customer, at his or her own expense, shall install, operate, and maintain all individual grinder pump assemblies in accordance within this policy.

(B) If a tenant customer does not maintain the consumer's private wastewater system and has no authority to bring the system into compliance with the provisions of this policy, the town may disconnect water service to the property until repairs are made and may assert any available action against the tenant/residential owner to assure the consumer's private wastewater system is brought into compliance with this chapter.

(Ord. 150, passed 10-10-2013)

§ 52.04 DEFINITIONS.

(A) *Interpretation of code.*

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

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

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

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

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

ALTERNATIVE SEWER SYSTEM. Any sewer system (collection system) other than a gravity system or standard pump station and force main. These include pressure sewer systems, septic tank/effluent pump (STEP) sewer systems, vacuum sewer system, and small diameter variable grade gravity sewers.

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

AUTHORIZED CONTRACTOR. Those persons, as defined below, authorized by the town to install or perform maintenance on an individual residential grinder pump assembly. A listing of authorized contractors can be obtained from the town.

AUTHORIZED TECHNICIAN or AUTHORIZED INDIVIDUAL RESIDENTIAL GRINDER PUMP TECHNICIAN. Those persons, as defined below, authorized by the town to inspect or perform testing on an individual residential grinder pump assembly. A listing of authorized contractors can be obtained from the town.

COLLECTION SYSTEM. A public or private sewer system, consisting of sewer lines, force mains, pump stations, or any combination thereof, that conveys wastewater to a designated wastewater treatment facility or separately-owned sewer system. For purposes of permitting, the **COLLECTION SYSTEM** is considered to be any existing or newly installed system extension up to the wastewater treatment facility property or point of connection with a separately-owned sewer system.

COLLECTION SYSTEM ORC. The person designated by the town to supervise the operation of the publicly-owned wastewater collection system and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

COLLECTION SYSTEM PERMIT. A permit issued by the state pursuant to G.S. § 143-215.1 for the operation and maintenance of a wastewater collection system.

DWELLING. Any structure occupied or intended for supporting or sheltering any occupancy.

DWELLING SEWER. The part of the drainage system within the building that conveys the discharge from a single building to an individual sewage disposal system.

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

INDIVIDUAL RESIDENTIAL GRINDER PUMP ASSEMBLY. The portion of a low pressure sewer system that conveys sewage from the dwelling or dwelling sewer to the town's wastewater collection system via pump, tank, controls, and alarms located at or near the foundation of the dwelling.

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

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.

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, BOD, COD, toxicity, or odor).

PRESSURE SEWER SYSTEM. An interdependent system of grinder pump stations, typically for residences, serving individual wastewater connections for single buildings that share a common and typically a small diameter pressure pipe (one and one-half inches through six inches). Duplex or greater pump stations connected to a common pressure pipe that can operate both independently and simultaneously with other pump stations while maintaining operation of the system within the operating constraints are not considered a **PRESSURE SEWER SYSTEM**.

PRIVATE SEWER. Any part of a sewer system which collects wastewater from one building and crosses another property or travels along a street right-of-way or from more than one building and is not considered a public sewer.

SANITARY SEWER OVERFLOW. The discharge of untreated or partially treated sewage onto the ground surface or into surface waters.

SEWAGE. The liquid and solid human waste, and liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly. **SEWAGE** does not include wastewater that is totally or partially industrial wastewater, or any other wastewater not considered to be domestic waste.

SEWER COLLECTION LINE. Either a gravity sewer main designed to collect wastewater from residential, commercial, and industrial buildings through a sewer service lateral or a sewer force main designed as an integral part of a low pressure sewer collection system, as defined by NC DENR, that collects wastewater from an individual residential grinder pump station serving a single lot of record.

SEWER SYSTEM. Pipelines or conduits, pumping stations, including lift stations and grinder stations, alternative systems, and appliances appurtenant thereto, used for conducting wastewater to a point of ultimate treatment and disposal. A **SEWER SYSTEM** may also be referred to as a collection system.

TOWN OF NORWOOD or **TOWN.** The Town of Norwood, North Carolina.

TOWN-OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM. A treatment works as defined by § 212 of the Act, (33 USC § 1292) which is owned in this instance by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment

plant. For the purposes of this chapter, *POTW* shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, or in any other way, users of the *POTW* of the town.

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

WASTEWATER PERMIT. Those permits for construction and/or operation and maintenance of a wastewater treatment, wastewater collection, or components of such, as issued by the state's Division of Water Resources.

(Ord. 150, passed 10-10-2013)

§ 52.05 RIGHT OF ENTRY.

(A) Upon presentation of proper credentials and identification, any authorized representative from the town shall have the right to enter any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed upon him or her by this chapter. Those duties may include sampling and testing of wastewater, or inspection and observation of all pumping and piping systems connected to the town's wastewater system. Refusal to allow these representatives to enter for these purposes will result in the town obtaining an administrative order for entry and potential disconnection of wastewater service.

(B) On request, the consumer shall furnish to the town any pertinent information regarding the individual residential grinder pump assembly on such property where the assembly has been permitted.
(Ord. 150, passed 10-10-2013)

§ 52.06 ELIMINATION OF POTENTIAL SANITARY SEWER OVERFLOWS.

(A) No individual residential grinder pump assembly shall be installed and connected to the town's wastewater system unless protected by this chapter and other applicable laws. Service of water and wastewater to any premises shall be discontinued by the town if an individual residential grinder pump assembly is not installed, tested, and maintained in accordance with this chapter. Service will be restored after all such conditions or defects are corrected. Service will be terminated within 24 hours of a critical component failure.

(B) No customer shall allow anyone other than a town authorized contractor to install or perform maintenance on an individual residential grinder pump assembly. Any contractor installing or maintaining individual grinder pump assembly within the town sewer system must be trained and certified by the pump manufacturer prior to the installation of the individual grinder pump assembly. Certifications must be provided to the town to be placed on an approved contractors list. Contractors will

be required to supply 24-hour contact information and a certified letter that states that the contract carries sufficient replacement inventory to provide repairs in a timely manner.

(C) No customer shall fail to maintain in good operating condition any individual residential grinder pump assembly, which is part of the customer's wastewater system.

(D) No customer shall fail to submit to the town any record, which is required by this chapter. (Ord. 150, passed 10-10-2013) Penalty, see § 52.99

§ 52.07 INSTALLATION.

(A) The purpose of this section is to require that individual residential grinder pump assemblies be properly located, installed, operated, maintained, tested, and cleaned so that the unit is installed and operates in accordance with NC DENR approved engineering design and permit.

(B) The installation, maintenance, or replacement of an individual residential grinder pump assembly for sewer use shall only be performed by a licensed plumber or utility contractor that has been approved by the town and meets the certification requirements. All individual residential grinder pump assemblies shall be tested by a town authorized technician. Repairs to an individual residential grinder pump assembly shall be performed by a town authorized contractor.

(C) All new construction plans and specifications which will directly affect the town wastewater system, and/or required by the State Building Code, the state's Department of Environment and Natural Resources (NCDENR), and town's planning and zoning offices, shall be made available to the town collection system ORC for review, approval, and to determine the appropriate make/model of pump.

(D) All existing facilities requesting certificate of occupancy from the town's planning and zoning offices shall be inspected for compliance with this chapter.

(E) All individual residential grinder pump assemblies must be installed and maintained on the customer's premises as part of the customer's private wastewater system at or near the dwelling as approved by the wastewater collection system ORC.

(F) If it has been determined that an individual residential grinder pump assembly cannot be installed outside the dwelling, the wastewater collection system ORC may allow the assembly to be installed just inside the building through a written request from the customer.

(G) All individual residential grinder pump assemblies shall be installed in accordance with the NC DENR approved specifications furnished by the town and/or the manufacturer's instructions, whichever is most restrictive.

(H) All individual residential grinder pump assemblies shall be equipped with a below ground isolation valve located within the right-of-way at or near the point of connection to the town's wastewater

system shall be in accordance with NC DENR approved specifications furnished by the town and/or the manufacturer's instructions, whichever is most restrictive.

(I) All individual residential grinder pump assemblies shall be equipped with a dedicated circuit inside the customer's electrical breaker box. Installation shall be in accordance with NC DENR approved specifications furnished by the town and/or the manufacturer's instructions, whichever is most restrictive.

(J) All individual residential grinder pump assemblies shall be equipped with an audible visual alarm. Alarm shall be located at least 30 inches above final grade in a conspicuous location. Installation shall be in accordance with NC DENR approved specifications furnished by the town and/or the manufacturer's instructions, whichever is most restrictive.

(K) Any customer installing an individual residential grinder pump shall provide the following information on forms provided by the town to the collection system ORC within ten days of installation: service address, owner, date of installation, type of assembly, manufacturer, model, and serial number. All records will be filed at the Town Hall.

(L) No service shall be completed until the wastewater collection system ORC has been provided information or has surveyed the consumer's wastewater system to determine individual residential grinder pump assembly to be installed.

(M) The wastewater collection system ORC must approve each individual residential grinder pump assembly allowed by this chapter. Specifications for individual residential grinder pump assemblies are furnished by the town. Any unapproved individual residential grinder pump assemblies must be replaced within a time set by the town, with an approved individual residential grinder pump assembly. Installation shall be in accordance with NC DENR approved specifications furnished by the town and/or the manufacturer's instructions, whichever is most restrictive.

(N) (1) If it has been determined that a customer must repair or replace an individual residential grinder pump assembly, the wastewater collection system ORC will provide the customer with a letter of notification. The following time periods shall be set forth for the repair and replacement of the specified assemblies:

(a) Critical component: seven days; and

(b) Non-critical component: 21 days.

(2) All records will be filed at the Town Hall.

(O) If an imminent hazard or unreasonable threat of contamination to the town's wastewater system or pollution is detected, the wastewater collection system ORC may require the repair or replacement of the required components immediately or within a shorter time period than specified in division (N) above. All records will be filed at the Town Hall.

(Ord. 150, passed 10-10-2013)

§ 52.08 TESTING AND REPAIR.

(A) Inspection and testing of individual residential grinder pump assemblies shall be made by an authorized individual residential grinder pump technician approved by the town. Such tests are to be conducted annually or at a frequency established by the wastewater collection system ORC. An authorized individual residential grinder pump technician shall perform any testing and the test results shall be submitted to the wastewater collection system ORC on an approved form within 30 business days after the completion of any testing. If a repair is found necessary on an assembly, it must be re-tested. A complete duplicate copy of any repair shall be sent to the wastewater collection system ORC within 30 days of completion of the repair. Each customer must maintain a complete copy of any tests or repairs.

(B) Each individual residential grinder pump assembly must function properly at time of installment. The customer will be required to test each assembly within ten days following installation at his or her expense. An authorized individual residential grinder pump technician shall conduct the test and the results shall be submitted to the wastewater collection system ORC on an approved form.

(C) Any time that repairs to individual residential grinder pump assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the consumer or by the wastewater collection system ORC, these repairs must be completed within a specified time in accordance with the criticality of the repair. In no case shall this time period exceed:

- (1) Critical component: seven days; and
- (2) Non-critical component: 21 days.

(D) All non-critical component assemblies are required to be tested and cleaned annually or at a frequency established by the collection system ORC.

(E) All authorized individual residential grinder pump technicians and contractors must obtain proper training from the appropriate grinder pump manufacturer or manufacturer's representative and conduct refresher training no less frequently than once every two years. A certificate of training shall be on file with the town. All test equipment shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified as to such accuracy/calibration, employing a method acceptable to the individual residential grinder pump manufacturer.

(F) It shall be unlawful for any consumer or authorized individual residential grinder pump assembly tester to submit any record to the wastewater collection system ORC which is false or incomplete in any material respect. It shall be unlawful for any consumer or authorized technician to fail to submit to the wastewater collection system ORC any record which is required by this chapter. Such violations may result in any of the enforcement actions outlined in § 52.99.

(G) All rubber components must be replaced every eight years or as often as needed.

(H) If a customer does not wish for wastewater service to be interrupted when an individual residential grinder pump assembly is tested, cleaned, repaired, or replaced, a parallel installation must be made, at the customer's expense, using an approved assembly. The parallel line shall be of the same size.

(I) No service line from the dwelling to the individual residential grinder pump assembly shall be constructed until a final start-up inspection has been conducted by the collection system ORC or his or her representative. After the final start-up inspection has been approved, the line from the dwelling to the assembly may be installed.

(J) Any customer making any modification to the customer's private system configuration or use of, which may change the performance or operation of the unit, shall notify the wastewater collection system ORC before any modification is made. If the wastewater collection system ORC determines that such modification requires a different individual residential grinder pump assembly, the assembly must be installed before the modification is made.

(K) Maintenance and repair of the simplex pump station will be in accordance with the manufacturer's owner's guide given to the customer at the time of installation.
(Ord. 150, passed 10-10-2013) Penalty, see § 52.99

§ 52.09 NOTICE OF NON-COMPLIANCE.

(A) In the event the customer's individual residential grinder pump assembly becomes nonfunctional or the audio-visual alarm is alarming, the customer shall notify the town immediately. The town will disconnect water service to prevent further environmental hazards. The town will not be responsible for clean up or pump repair. A 24-hour emergency contact number will be placed on each control panel.

(B) In the event a customer has reason to believe that a sanitary sewer overflow incident has occurred, the customer must notify the town immediately in order that appropriate measures may be taken to isolate and clean up the pollution. The town will provide emergency assistance to the homeowner in isolating any spills. The town will bill the residential owner for time and materials needed to provide service.

(Ord. 150, passed 10-10-2013)

§ 52.10 NOTIFICATION OF VIOLATION.

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

(B) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 21 days after receiving notice unless otherwise specified. If the violation has been determined by the wastewater collection system ORC to be an imminent hazard, the customer shall be required to correct the violation immediately.

(C) In the event a customer is found in violation of this chapter and fails to correct the violation in a timely manner, or to pay any civil penalty or expense assessed under this section, water and wastewater service will be terminated.

(Ord. 150, passed 10-10-2013)

§ 52.99 PENALTY.

(A) The violation of any section of this chapter may be punished by a civil penalty listed as follows:

(1) Failure to perform any required maintenance of a critical component or correct an imminent hazard: \$1,000 per day, not to exceed \$10,000;

(2) Failure to perform any required maintenance of a non-critical component: \$500 per day, not to exceed \$10,000;

(3) Submitting false records or failure to submit records which are required by this chapter: \$1,000 per incident; and

(4) Failure to test or clean the individual residential grinder pump assembly as required: \$100 per day.

(B) (1) The Town Administrator may reduce or dismiss any civil penalty imposed under this section if the Town Administrator has determined that the person charged with the violation has no past history of violation and has corrected the violation assessed by the wastewater collection system ORC in a timely manner.

(2) No civil penalty shall be reduced if it has been determined the violation was intentional.

(3) Any person violating any part of this chapter must reimburse the town for any expenses in repairing damage to the town's wastewater system caused by any violation and any expenses incurred for investigating a violation.

(Ord. 150, passed 10-10-2013)

CHAPTER 53: WATER SHORTAGE RESPONSE

Section

General Provisions

- 53.01 Purpose
- 53.02 Definitions
- 53.03 Declaration of voluntary conservation
- 53.04 Declaration of mandatory conservation
- 53.05 Declaration of a water shortage emergency
- 53.06 Declaration of rationing
- 53.07 Objectives of rationing
- 53.08 Water use rationing for residential users
- 53.09 Enforcement of water rationing

Conservation Measures

- 53.20 Indoor residential use
- 53.21 Outdoor residential use
- 53.22 Hospital and health care facility use
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- 53.99 Penalty

Cross-reference:

Sewer use, see Ch. 50

State of emergency, see Ch. 32

GENERAL PROVISIONS

§ 53.01 PURPOSE.

The purpose of this chapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the town in the event a shortage is declared.

(Ord. 106, passed 8-4-2003)

§ 53.02 DEFINITIONS.

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

ALLOTMENT. The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this chapter.

ANY WATER. Any type of water, including fresh water, brackish water, wastewater, or reclaimed water.

BRACKISH WATER. Water containing more than 1,000 parts per million of dissolved salts.

CUSTOMER. Any person using water for any purpose from the town's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

EMERGENCY. When water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

EXCESS USE. The usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this chapter for that customer, over any applicable period.

FRESH WATER. Water withdrawn from surface or ground water which has not been previously used, other than brackish water.

MANDATORY CONSERVATION. The raw water supplies (i.e., stream flow, reservoir levels, or ground water levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

NONRESIDENTIAL CUSTOMER. Commercial, industrial, institutional, public, and all other such users, with the exception of hospitals and health care facilities.

RATIONING. Procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limit available supplies, and to assure that sufficient water is available to preserve public health and safety.

RECLAIMED WATER. Wastewater which has been treated to allow reuse.

RESIDENTIAL CUSTOMER. Any customers who receive water service for a single- or multi-family dwelling unit. The term **RESIDENTIAL CUSTOMER** does not include educational or other institutions, hotels, motels, or similar commercial establishments.

SERVICE INTERRUPTION. The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

VOLUNTARY CONSERVATION. Conditions exist which indicate the potential for serious water supply shortages.

WASTE OF WATER. Includes, but is not limited to, permitting water to escape down a gutter, ditch, or other surface drain, or failure to repair a controllable leak of water due to defective plumbing.

WASTEWATER. Water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the surface or ground water source.

WATER. Water available to the town treatment by virtue of its water rights or withdrawal permit, or any treated water introduced by the town into its water distribution system, including water offered for sale.

WATER USE CLASSES. Are established as follows.

(1) **CLASS 1: ESSENTIAL WATER USES.**

(a) *Domestic use.* Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

(b) *Health care facilities.* Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

MISSING MATERIALS

2. Commercial laundromats;

3. Restaurants, clubs, and eating places;

4. Air conditioning:

a. Refilling for start up at the beginning of the cooling season;

b. Make-up of water during the cooling season; and

c. Refilling specifically approved by health officials and the Town Council, where the system has been drained for health protection or repair purposes.

5. Schools, churches, motels/hotels, and similar commercial establishments

(2) **CLASS 3: NON-ESSENTIAL USES OF WATER.**

(a) *Ornamental purposes.* Fountains, reflecting pools, and artificial waterfalls.

(b) *Outdoor non-commercial watering (public or private).*

1. Gardens, lawns, parks, golf courses (except greens), playing fields, and other recreational areas;
 2. Filling and operation of recreational swimming pools which serve fewer than 25 dwellings;
 3. Non-commercial washing of motor vehicles;
 4. Serving water in restaurants, clubs, or eating places except by specific request;
- and
1. Air conditioning: refilling cooling towers after draining except as specified in Class

(c) *Public use.*

1. Fire hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills, except as listed in Class 1.
 2. Flushing of sewers and hydrants except as listed in Class 1.
- (Ord. 106, passed 8-4-2003)

§ 53.03 DECLARATION OF VOLUNTARY CONSERVATION.

Whenever the Town Council finds that a potential shortage of water supply is indicated, it shall be empowered to declare by adoption of an ordinance that voluntary conservation conditions exist, and that the Water Manager or Superintendent shall, on a daily basis, monitor the supply and demand upon that supply. In addition, the Mayor or his or her agent is authorized to call upon all water customers to employ voluntary water conservation measures (see §§ 53.20 to 53.23) to limit water use, especially Class 3 users, and eliminate the waste of water. This resolution shall be published in a newspaper of general circulation in the area which qualifies under G.S. § 1-597, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(Ord. 106, passed 8-4-2003)

§ 53.04 DECLARATION OF MANDATORY CONSERVATION.

Whenever the Town Council finds raw water supplies (i.e., stream flow, reservoir levels, or ground water levels) to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by adoption of an ordinance that mandatory conservation conditions exist. The town shall continue to encourage voluntary water conservation measures defined under the voluntary conservation declaration, and further shall impose

a ban on all Class 3 water uses for the duration of the shortage until it is declared ended by ordinance of the Town Council. Publication of these ordinances shall follow the provisions declaration in § 53.03. (Ord. 106, passed 8-4-2003)

§ 53.05 DECLARATION OF A WATER SHORTAGE EMERGENCY.

Whenever the Town Council finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by adoption of an ordinance that a water shortage emergency exists. Class 1, Essential Uses, shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2, Socially or Economically Important Uses, shall be banned in addition to the Class 3, Non-Essential Uses. These restrictions shall continue until the emergency is declared ended by ordinance of the Town Council. Publication of these ordinances shall follow the provisions in § 53.03.

(Ord. 106, passed 8-4-2003)

§ 53.06 DECLARATION OF RATIONING.

Whenever the Town Council has declared a water shortage emergency and finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand on limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to provide for mandatory rationing by adoption of an ordinance.

(Ord. 106, passed 8-4-2003)

§ 53.07 OBJECTIVES OF RATIONING.

An ordinance that provides for mandatory rationing shall state findings that:

(A) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service;

(B) The immediate further reduction in water usage is another step along a continuum of responses to the present water supply shortage. Should shortage continue, further reductions in usage may be required. It must be emphasized that the additional usage reduction in the rationed area is a valid and attainable goal reflective of the conditions which currently exist; and

(C) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this chapter depends on the cooperation of all water customers in the emergency area.

(Ord. 106, passed 8-4-2003)

§ 53.08 WATER USE RATIONING FOR RESIDENTIAL USERS.*(A) Metered residential water customers and allotments.*

(1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(2) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.

(3) Residential water customers are required to provide the town and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(4) (a) If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health-related requirements, a revised allotment for the particular customer may be established.

(b) Any person aggrieved by a decision relating to such an exemption or variance may file a complaint with the Town Administrator or Town Clerk in accordance with the town's normal administrative procedures.

(B) Non-metered residential water customers and allotments.

(1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on 40 gallons per day per capita served or 50% of the water use by the entire system during July 2002, as notified individually by the town.

(2) The town and the utility will establish a communication system with the customers through public media to inform them of the requirements of the water rationing provisions of this chapter, possible conservation measures that customer may employ, the system allotment, and a regularly scheduled report of whether the usage was within the allotment.

(C) Metered and non-metered residential customers of the same water supply system. Where a water supply system serves both metered and non-metered residential customers, the allotments and procedures provided under both subsections (A) and (B) shall be applied, as appropriate.

(D) Suggested conservation measures. See §§ 53.20 to 53.23.

MISSING MATERIALS

(B) Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(C) The town will provide each hospital and health care facility with suggested means to reduce usage levels. See §§ 53.20 to 53.23.
(Ord. 106, passed 8-4-2003)

§ 53.09 ENFORCEMENT OF WATER RATIONING.

(A) The town or its water utility will have primary responsibility for monitoring of compliance with the water rationing chapter.

(B) The following provisions shall govern the implementation of temporary service interruptions.

(1) In order to effectuate compliance with this chapter, the town is hereby authorized and required to plan and implement temporary service interruption to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(a) The mandated reduction in system-wide usage has not been achieved;

(b) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies; and/or

(c) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(2) In the event it is determined that temporary service interruptions are necessary, the town shall notify its customers through the public media (newspapers, radio, and television), at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed.

(3) Such notice shall:

(a) State the day or days when the planned, temporary service interruption will occur;

(b) State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruptions will cease;

(c) State whether the planned, temporary service interruptions are to be imposed on the entire system, or part thereof, and, if only part(s) of the system will experience planned temporary service interruptions, identify geographic boundaries within which such interruptions will occur; and

(d) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(4) If a planned, temporary service interruption is imposed as authorized and required by this chapter, the town must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(5) If a planned, temporary service interruption is implemented, the town must make provisions, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(C) Any residential or nonresidential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the penalties described in § 53.99.

(D) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this chapter.

(E) Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for non-compliance with the requirements of this chapter may proceed in accordance with the following provisions:

(1) The town shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the

MISSING MATERIALS

(Ord. 106, passed 8-4-2003) Penalty, see § 53.99

CONSERVATION MEASURES

§ 53.20 INDOOR RESIDENTIAL USE.

(A) Conservation for voluntary and mandatory conservation phases include the following:

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

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

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

(4) 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;

(5) Do not use the toilet as a trash can;

(6) Use sink and tub stoppers to avoid wasting water;

(7) Keep a bottle of chilled water in the refrigerator for drinking;

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

(9) Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install;

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

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

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

(13) Don't use a garbage disposal; and

(14) Use non-phosphate detergent and save laundry water for lawns and plants.

(B) Conservation for emergency conservation or rationing phase (in addition to measures listed above) include the following:

(1) Turn off shower while soaping up; and

(2) Use disposable eating utensils.

(Ord. passed - -)

§ 53.21 OUTDOOR RESIDENTIAL USE.

(A) Conservation for normal conditions and voluntary conservation phase include the following:

(1) Lawns:

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

(b) Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water;

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

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

(e) 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;

(f) Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs;

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

(h) Position sprinkles to water the lawn, not the pavement;

(i) Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation;

(j) Keep sprinkler heads clean to prevent uneven watering;

(k) Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation;

(l) Know how to turn off an automatic sprinkler system in case of rain; and

(m) Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

(2) Vegetables and flower gardens:

(a) Water deeply, slowly, and weekly. Most vegetables require moisture to a depth of six to eight inches;

(b) Keep soil loose so water can penetrate easily;

(c) Keep weeds out to reduce competition for water; and

(d) Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

(3) Trees and shrubs:

(a) Water deeply using a soil-soaker or drip-irrigation;

(b) Water only when needed. Check the depth of soil dryness by digging with a trowel;

(c) Mulch to reduce evaporation. A two-inch to three-inch layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer;

(d) Dig troughs around plants to catch and retain water;

(e) Water trees growing in full sun more often than those in shade;

(f) Do not use sprinklers. Apply water directly at base;

(g) Do not fertilize during the summer. Fertilizing increases a plant's need for water;

(h) Postpone planting until fall or spring when there is generally less need for water;

(i) Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water into the air. Use soil probes for large trees; and

(j) Water when cloudy, at night, or even when a light rain is falling.

(B) Conservation for voluntary conservation phase (in addition to measures listed above) include the following:

(1) Do not allow children to play with hose or sprinklers;

(2) Limit car washing;

(3) Be ready to catch rainfall that occurs. Place containers under drain spouts;

(4) Use leftover household water if available;

(5) Consider delaying the seeding or sodding of new lawns; and

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

(C) Conservation for mandatory conservation phases (in addition to measures listed above) include the following:

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

(2) Do not water lawns and inedible plants;

(3) Do not use sprinklers; and

(4) Most outdoor watering is prohibited under emergency conservation conditions.
(Ord. passed - -)

§ 53.22 HOSPITAL AND HEALTH CARE FACILITY USE.

Conservation for hospital and health care facilities include the following:

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

(B) Use disposable food service items; and

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

(Ord. passed - -)

§ 53.23 INDUSTRIAL USE.

Conservation for industrial uses include the following:

(A) 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;

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

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

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

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

(F) 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, and close down automatic flushes overnight;

(G) Install automatic flushing valves to use as little water as possible or to cycle at longer intervals. Place water-saving posters and literature where employees, students, patients, customers, and the like will have access to them; and

(H) Check meters on a frequent basis to determine consumptive patterns. Review usage patterns to see where other savings can be made.

(Ord. passed - -)

§ 53.99 PENALTY.

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

(B) In addition to or in lieu of criminal prosecution, violation of §§ 53.01 to 53.09 may subject the offender to civil penalties in the amounts provided, or otherwise an amount of \$25 per day, collectible in a civil action in the nature of debt.

(C) (1) (a) “Excess-use civil penalties” will be collected based on the amount by which a customer’s use exceeds the water allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule:

<i>Excess Usage per Month</i>	<i>Civil Penalty for Excess</i>
First 2,000 gallons or portion thereof	\$7 per 1,000 gallons or portion thereof
Each 1,000 gallons or portion thereof thereafter	\$16

(b) Any monies collected through excess-use civil penalties shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(2) In addition to the excess-use civil penalty, non-compliance with the water rationing provisions of this chapter will result in the following:

(a) For the first excess use, a warning possible discontinuation shall be issued to the customer; and

(b) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer. Before service to an individual may be terminated under this provision, actual notice of the intent to discontinue shall be given, which shall include notice that the customer may appear at designated time and place (within 24 hours) for an informal hearing to show why service should not be discontinued.

(Ord. 106, passed 8-4-2003)

CHAPTER 54: SOLID WASTE

Section

- 54.01 Residential garbage
- 54.02 Other residential waste
- 54.03 Commercial and institutional waste
- 54.04 Small commercial service
- 54.05 Yard waste
- 54.06 Leaf collection
- 54.07 Appliances
- 54.08 Non-collectable items
- 54.09 Illegal dumping
- 54.10 Violations
- 54.11 Holidays and inclement weather
- 54.12 Landfill

§ 54.01 RESIDENTIAL GARBAGE.

(A) Carts shall not be placed at the street for pick up prior to 7:00 p.m. on the day prior to collection, and shall be removed from the street by 7:00 p.m. the day of collection.

(B) All garbage shall be placed inside plastic bags. This helps reduce litter and keeps the roll out cart odor free.

(C) All bags shall be placed inside the cart, even if the lid does not close.

(D) Household garbage shall not be placed loose at the street.

(E) Carts shall be placed with the front facing the street and the handle towards the house.

(F) Dirt, rocks, building materials, or liquids shall not be placed in carts. Carts shall not be removed from the residence for any reason.

(G) Carts damaged as a result of normal wear and tear will be replaced at no expense to the owner. Carts damaged due to misuse or abuse must be replaced at the owner's expense.

(H) The Town of Norwood maybe contacted at 704-474-3416 regarding the repair or replacement of trash carts.
(Ord. 167, passed 8-5-2019)

§ 54.02 OTHER RESIDENTIAL WASTE.

(A) Household trash (such as furniture, boxes, clothing, toys, etc.) shall be collected once per week according to the zone in which the cart is located.

(B) Items of other residential waste shall be placed at the street by 6:00 a.m. on the day of collection.

(C) Residents shall be allowed up to four cubic yards of household trash per week. Any household trash in excess of four cubic yards shall not be placed at the street and should be held until the following week.

(D) Residents having more than four cubic yards of household trash needing immediate disposal can contact Waste Management to contract for removal of this waste at the resident's expense.

(E) Owners of rental property shall be responsible for the removal and disposal of household trash in excess of four cubic yards placed at the street by tenants or former tenants. Violations of this provision are subject to an immediate fine.

(F) All small and loose items shall be bagged or boxed for collection.
(Ord. 167, passed 8-5-2019)

§ 54.03 COMMERCIAL AND INSTITUTIONAL WASTE.

(A) Collection of commercial, industrial, and institutionally generated waste is not part of the town's residential collection services.

(B) Collection of this waste must be arranged for separately and can be removed by the commercial hauler of the customer's choice and at the customer's expense.
(Ord. 167, passed 8-5-2019)

§ 54.04 SMALL COMMERCIAL SERVICE.

The town provides small commercial service to businesses with only one roll out cart permitted. Any additional carts must be contracted separately between the business and Waste Management.
(Ord. 167, passed 8-5-2019)

§ 54.05 YARD WASTE.

(A) Yard waste shall be collected once per week according to the zone in which the yard is located.

(B) Residents are allowed up to four cubic yards per week. Any yard waste in excess of four cubic yards should not be placed at the street and should be held until the following week.

(C) Residents having more than four cubic yards of yard waste needing immediate disposal can contact Waste Management to contract for removal of this waste at the resident's expense.

(D) Owners of rental property are responsible for the removal and disposal of yard waste in excess of four cubic yards placed at the street by tenants or former tenants. Violations of this section are subject to an immediate fine.

(E) Residents should set out yard waste no more than one to two days prior to collection.

(F) Limbs should be consolidated into one pile for collection.

(G) Small piles of limbs and yard waste can be placed inside the roll out garbage container.

(H) Tree limbs should be cut in sections no longer than six feet.

(I) Tree limbs or branches should not exceed six inches in diameter.

(J) Driftwood is not collected by the town.

(K) Small yard waste items should be placed in bags weighing no more than 50 pounds. This includes grass, shrubbery, clippings, pine straw, pine cones, and small limbs and twigs.

(L) Loose grass clippings should never be placed at the curb.

(M) Bags should be of ample size and strength to hold their contents when lifted.

(N) Yard waste should not be mixed with any other type of waste.

(O) Hired tree service or landscaping contractors must remove the waste they produce. Please ensure they have provided for disposal in their contract. The town cannot collect any single item of yard waste weighing over 50 pounds.

(Ord. 167, passed 8-5-2019)

§ 54.06 LEAF COLLECTION.

(A) Loose leaves will be collected from October 1 through March 31 according to zone.

(B) Bagged leaves will be collected year-round if placed in bags weighing no more than 50 pounds.

(C) Leaves should be raked to the street by 6:00 a.m. on the scheduled day of collection.

(D) Other types of yard waste, any other trash, bricks or rocks should not be mixed with or placed under or on top of leaves.

(Ord. 167, passed 8-5-2019)

§ 54.07 APPLIANCES.

Appliances will be picked up on the same day as household trash according to zone.

(Ord. 167, passed 8-5-2019)

§ 54.08 NON-COLLECTABLE ITEMS.

The following items shall not be placed for collection. Any of the following items placed at the street for collection will be tagged by the town and will be required to be removed and disposed of at the owner's expense.

(A) Construction materials and debris;

(B) Tires, electronics, batteries, paint, pesticides, hazardous or infectious waste, or liquid waste;

(C) Any loose garbage or debris; and

(D) Contractor cut limbs or yard waste.

(Ord. 167, passed 8-5-2019)

§ 54.09 ILLEGAL DUMPING.

Illegal dumping of trash or debris on the public right-of-way, public property or on private property is punishable by an initial civil fine of \$500 for the first day and continued violations of up to \$250 per day.

(Ord. 167, passed 8-5-2019)

§ 54.10 VIOLATIONS.

Violations of this chapter, at the election of the Town of Norwood, shall subject the violator(s) to a civil penalty upon the issuance of a citation for said violation. The civil penalty, if not paid within 15 days of the issuance of the citation may be recovered by the town in a civil action in the nature of the

debt. Said civil penalty shall be in the nature of \$50 for each violation (unless a greater sum is specified by the provisions of this chapter) and each day any single violation continues shall be a separate violation.

(Ord. 167, passed 8-5-2019)

§ 54.11 HOLIDAYS AND INCLEMENT WEATHER.

If a scheduled collection day is affected by a holiday or inclement weather, items will be collected as soon as possible.

(Ord. 167, passed 8-5-2019)

§ 54.12 LANDFILL.

Any items not eligible for collection through the town's services may be taken to the City of Albemarle Landfill and Recycling Center on Stony Gap Road.

(Ord. 167, passed 8-5-2019)

CHAPTER 55: WATER USE

Section

- 55.01 Definitions
- 55.02 Application for service
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§ 55.01 DEFINITIONS.

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

APPROVING AUTHORITY. The Director of Public Works of the Town of Norwood or his or her designated representative.

COMPLETE WATER WORKS SYSTEM. All of the works necessary involved in: (1) the transport of water to individual homes, buildings, in other authorized discharge points from a plant or facility where treatment or storage of the water is accomplished; (2) the supply of and treatment of the waters to remove impurities; and (3) the storage of the waters from the treatment process.

CONSTRUCTION. Any one or more of the following: preliminary planning to determine the feasibility of supply facilities, treatment works, storage or public water mains, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvements, or extension of supply facilities, treatment works, storage facilities or public water mains, or the inspection or supervision of any of the foregoing items.

DISTRIBUTION MAIN. A water main intended to carry water to residences, commercial buildings, industrial plants, and institutions.

INTERFERENCE. Disruption of the publicly owned treatment works operations, which contributes to a violation of any of the safe drinking water standards.

MAIN. A pipe or conduit for carrying water.

Mg/l (DENOTING MILLIGRAMS PER LITER). Parts per million by weight. (One part per million = one milligram per liter)

PERSON. Any individual, business entity, partnership, corporation, governmental agency or political subdivision.

PUBLICLY OWNED WATER WORKS (POWW). Water supply, treatment, storage and any mains that transport waters to the consumers. The municipality which owns the treatment works has jurisdiction over all components of and use of the **POWW**.

PUBLIC WATER MAIN. A water main which is controlled by the town and in which all owners of abutting properties have equal rights.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the **POWW** to maintain the capability and performance for which such works were designed and constructed. The term "operation and maintenance" includes **REPLACEMENT**.

SHALL is mandatory; **MAY** is permissive.

TOWN. The Town of Norwood.

TRUNK MAIN. A water main whose primary purpose is to transport waters to distribution mains from a treatment supply or storage facilities.

USEFUL LIFE. Estimated period during which a treatment works will be operated.

USER. Any person, including the party contracting for the account, utilizing the town water works for water supply; and any person using a lot, parcel of land, building or other premises connected to and consuming water from the water distribution system of the town, and who pays, or who is or would be legally responsible for the payment of utility rates or charges made against said premises upon its connection to the water distribution system of the town.

USER CHARGE. A charge levied on users of a publicly owned treatment works.

WATER. Waters that have been treated so as to be drinkable in accordance with the standards of the Federal Safe Drinking Water Act.
(Ord. 173, passed 3-1-2021)

§ 55.02 APPLICATION FOR SERVICE.

(A) Service will be supplied only to those who have made application and have paid the deposit, supplied a lease agreement, and/or supplied proof of ownership, and any and all other requirements as set by relevant policy

(B) The user will make application for service in person, at the Town Hall and, at the same time, make any deposit required by § 55.11.

(C) The town may reject any application for service when the applicant is delinquent in payment of bills incurred for services previously supplied at any location.

(D) The town may reject any application for service not available under a standard rate of which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons.

(E) Normal service size shall be 3/4 inch unless the applicant has special water demand requirements, in which case the service size must be approved by the approving authority.

(F) Trailer courts and multi-dwelling water service size to be required:

- | | |
|------------------|---|
| (1) 3/4" service | 1 trailer/1 dwelling |
| 1" service | 2-5 trailers/2-5 apartments/hotel rooms |
| 2" service | 6-20 trailers/6-20 apartments/motel rooms |

(2) Service size for more than 20 units to be determined on case-by-case basis.

(3) Cost of service installation shall be paid by owner.

(G) Where service is furnished to rental property, the property owner shall be responsible for the initial service installation charge and shall connect to the system within 90 days of availability after which time there will be a monthly minimum bill for water service availability. Tenants will be required to make a deposit and pay any connection fee prior to the time they receive service. Upon termination of occupancy of rental property, the tenant or owner shall notify the town, who will make a final reading and may disconnect the water service. The deposit will be applied by the town toward the final bill. Any balance will be refunded to the tenant when forwarding address is provided or arrangements are made to pick up check. Property owner(s) will be responsible for water usage and damages to town water system in cases where there is not a tenant account.

(Ord. 173, passed 3-1-2021)

§ 55.03 CONNECTIONS.

(A) It shall be unlawful to use or maintain any residential buildings or commercial establishments in the town that are located on a lot abutting on the town water line, such residences or establishments being not more than 200 feet from the water line, unless such residences or establishments are connected with the water line.

(B) The construction of laterals for the connection of the water pipes on any lot with public water mains and the necessary excavation thereof shall be performed only by the town or its designee.

(C) Every house or building abutting any water main shall have a separate connection. The town may construct a single water service lateral of sufficient size to the property or curb line; provided that each house or business is connected through a separate water meter. Approved complexes, such as mobile home parks and Housing Authority projects, may be served with a single master water meter if approved by the approving authority and shall be billed based on the number of individual users served. Users that do not share common facilities (restrooms, etc.) or are constructed or situated in such a way as to be recognizable as a separate user shall be billed as an individual user.

(D) When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each shall be clearly designated to which consumer it applies. Apartments, mobile homes, or other structures with living quarters shall be considered a separate user and shall require a separate service and account.

(E) All water meters, meter boxes, pipes and other equipment furnished and used by the town in installing any water connection shall be and remain the property of the town.

(F) The town may install its meter at the property line or, at the town's option, on the consumer's property or in a location mutually agreed upon.

(G) Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the town's lines or mains.

(H) If the consumer's piping on his or her premises is so arranged that the town is called upon to provide additional meters, a separate account shall be established for each meter.

(I) A suitable place shall be provided by the consumer for placing his or her meter unobstructed and accessible at all times to the town.

(J) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the town's rules and in full compliance with the sanitary regulations of the North Carolina Division of Health Services.

(K) The consumer shall furnish and maintain a private cut-off and appropriate backflow prevention device on his or her side of the meter, and the town will provide a cut-off valve on the town's side of such meter.

(L) Water connections shall be made into existing taps constructed by the town to serve a lot. In the event a tap is nonexistent, one will be provided as close as possible to the location requested by the customer. When lines are constructed by the town, water service lines shall be constructed to the point where the meter box will be set.

(M) Each user shall grant or convey, or shall cause to be granted or conveyed, to the town, a perpetual easement and right-of-way across any property owned or controlled by the user whenever said perpetual easement and right-of-way is necessary for the town water facilities and lines, so as to be able to furnish services to the user.

(Ord. 173, passed 3-1-2021)

§ 55.04 OUTSIDE CONNECTIONS.

Connections may be made outside the corporate limits of the town in accordance with the policies and users fees from time to time adopted by the town.

(Ord. 173, passed 3-1-2021)

§ 55.05 OPERATIONS.

(A) No person, except the Director of Public Works or Chief of the Fire Department, or persons authorized to act by them, shall take or in any way use water from public hydrants, unless such person shall first apply to the approving authority for permission to do so and such approval is granted, in writing, including any conditions for such approval. Any person using or obtaining water from a public fire hydrant except as herein authorized shall be assessed a penalty as set forth in the fee schedule in addition to the charge for water actually used or obtained.

(B) All meters, except such as are required to be furnished or maintained by particular users of water or those damaged by customer intent or negligence, shall be kept in good repair and working order by and at the expense of the town. Meters furnished or maintained by particular users of water shall be kept in good repair and working order by the user. It shall be unlawful for any person to break, or in any way damage, or cause to be broken (or damaged) or to make inaccessible, any public fire hydrant, water meter, meter box, or gate valve box connected to the town's water system. It shall be the duty of the person having caused such damage to report the incident to the Police Department or Public Works Department. If any of the above are damaged through any means other than by a town employee, the customer responsible for payment of the account shall be responsible for repair or replacement costs.

(C) The town reserves the right at any time to shut off the water in case of accident or for the purpose of making connections or repairs.

(D) No person, except the Director of Public Works or Chief of the Fire Department, or persons authorized to act by them, shall open, close, or in any way operate any valve on the water distribution system, unless such person shall first apply to the approving authority for permission to do so and such approval is granted, in writing, including any conditions of such approval. It shall be unlawful for any person to operate, tamper with, by-pass, damage, cause to be damaged, or otherwise render ineffective any meter, valve, or locking device.

(E) Persons requesting water service activation shall ensure that plumbing is properly connected, secure, and all fixtures or faucets are closed to prevent flooding or other damage to building or dwelling. The town will not be liable for any damages caused by flooding occurring through private plumbing. (Ord. 173, passed 3-1-2021)

§ 55.06 PROHIBITED ENTRY.

No person shall be permitted to enter the water supply, treatment, or storage facilities nor any pumping station unless accompanied by the person in charge, and under no circumstances shall any person handle or in any way come in contact with any part of the machinery or other equipment. (Ord. 173, passed 3-1-2021)

§ 55.07 POWERS AND AUTHORITY FOR INSPECTION.

The duly authorized employees and representatives of the town shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. (Ord. 173, passed 3-1-2021)

§ 55.08 INTERCONNECTIONS.

No private water piping system shall be connected nor remain connected to the publicly owned water works if it is also connected to another water supply source (public or private), whether said source is valved or not.

(Ord. 173, passed 3-1-2021)

§ 55.09 MEASUREMENT OF FLOW.

The volume of flow used in computing water use charges shall be based upon metered water consumption as shown in the records of meter reading maintained by the town.

(Ord. 173, passed 3-1-2021)

§ 55.10 WATER USE CHARGES AND FEES.

(A) User charge shall be the charge levied on all users including, but not limited to, persons, firms, corporations or governmental entities that consume, cause or permit the consumption of water from the publicly owned waterworks. The minimum charge, according to a schedule of charges as from time to time set by the town, shall be applied for temporary turn-ons.

(B) The user charge shall, at a minimum, reflect the costs of operation and maintenance (including replacement) of the publicly owned water works.

(C) Each user shall pay his or her proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(D) The Norwood Town Council shall review not less than annually the water consumption of users, the total costs of operation and maintenance (including replacement) of the complete water works system, and the user charge system. The user charge shall be revised if necessary, to accomplish the following.

(1) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the publicly owned water works.

(E) The town, to the extent practicable, will record usage not directly attributable to customers (such as flushing and firefighting) in order to include this usage in the setting of rates.

(F) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate.

(G) Determination of the user charge rates shall be set by the Norwood Town Council.

(H) Connection charges and deposits shall be payable in advance according to a schedule of charges as from time to time set by the town.

(I) For violation of any of the provisions of this chapter relating to service the town may at the expiration of 15 days after mailing a written notice to the address of the customer, as reflected on the town's records, discontinue service. When the service is reconnected, the customer shall first pay to the town a reconnection fee according to a schedule of charges as from time to time set by the town.

(J) No reinstallation will be made unless all delinquent service bills and the reinstallation fee have been paid in full.

(K) Fees for permits shall be payable in advance in amounts as from time to time set by the town.

(L) All fees and charges are subject to review and adjustment by the Norwood Town Council from time to time.

(Ord. 173, passed 3-1-2021)

§ 55.11 DEPOSIT REQUIRED.

(A) Deposits shall be required in amounts as from time to time set by the town. Deposits shall not draw interest.

(B) Upon discontinuance of service and after satisfactory payment of outstanding water bills, the remainder of initial deposit shall be refunded to the contracting party or his or her authorized agent.

(C) The person in whose name the deposit is made shall be responsible for payment of all bills for water consumed.

(D) Where a deposit is required, a separate deposit shall be made for each meter installed.

(E) The deposit may be transferred in the event a contracting party moves to another location served with town water and sewer; however, deposits may not be transferred to another contracting party.

(F) The contracting party, either in person or through his or her duly authorized representative or agent, shall apply for and discontinue water and sewer service. Property owners shall provide evidence of sole ownership or, in cases of multiple ownership, of an ownership interest. Tenants shall provide evidence of the authority or permission from the owner to occupy the property as a tenant. In cases where the property served is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter, the owner or owners shall be the contracting party and are legally obligated to pay the water and sewer fees.

(G) The contracting party shall provide government issued identification and proof of address as a condition for establishing a water and sewer service. Acceptable forms of identification include driver's licenses, state identification cards, military identifications and passports.
(Ord. 173, passed 3-1-2021)

§ 55.12 BILLING.

(A) Bills will be sent through the United States mail notifying all persons of the amount and date due.

(B) Bills are due on the tenth day of every month. Exceptions may be made for due dates falling on weekends and holidays. For any bill remaining unpaid on the tenth day of the month, a late fee will be assessed. For any bill remaining unpaid on the third day of the following month, the connection with the water system serving the premises will be severed and will only be reconnected after the bills, including all late and delinquent fees, are paid in full.

(C) Reconnection shall be made at the contracting party's expense as stated in § 55.10 of this chapter.

(D) Charge for services commences when the meter is installed.

(E) Readings from different meters will not be combined for billing, regardless of the fact that said meters may be for the same or different premises, or for the same or different users, or for the same or different services.

(F) Customers are responsible for knowing when bills are due and failure of the consumer to receive a bill shall not constitute a defense to a delinquent charge.
(Ord. 173, passed 3-1-2021)

§ 55.13 CHANGE OF OCCUPANCY.

(A) Not less than three days' notice shall be given, in person or writing, to the town office to discontinue service or to change occupancy.

(B) The contracting party or the owner if more than one tenant is served by one meter, shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.
(Ord. 173, passed 3-1-2021)

§ 55.14 EXTENSIONS TO MAINS AND SERVICES.

(A) The town may construct extensions to its water lines to points which are within its service area but the town shall not be required to make such installation unless the consumer makes application for service and advances to the town the entire cost of the installation.

(B) All line extensions shall be evidenced by contract signed by the town and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Town Council.

(C) No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

(D) Water distribution lines to serve subdivisions will be handled as follows:

(1) The developer will submit plans and specifications sealed by an engineer licensed to practice in North Carolina for review and approval by the town, its engineer and the North Carolina Division of Health Services.

(2) Materials, methods, and procedures shall be consistent with those of the town.

(3) The developer will install the lines in accordance with the approved plans.

(4) The determination of feasibility of service shall be determined by the Town Council, including but not limited to the following circumstances:

(a) Availability of town funds

(b) Availability of developer funds

(c) Number of signed users

(d) Availability of water supply

(e) Number of potential users

(f) Anticipated future growth of area

(g) Approval of funding agencies

(Ord. 173, passed 3-1-2021)

§ 55.15 CONSTRUCTION/RECONSTRUCTION OR ABANDONMENT OF BUILDING SERVICE AND CONNECTIONS.

(A) Any person who shall construct or cause to be constructed new buildings with water system piping or additions with water piping within the corporate limits of the Town of Norwood shall meet the following requirements.

(1) A permit to install new connections, or piping from existing connection to building, or piping from an existing building to a new building, shall be obtained from the town. Such permits may be issued after the town's determination that each separate dwelling or business unit shall have separate connections to the water distribution system. The town may waive this requirement in unusual cases (e.g., multi-story apartment complex).

(2) Responsibility for the proper installation of water piping in accordance with approved plans shall be with the property owner, or his or her agent or contractor. The responsible person shall be designated upon applying for the required permit. The cost of processing permits shall be included in the connection charge or applicable fee.

(3) Piping and connections to new or existing service connections shall be inspected by the approving authority or a designated representative. Existing services proposed for reuse shall be inspected by the approving authority or a designated representative prior to connections.

(B) Any person who shall demolish or cause to be demolished any existing building with water service shall be required to notify the approving authority.
(Ord. 173, passed 3-1-2021)

§ 55.16 SUSPENSION OF SERVICE.

(A) The town reserves the right to discontinue its service without notice for the following reasons:

(1) To prevent fraud or abuse. The connection by a user of his or her water supply to separate premises which has had its water service discontinued shall be considered fraud or abuse.

(2) Consumer's willful disregard of the town's rules.

(3) Emergency repairs.

(4) Insufficiency of supply due to circumstances beyond the town's control.

(5) Legal processes.

(6) Direction of public authorities.

(7) Strike, riot, fire, flood, accident, or any unavoidable cause.

(B) The town may, in addition to exercising any and all other remedies provided by law, permanently refuse service to any person, firm or corporation which has violated the provisions of G.S. 14-151. As an alternative, the town may require a bond in accordance with the provisions of its Sewer Use Ordinance.

(C) Each water service account shall be treated as a separate entity for purposes of cut-off for nonpayment, regardless of the name in which the account is registered.
(Ord. 173, passed 3-1-2021)

§ 55.17 COMPLAINTS/ADJUSTMENTS.

(A) If the user believes his or her bill to be in error, he or she shall present his claim, in person, to the town before the bill becomes delinquent. Such claims, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service. The user may pay such bill under protest and said payment shall not prejudice his or her claim.

(B) The town may make special meter readings at the request of the user for a fee as from time to time set by the town, provided that if such special readings disclose that the meter was over read, no charge will be made.

(C) Meters will be tested at the request of the user upon payment to the town of a fee as from time to time set by the town, provided that if the meter is found to over-register beyond 5 per centum of the correct volume, no charge will be made.

(D) If the seal of a meter is broken by other than the town's representatives, or if the meter fails to register correctly or is stopped for any cause, the user shall pay an amount estimated by the town from the record of his or her previous bills and from other data considered relevant by the town.
(Ord. 173, passed 3-1-2021)

§ 55.18 RELEASE OF CERTAIN INFORMATION.

The town may release certain information that it deems beneficial to the customer, owner, town, or any combination thereof, including but not limited to: landlords receiving account numbers of their property so they may utilize town's leak detection software, potential buyers that want an estimate on utility costs, for legitimate law enforcement officer requests, or a school that is doing a research project.
(Ord. 173, passed 3-1-2021)

§ 55.19 PROTECTION FOR DAMAGES.

It shall be a misdemeanor to intentionally or willfully break, damage, destroy, uncover, deface, or tamper with any equipment or materials of the Town of Norwood used for the purpose of making tests or examinations and left upon the premises of a user; and it shall be a misdemeanor to intentionally or willfully break, damage, destroy, uncover, deface, or tamper with any portion or part of the publicly owned water works.

(Ord. 173, passed 3-1-2021)

§ 55.20 ABRIDGMENT OR MODIFICATION.

(A) No promise, agreement or representation of any employee of the town shall be binding on the town unless it shall have been agreed upon in writing and signed by the proper officers of the town.

(B) Modifications of any charges or of any portion of this chapter shall be made only by the Norwood Town Council.

(Ord. 173, passed 3-1-2021)

