

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE

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§ 50.01 DEFINITIONS.

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

ASHES. Refuse resulting from the burning of wood, coal, coke and other combustible material.

BLOOD-BORN PATHOGENS. Pathogenic microorganisms that are present in human blood and can cause disease in humans.

BUILDING RUBBISH. Rubbish from construction, remodeling and repair operations on houses, commercial buildings, and other structures, including but not limited to excavated earth, stories, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

BUSINESS BUILDING. Any structure, whether public or private, that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs, warehouses, sheds, barns and other structures on premises used for or adapted to business purposes.

COMMERCIAL WASTE. Rubbish, mixed refuse and ashes originating in and around commercial establishments, industrial establishments, hotels, restaurants, cafeterias and non-public institutions.

CONTAMINATED. The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

CONTAMINATED SHARPS. Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wires.

GARBAGE. Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessary incident thereto.

INDUSTRIAL WASTES. Any residue resulting directly from industrial or manufacturing operations. It shall not include waste originating from commercial operations of an industrial establishment nor shall it include waste resulting from the commercial operations of persons engaged in the construction of buildings, the repairing of streets and buildings, demolition or excavation. Residue resulting from tree or landscaping services shall also be excluded.

OCCUPATIONAL EXPOSURE. Reasonably anticipated skirt, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

RECEPTACLES. Any garbage container approved by the Public Works Superintendent.

REFUSE. All garbage and rubbish from residences, businesses and industrial plants.

RUBBISH. Refuse, exclusive of garbage and ashes, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree, bush and hedge branches, cuttings and trimmings, grass, leaves tin cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

SUPERINTENDENT. The Town Public Works Superintendent.

WASTE. Useless, unused, unwanted or discarded materials resulting from natural community activities, including solids, liquids and gases.
(Ord. 188, passed 12-20-93)

§ 50.02 COLLECTION PRACTICES.

- (A) Except as otherwise provided in this chapter and except in the case of emergency arising from any act of God, or under circumstances over which the Public Works Department has no control, the Department shall collect, remove and dispose of certain refuse in all sections of the town at least once per week.
- (B) Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same in accordance with applicable provisions of this code.
- (C) Building rubbish shall be collected, removed and disposed of by the contractor or builder, or in their failure, by the owner of the property.
- (D) Tree trimmings removed by a tree cutting or trimming contractor shall be collected, removed and disposed of by the contractor, or in his or her failure, by the owner of the property.
- (E) No person or persons shall engage in the business of collecting, hauling and transporting any waste in the town without prior approval of the Public Works Superintendent.
- (F) No occupant of any building or place of business shall use public waste cans for disposal of their trash or garbage.
(Ord. 188, passed 12-20-93; Am. Ord. passed 5-24-99)

§ 50.03 CONTAINERS REQUIRED.

- (A) Every person occupying a house or residence in the residential area where garbage or refuse exists shall provide containers made of galvanized metal or plastic or approved bags, weighing no more than 50 pounds each, in which shall be deposited all garbage or refuse existing at the buildings or premises. Each galvanized or plastic container shall be provided with handles and with a tight-fitting cover made of the same material as the container and there shall be sufficient number of containers to contain the garbage that will accumulate on the premises. Any container larger than a 20-gallon capacity container shall be approved by the Superintendent.
- (B) All persons doing business in a business building within the town limits shall provide containers for waste collection. Small waste producers may use one container not larger than 32 gallons, nor weighing more than 50 lbs., providing all waste is contained in the container with the lid closed. Larger waste producers shall use 90-gallon containers which can be mechanically dumped by town-owned and operated equipment. The 90-gallon containers may be provided by the town at a cost to the business equal to the cost of the town. A fee will be charged to each business or industry.
- (C) Persons occupying business buildings shall store cardboard boxes inside a building unless stored in automatic containers or unless cut, flattened and tied in bundles.
- (D) No person shall throw, drop or deposit any leaves, shrubs or other yard waste or debris into any catch basin or sanitary sewer manhole in the town.
- (E) Any person may have leaves removed by the town if the leaves are placed at the curb line between the curb and sidewalk, so that they may be easily handled by the collector. No tree limbs, shrubs or other material shall be mixed with leaves. The leaves shall be collected on days designated for the collections.
- (F) No swill, slops, garbage, bones, offal, kitchen waste or refuse shall be carried through the streets of the town, except in the watertight metal containers with tight fitting covers.
- (G) Dangerous items such as light bulbs, whether in their original condition or ruptured fluorescent tubes and television tubes must be securely packaged and marked so as to prevent injury to the collection crews.
- (H) Regulated wastes which under North Carolina law, are not permitted in landfills will not be collected. Contaminated sharps such as needles, scalpels, broken glass and exposed ends of dental wires will not be collected.
(Ord. 188, passed 12-20-93; Am. Ord. passed 5-24-99) Penalty, see § 10.99

§ 50.04 PRE-COLLECTION PRACTICES.

- (A) All garbage and refuse shall have liquid drained therefrom and shall be wrapped in paper or other combustible material before it is placed in the container for collection. All lids to containers shall fit tight after containers are filled.
- (B) Any person desiring to place tree trimmings, hedge cuttings or similar material for free collection shall cause the material to be placed on the curb line at the street on the area between the sidewalk and the curb with the cut end of the material to be collected facing the street.
- (C) All cardboard boxes shall be cut down and tied into bundles by the occupant of each building, business or industry for convenient handling before being placed at the point of collection.

- (D) No person shall burn leaves, shrubs, trees, limbs and similar items on the streets or sidewalks or on private property except upon special permission of the Chief of the Fire Department.
(Ord. 188, passed 12-20-93) Penalty, see § 10.99

§ 50.05 STORING OF REFUSE.

- (A) Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this chapter and the regulations of the Public Works Superintendent.
- (B) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited, on any land in the town (vacant or occupied specifically, including streets, alleys, sidewalks and other public and semi-public areas or in all waters under jurisdiction on the town) any waste, including, but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, rubbish, material, earth excavation, coal or other material, shall throw, drop or deposit or cause to be thrown, dropped or deposited, rubbish or material from the body of the vehicle in violation of the provisions of this division, the person must daily clean up and remove rubbish or material in a manner satisfactory to the Superintendent, failing which the Superintendent may clean up and remove rubbish and material, and the town may collect the cost of the cleaning up and removal from the person.
- (C) No garbage that has become decayed or that shall otherwise be a menace to health, or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time that shall be reasonably necessary to remove and deposit the same in a can or cans as hereafter provided in this chapter.
(Ord. 188, passed 12-20-93) Penalty, see § 10.99

§ 50.06 POINT OF COLLECTION.

- (A) On collection days, the containers shall be placed at or near the curb line of the property being served, at or before 7:30 a.m.
- (B) No garbage shall be collected unless it is in containers approved in this chapter.
- (C) Waste accumulated by operators, owners and proprietors of retail and commercial establishments shall be collected from receptacles placed in a location approved by the Public Works Superintendent.
- (D) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than five feet in length or more than five inches in diameter or other heavy objects be moved by the town. However, in certain special clean-up periods designated by the town, this division may be waived by the Superintendent.
- (E) Because of limitations in available equipment the following refuse will not be collected under any circumstances by town forces: tree stumps, building debris, dirt, rock, plaster, old roofing material, refrigerators, stoves, car parts, metal scrap or any other refuse that in the opinion of the Public Works Superintendent cannot be handled safely by the available manpower and equipment.
- (F) Materials to be collected by special collection shall be placed or, the curb line at the street on the area between the sidewalk and the curb in neat compact piles.
(Ord. 188, passed 12-20-93)

§ 50.07 DISPOSING OF GARBAGE BY PROPERTY OWNER.

- (A) No person, firm or corporation shall be prohibited by this chapter from removing the accumulation of garbage and trash from the premises under his or her control and transporting it to the county landfill with approval of the Public Works Superintendent; however, any person, firm or corporation hauling or transporting any kind of trash or garbage, as defined in § 50.01, shall provide for use, a motor driven vehicle or trailer equipped with a bed or body of sufficient tightness to prevent. The garbage or trash from escaping therefrom, which shall be covered in a manner so as to prevent garbage and trash from blowing therefrom. It shall be unlawful for any person, firm or corporation hauling or transporting any kind of garbage or trash to allow, suffer, or permit the garbage or trash to fall or be scattered upon any public street within the town.
- (B) Any person, firm or corporation hauling or offering to haul, transporting or offering to transport any kind of garbage, as defined in § 50.01 within the town shall provide for use and use in a hauling, a motor driven vehicle, equipped with a fly-proof covering, such as a tarpaulin or heavy duck material. It shall be unlawful for any person, firm or corporation hauling or transporting any kind of garbage, as defined in § 50.01 to allow, suffer or permit the garbage to fall or be scattered upon any public street within the town.
(Ord. 188, passed 12-20-93) Penalty, see § 10.99

§ 50.08 FAILURE OF SERVICE.

Each owner, occupant, tenant or lessee of a house or building used for residential, business or commercial purposes shall maintain supervision and surveillance over the garbage and trash receptacle and if it should not be emptied and contents removed by an employee of the town or other duly authorized person for a period of five days, he or she shall notify the Superintendent in writing of that fact within five days thereafter.
(Ord. 188, passed 12-20-93)

§ 50.09 REMOVAL OF DEAD ANIMALS.

Dead animals will be removed by the town at any time.
(Ord. 188, passed 12-20-93)

§ 50.10 BUILDING WASTE AND DEBRIS.

All demolished buildings shall have all material removed down to below-ground level and the land shall be rough graded level so as not to present a nuisance, hazard or to appear unsightly. Building waste and debris will be taken to the County Landfill for disposal.
(Ord. 188, passed 12-20-93)

§ 50.11 SANITARY LANDFILLS.

The town does not operate a sanitary landfill.
(Ord. 188, passed 12-20-93)

§ 50.12 FEES.

Fees for collection of solid waste shall be as determined from time to time by the Board of Commissioners, and shall be maintained in the office of the Clerk.
(Ord. 188, passed 12-20-93)

CHAPTER 51: GENERAL UTILITIES PROVISIONS

Section

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- 51.05 Water and sewer rates
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- 51.07 Work on water and sewer system
- 51.08 Extension of water and sewer service
- 51.09 Relocation of existing water and sewer lines

§ 51.01 REGULATION; BOARD CONTROL.

- (A) The sewer and water system of the town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in the Board or its authorized agent. ('77 Code, § 5-1001)
- (B) The Board may select some competent person to supervise under their general control the entire water and sewer system of the town. The Board may from time to time prescribe the duties and responsibilities of the Superintendent. The Superintendent, or his or her assistant, shall, at all reasonable hours, have free access to all premises for the purposes of examining hydrants, fixtures or connections on which town water pressure is maintained. ('77 Code, § 5-1006)
(Ord. passed 8-16-71)

§ 51.02 CLASSIFICATION OF SERVICE.

- (A) All services are classified under one category to include residential schools, churches and commercial users.
('77 Code, § 5-1002) (Ord. passed 8-16-71)
- (B)
 - (1) Water supply systems serving ten or more connections are classified as public water supplies by state law, and plans and specifications must be approved by the Sanitary Engineering Division, State Board of Health, North Carolina Department of Human Resources.
 - (2) Water supply systems serving from two to nine connections, inclusive, may be regulated by the County Board of Health, and plans should be approved by the County Health Department.
 - (3) Plans for public and community sewer systems must be approved by the, Office of Water and Air Resources, North Carolina Department of Natural and Economic Resources.
 - (4) Individual water supplies should be located, constructed and operated in accordance with State Board of Health Bulletin No. 476, "Protection of Private Water Supplies."

- (5) Individual sewage disposal systems must be installed and maintained in accordance with the State Board of Health "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the County Board of Health. State Board of Health Bulletin No. 519, "Residential Sewage Disposal Plants," contains helpful information. ('77 Code, Appendix II)

§ 51.03 SEPARATE CONNECTIONS REQUIRED.

Each individual business or residential building or structure shall install a separate water and sewer connection.
('77 Code, § 5-1003) (Ord. passed 8-16-71)

§ 51.04 APPROVAL OF SYSTEMS.

- (A) *Public water and sewerage systems.* Based on plans and specifications approved, respectively, by the Sanitary Engineering Division, State Board of Health, North Carolina Department of Human Resources and the Office of Water and Air Resources, North Carolina Department of Natural and Economic Resources.
- (B) *Semi-public water systems (2-9 connections) and public sewerage systems.* Based on plans and specifications approved, respectively, by the county health department and the Office of Water and Air Resources, North Carolina Department of Natural and Economic Resources.
- (C) *Public or semi-public water systems and individual sewage disposal systems.* Water supply based on plans and specifications approved by either the Sanitary Engineering Division, State Board of Health, North Carolina Department of Human Resources or the County Health Department, whichever is acceptable. Individual sewage disposal systems based on a site investigation by the County Health Department, including tests of the absorption capacity of the soil and subsoil investigation, showing that the site is suitable for individual sewage disposal systems.
- (D) *Individual water supplies and public sewerage systems.* Based on a site investigation by the Surry County Health Department and sewerage system plans and specifications approved by the Office of Water and Air Resources, North Carolina Department of Natural and Economic Resources.
- (E) *Individual water supplies and individual sewage disposal systems.* Based on a site investigation by the Surry County Health Department, including tests of the absorption capacity of the soil and subsoil investigations, showing that the site is suitable for individual water supplies and individual sewage disposal systems.
('77 Code, Appendix III)

§ 51.05 WATER AND SEWER RATES.

- (A) Water rates and water and sewer connection charges shall be determined from time to time by the Board which shall be kept on file in the office of the Clerk. ('77 Code, § 5-1004)
- (B) (1) Service to a residence or business shall require a water deposit in an amount to be determined from time to time by the Board of Commissioners if occupied by anyone other than the owner of the property.
- (2) When services are discontinued and all bills paid, the deposit will be refunded.

- (3) Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the town toward settlement of the account. Any balance will be refunded to the consumer; but if the deposit is not sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.
 - (4) The names of the tenant and the owners of rental property will be listed on invoices rendered for water services or water and sewer services provided to the property; and on the application for water or sewer service.
 - (5) Water service will not be provided to anyone that has any outstanding bills with the town from a prior account.
('77 Code, § 5-1008) (Ord. 92, passed 4-30-84)
- (C) (1) The town reserves the right to discontinue its service without notice for the following reasons:
- (a) To prevent fraud or abuse;
 - (b) Consumers willful disregard of the town's rules;
 - (c) Emergency repairs;
 - (d) Insufficiency of supply due to circumstances beyond the town's control;
 - (e) Legal processes;
 - (f) Direction of public authorities; or
 - (g) Strike, riot, fire, flood, accident or any unavoidable cause.
- (2) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.
('77 Code, § 5-1009)
- (D) (1) If the consumer believes his or her bill to be in error, he or she shall present his or her claim, in person, at the town office before the bill becomes delinquent.
- (2) The claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay the bill under protest, and the payment shall not prejudice his or her claim.
- (3) If the seal of a meter is broken by other than the town's representative, or if the meter fails to register correctly, or is stopped for any cause, the consumer shall pay an amount estimated from the record of his or her previous bills and/or from other proper data.
('77 Code, § 5-1010)
- (E) No modification of rates or any of the rules and regulations shall be made by any agent of the town.
('77 Code, § 5-1011)
(Ord. passed 8-16-71)
- Statutory reference:***
For provisions concerning the discontinuance of service for delinquency, see G.S. § 160A-314

§ 51.06 TAMPERING WITH OR OBSTRUCTING LINES PROHIBITED.

No person shall touch, tamper or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct the line. ('77 Code, § 5-1005) (Ord. passed 8-16-71)

§ 51.07 WORK ON WATER AND SEWER SYSTEM.

All work on the water and sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives, or plumbers approved by the town. All work shall be performed in accordance with the plumbing code of the town and amendments thereto that the Board may from time to time adopt. ('77 Code, § 5-1007) (Ord. passed 8-16-71)

§ 51.08 EXTENSION OF WATER AND SEWER SERVICE.**(A) General Policy**

(1) It shall be the general policy of the town to permit extensions of water and sewer service to areas within the town's corporate limits without restriction, provided that all applicable fees shall be paid and all construction shall adhere to the town's construction standards. The board and the director shall have the authority to reject plans for any extension which would not be in the best interest of the town.

(2) It shall be the general policy of the town to permit extensions of water and sewer service to areas outside the town's corporate limits, but within the town's adopted area of consideration for annexation, only when such areas or developments simultaneously with the request for water and/or sewer service agree to petition the town for annexation, where practical, prior to the extension of such service. The board shall have the authority to waive this requirement when annexation would be impractical, legally impossible, or would not be in the best interest of the town.

(3) For areas which are outside the town's corporate limits and outside the town's adopted area of consideration for annexation, water service may be extended when it is considered by the board to be in the best interest of the water system, and not detrimental to the interests of the town. Normally, sewer service will not be extended to areas outside the corporate limits of the town which do not request voluntary annexation, regardless of location.

(4) No water or sewer extension may be constructed unless engineering plans and specifications are first prepared and sealed by a registered professional engineer in the State of North Carolina, and such detailed plans and specifications are approved in writing by the town and NCDENR, and an Authorization to Construct is issued in writing by NCDENR in accordance with State regulations.

(5) All extensions to the town's water and sewer system shall be constructed by a utility contractor licensed by the State of North Carolina to perform the work.

(6) All extensions constructed under the responsibility of the applicant shall be subject to inspection by the town for conformance with state and local rules, regulations, and agreements. Prior to final inspection, the applicant shall deliver accurate and complete record drawings of the constructed improvements and provide a letter to the town affirming that to the best of the applicant's belief the extension is complete and compliant with the approved plans and specifications. The applicant's letter shall also request the town accept ownership, operation, and maintenance of the extension(s). Following the final inspection by the town and inspection of any additional or corrective work by the applicant necessary for acceptance, the extensions shall be formally accepted by the board as complete, at which time they may be placed into service as a part of the town's system. Upon board approval to accept such extension(s) the system shall become the property of the Town of Pilot Mountain.

(7) The board shall have the authority to make exceptions to these policies for reasons determined to be in the best interest of the town.

(B) Financing.

(1) It shall be the general policy of the town that extensions of the water or sewer system shall be funded by those benefiting from the extension. Extensions may be financed by any of the following methods:

(a) Payment in full or part by the town when the board determines such extension is in the best interests of the town and the water or sewer system. In such case, property owners shall be charged a line availability fee, if such fee is in place, prior to connecting to each system. In such case the funding for water and or sewer extension cost must be recouped in an eight year period for that property by means of additional ad valorem taxes.

(b) Assessment procedure as provided by G.S. 160A-216 et seq., in such case, property owners shall not be charged a line available fee, if such fee is in place.

(c) With board approval extensions may be financed and administered by the applicant. Such persons shall not be required to pay line availability or tap fees for the line extended by such person. However, all metering equipment must be purchased from the Town by the applicant at current market prices. If the Town Manager determines that the Town should perform any of the labor, the costs of such labor shall be charged to the applicant at a rate of time plus time and one-half per each employee's salary in addition to any costs for required parts.

(d) With board approval extensions may be financed and administered by the applicant subject to the reimbursement policy provided in this article. Such persons shall not be required to pay line availability or tap fees for the line extended by such person.

(C) Reimbursement Policy.

(1) When a person, sometimes referred to in this article as a "developer," desires to extend the water system or sewer system and such proposed extension will benefit owners of property other than the applicant, such applicant may also apply to the town to have the costs of such extension defrayed by the benefited property owners. Such application must be made and approved by the town prior to the commencement of work on the extension. The town may require a larger line than proposed by the developer as a condition to reimbursement.

(2) When installation of the lines is complete, the developer's engineer shall submit to the director, along with the as-built drawings for the project, documentation acceptable to the director of the actual unit price of items installed for the lines. The director will review the documentation and if acceptable, authorize reimbursement to the developer.

(3) Only the actual cost of labor and materials shall be included in the calculation of costs subject to reimbursement. Engineering costs shall not be subject to reimbursement. No interest on costs pending reimbursement shall be allowed. Only lines constructed in accordance with town specifications shall be subject to reimbursement. No lines less than eight inches in diameter shall be subject to reimbursement. In no event shall the developer be reimbursed for unreasonable costs.

(4) Should the town permit a developer to extend water or sewer lines in accordance with the provisions of this article, intervening benefited properties, as determined by the director, may be connected to the water or sewer system only upon payment to the town of the line availability fee. With approval of the town manager, line availability fees, if in place, (but not tap fees or capacity charges) collected from intervening properties may be remitted to the developer annually for a period of eight years from the date of completion of the project, not to exceed, however, the actual costs in constructing the line, exclusive of the costs expended solely to serve the developer.

(5) All agreements between the town and any developer concerning the application of this reimbursement policy must be in writing, signed by the developer and the town.

(D) Extension to subdivisions.

(1) The board may in its discretion, as a condition under which water or sewer service may be extended, require the developer of a subdivision or proposed subdivision to enter into an agreement to improve the proposed streets therein at the developer's own expense and in accordance with construction standards then in force governing the acceptance of public streets for the town. This section shall apply to subdivisions either within or outside the town's corporate limits.

(E)

(1) Where a property owner may request a water and/or sewer connection, the town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each type of connection will be charged. If the costs of a tap exceeds 125% of the tap fee, all additional costs above this 125% shall be the responsibility of the customer and must be paid before the line is allowed to come on service. This provision shall apply retroactively to all taps not yet completed.

('77 Code, § 5-1012) (Ord. passed 10-27-80; Am. Ord. 104, passed 12-17-84; Am. Ord. 223, passed 05-23-05) (O2007-06 04-23-07)

§ 51.09 RELOCATION OF EXISTING WATER AND SEWER LINES.

(A) The town may consider funding a portion of the costs associated with the relocation of existing water and sewer lines.

(B) The following criteria shall be considered by the Board of Commissioners in their decision to make the requested relocations:

(1) Each individual request is subject to review and final approval by the Board of Commissioners.

(2) Relocation requests will only be considered on undeveloped property where the existing water and sewer lines would restrict the development of the property.

(3) The town's share shall not exceed 50% of the total cost of the relocation and at no point shall the town's cost exceed what it could recoup through increased ad valorem taxes generated by direct real property improvements in a period not to exceed eight years.

(4) The town shall not participate in any relocation projects until a building permit has been issued for real property improvements.

(5) Each project should be reviewed to determine its impact on existing resources available to the town.
('77 Code, § 5-1013) (Ord. 115, passed 6-24-85)

CHAPTER 52: WATER

Section

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GENERAL PROVISIONS

§ 52.01 REGULATIONS; BOARD CONTROL.

(A) The water system of the town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all rules and regulations governing all connections with the water system shall be vested in, the Board or its authorized agent. ('77 Code, § 5-2001) (Ord. passed 8-16-71)

(B) The Manager may select some competent person to supervise the town water plant. The Manager may from time to time prescribe the duties and responsibilities of the Water Plant Superintendent. ('77 Code, § 5-2006)

§ 52.02 CONNECTION REQUIRED; PERMIT.

No person shall connect with the water system of the town until they shall have made application for permission to so connect in writing to the Clerk, and this application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed. The application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage lines through the building to its terminus, showing the location of all the fixtures, traps, ventilating pipes, etc., and shall state the name of the street and the name of the person.
('77 Code, § 5-2002)

§ 52.03 WATER REQUIRED; EXCEPTION.

All owners of improved property located within the corporate limits will be allowed to remain connected to their private water supply system. All new construction within the corporate limits shall connect to the municipal water supply system if available. Whenever any premises shall have been or is connected with the municipal sewer system, it shall be the duty of the owner of the premises to make immediate application in writing for connection with the water system and to have the connections made within 30 days of the date the connection is made to the sewer system.
('77 Code, § 5-2003) (Ord. 76, passed 9-26-83)

§ 52.04 PRIVATE WATER SUPPLY REGULATED.

- (A) It shall be unlawful for any person, firm or corporation to furnish, supply or provide, for gain or profit, any water from a private well or pump in or to any dwelling house, boarding house, inn, hotel, cafe or other commercial establishment or any room or rooms of the same, when the dwelling house or any room or rooms therein are rented, or offered for rent to the public, or when the boarding house, inn, hotel, cafe or other commercial establishment is to, or used by, the public, unless and until an analysis of the water from the private well or pump shall have first been submitted to and approved by the Clerk.
- (B) The water analysis referred to in division (A) hereof shall be made by or under the direction of the County Board of Health or the Department of Public Health of the state.
- (C) If the water analysis bears the approval of either of the authorities referred to in division (B), the Clerk shall approve the same by endorsing thereon the word "approved" and affixing thereto his or her signature as Clerk. If, however, the analysis shows that the water is contaminated and unfit for human consumption, the Clerk shall not approve the analysis, but shall deliver the analysis to the Board, which may disapprove the analysis and return the same to its owner.
('77 Code, § 5-2005) (Ord. passed 8-16-71)
Penalty, see § 10.99

§ 52.05 MULTIPLE RESIDENCES; RESALE PROHIBITED.

- (A) Any property owner having more than one house using water from the same water tap shall be responsible for water bills for all the homes. ('77 Code, § 5-2007)
- (B) No residence, or firm or corporation shall furnish water for any other residence, firm or corporation through any one meter, by way of piping or tubing. Each additional residence, firm or corporation must have its own separate water meter, if it is to be served by the town. ('77 Code, § 5-2008)
(Ord. passed 8-16-71) Penalty, see § 10.99

§ 52.06 ACCESS TO PROPERTY; EXAMINATIONS.

- (A) The Superintendent or his or her assistant shall at all reasonable hours have free access to all premises for the purpose of examining hydrants, fixtures or connections on which town water pressure is maintained.
- (B) Each consumer 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 consumer wherever the perpetual easement and right-of-way is necessary for the town water facilities and lines so as to be able to furnish service to the consumer. ('77 Code, § 5-2009) (Ord. passed 8-16-71)

§ 52.07 FIRE HYDRANTS; PERMIT REQUIRED.

No person, except employees of the town, or other persons authorized by the Manager, shall take water from any public hydrant, plug, street washer, draw cock, hose pipe or fountain, except for fire purposes, nor shall anyone in any way use or take water for private use unless the person shall pay for the privilege and receive a permit from the Manager.

('77 Code, § 5-2010) Penalty, see § 10.99

§ 52.08 METERS; BILLING AND READINGS.

(A) The Superintendent may, with the approval of the Manager, adjust and settle inequitable water bills due to meter error. If, on occasion, a customer receives a bill for abnormal water consumption which results from but not limited to the following conditions, and adjustment can be made in the customer's bill. Valid conditions for issuing an adjustment include unknown leaks, hanging commodes, a defective plumbing fixture, defective meter, or busted pipe. The customer will be required to present verification of the problem such as a plumber's receipt or a receipt for a purchase of material to repair the problem.

- (1) If the cause is a broken pipe or leak whereby the wasted water is not returned to the sanitary sewer system, the bill, as adjusted, shall be calculated by:
 - (a) Determining the average water and sewer charge for the previous six (6) months;
 - (b) Rebate fifty (50) percent of the abnormal water charge which is determined by the difference in the average bill for a six month period and the excessive bill;
 - (c) Rebate one hundred (100) percent of the abnormal sewer charge which is determined in the same manner. The adjusted bill will result in the customer paying an average water and sewer charge in addition to fifty (50) percent of the excessive water charge.
 - (d) At no time shall a water customer be required to pay more than \$550.00 in the total amount of the abnormal water charge.

- (2) If the cause is a defect in a plumbing fixture, such as a hanging commode, whereby the wasted water is returned to the sanitary sewer system, the bill as adjusted, shall be calculated by:
 - (a) Determining the average water and sewer charge for the previous six (6) months;
 - (b) Rebate fifty (50) percent of the abnormal water and sewer charge which is determined by the difference in the average bill for six (6) months and the excessive bill. The adjusted bill will result in the customer paying an average water and sewer charge in addition to fifty (50) percent of the abnormal water and sewer charge.
 - (c) At no time shall a water customer be required to pay more than \$550.00 in the total amount of the abnormal water charge.

- (3) If the cause is of an undetermined origin and it does not appear upon

investigation that the occupants of the premises served were in any way at fault for the excessive water bill, the adjusted bill shall be calculated the same as in subsection (2) of this section.

- (4) No reduction in a water bill shall be made for frozen pipes unless notice is given at the water department and the water is cut off.
 - (5) No adjustment shall be made for a period in excess of one (1) billing period and not more than one (1) adjustment for an excessive utility bill at the same location shall be made within a period of one (1) year. ('77 Code, § 5-2011, Ord. 01/24/05)
- (B) The town shall test or cause to be tested and make a thorough examination of water meters and all fixtures where so desired by the consumer under the following conditions:
- (1) Should the test of meter and inspection prove the excessive bill to be caused by negligence of the town, or inaccuracy of the meter, then the expense of the investigation shall be borne by the town.
 - (2) Should the test and inspection prove to be the fault of the consumer or any person not connected with or in the employ of the town, then the actual cost of the investigation is to be borne by the consumer making the protest and asking for the inspection, the actual cost to be fixed by the Board.
('77 Code, § 5-2012)
- (C) (1) Meters will be read and bills as determined by the Board and the town reserves the right to vary the dates and length of period covered, temporarily or permanently if necessary or desirable.
- (2) Bills for water will be figured in accordance with the town's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.
 - (3) Charge for service commences when meter is installed and connection made, whether used or not.
 - (4) Readings from different meters will not be combined for billing, irrespective of the fact that the meters may be for same or different premises, or for the same or different consumers, or for the same or different services.
 - (5) Bills are rendered on the first of the month and are delinquent if not paid by the 15th. A penalty that is established by the Board becomes due when the bill is delinquent. If bills are not paid by the 25th, service shall be discontinued by the town and a reconnection fee that is established by the Board will be charged whether the water is discontinued or not. When bills are paid by check, if a check is returned for insufficient funds and the same event occurs a second time, the town will not accept a check from that customer and the bill must be paid in cash.
(Ord. 105, passed 12-17-84; Am. Ord. 145, passed 6-22-87; Am. Ord. 181, passed 5-24-93; Am. Ord. passed 5-24-99)
 - (6) Failure to receive bills or notices shall not prevent the bills from becoming delinquent or relieve the consumer from payment. (Ord. passed 8-16-71)
('77 Code, § 5-2013)

§ 52.09 EXTENSIONS TO MAINS AND SERVICES.

- (A) The town may construct or allow to be constructed extensions to points within its service area.
- (1) The town shall not construct the installations unless the person requesting the extension advances to the town the entire cost of the installation. All line extensions shall be evidenced by a contract signed by the town and the person advancing funds for the extension, but each contract shall be null and void unless approved by the Board of Commissioners.

- (2) Water and sewer lines may be extended into shopping centers, mobile home parks, and multi-family developments under the following provisions:
- (a) Meters and connections shall be placed at the edge of the highway right-of-way for developments consisting of two or fewer units or for developments less than 150 feet from the highway right-of-way.
 - (b) Extensions for developments consisting of three or more units, or developments with units in excess of 150 feet from the highway right-of-way, shall be installed in accordance with town specifications. Preliminary approval shall be approved by the Board of Commissioners and must include drawings by a registered engineer and provisions for a ten-foot-wide easement for installation and a five-foot-wide easement for each service line up to and including the meter. Final approval shall be approved by the Board of Commissioners and be contingent upon final approval of the plans and specifications by the appropriate state regulatory agencies, an executed easement ready for filing with the registrar of deeds office, and approval of the site development plan under the terms and conditions of § 152.068.
- (B) No construction shall begin until final approval is obtained from the Board of Commissioners. ('77 Code, § 5-2014) (Ord. passed 8-16-71; Am. Ord. 129, passed 1-27-86)

§ 52.10 RESPONSIBILITY AND LIABILITY.

- (A) (1) The town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
 - (2) 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.
 - (3) When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated to which consumer it applies.
 - (4) The town does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefor.
 - (5) The town reserves the right to refuse service unless the consumer's lines or piping are installed in the manner as to prevent cross-connections or backflow.
 - (6) The town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises, unless the damage results directly from negligence on the part of the town. The town shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumer's premises. The town shall not be responsible for negligence of third persons or forces beyond the control of the corporation resulting in any interruption of service.
('77 Code, § 5-2015)
- (B) (1) Piping on the consumer's premises must be arranged so that the connections are conveniently located with respect to the town's lines or mains.
 - (2) If the consumer's piping on the consumer's premises is so arranged that the town is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
 - (3) Where a meter is placed on premises of a consumer, a suitable place shall be provided by

consumer for placing the meter unobstructed and accessible at all times to the meter reader.

- (4) The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter, and the town to provide a like valve on the town's side of the meter.
- (5) 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 regulations and in full compliance with the sanitary regulations of the State Board of Health.
- (6) The consumer shall guarantee proper protection for the town's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the town.
- (7) In the event that any loss or damage to the property of the town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his or her agents, or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the town and any liability otherwise resulting shall be assumed by the consumer.
- (8) The amount of the loss or damage or the cost of repairs shall be added to the consumer's bill; and if not paid, service may be discontinued by the town.
('77 Code, § 5-2016)
(Ord. passed 8-16-71)

§ 52.11 CHANGE OF OCCUPANCY.

- (A) Not less than three days' notice must be given in person or in writing, at the town office, to discontinue service for a change in occupancy.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.
('77 Code, § 5-2017) (Ord. passed 8-16-71)

Water Shortage Response Plan Town of Pilot Mountain, North Carolina

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

§52.25

I. Authorization

The Town Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his or her absence, the Public Works Director will assume this role.

Town of Pilot Mountain, NC

Town Manager
Phone: (336) 368-2248
E-mail: manager@townofpilotmountain.com

Public Works Director
Phone: (336) 368-2248
E-mail: publicworks@townofpilotmountain.com

§52.26

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills and on the Town of Pilot Mountain's website homepage. Required water shortage response measures will be communicated through the Mount Airy News, PSA announcements on local radio and cable stations, and on the Town of Pilot Mountain's website. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911.

§52.27

III. Levels of Response

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

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

4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

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

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

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

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to the Town of Pilot Mountain's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

§52.28

IV. Triggers

Example triggers for the Town of Pilot Mountain are provided below in relationship to three different types of water sources. The examples provided outline appropriate triggers for the Town of Pilot Mountain as a reservoir system, run-of-river system, and groundwater system respectively. Other possible types of systems are purchase or combination systems.

A. Town of Pilot Mountain as a Reservoir System

If the Town of Pilot Mountain’s water source is a reservoir, the following measurements of usable storage and intake levels trigger entry into corresponding water restriction stages.

Stage	Usable Storage	Water Level
1	<80%	4ft below full
2	<60%	8ft below full
3	<40%	12ft below full
4	<20%	16ft below full
5	<0%	Water Below Top of Lower Intake

§52.29

V. Enforcement

The provisions of the water shortage response plan will be enforced by Town of Pilot Mountain’s utility department and police personnel. Violators may be reported to the Town’s dedicated water conservation hotline or the e-mail contact listed on the Town’s website (publicworks@townofpilotmountain.com). Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Stages 3, 4 and 5.

§52.30

VI. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Town of Pilot Mountain’s Board of Commissioners.

§52.31

VII. Variance Protocols

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

§52.32

VIII. Effectiveness

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

§52.33

IX. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the Town of Pilot Mountain's Board of Commissioners. The Town of Pilot Mountain's Manager is responsible for initiating all subsequent revisions. ('77 Code, § 5-2023) (Ord. 138, passed 7-28-86) (Ord. 2010-3, passed 03.22.10)

CHAPTER 53: SEWERS

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GENERAL PROVISIONS**§ 53.001 PURPOSE AND POLICY.**

- (A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town and enables the town to comply with all applicable state and federal laws including the clean water act 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 municipality 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 systems 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. The provisions of this chapter are intended to supplement and replace in their entirety the former sewer use ordinance, in effect as of the date of this enactment. The provisions of this chapter do not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution instituted or pending as of that date. 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 systems industrial users located outside the town of pilot mountain 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. 192, passed 7-25-94)

§ 53.002 DEFINITIONS AND ABBREVIATIONS.

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

ACT or **THE ACT**. The federal water pollution control acts also known as the Clean Water Act, as amended, 33 USC 1251 *et seq.*

APPROVAL AUTHORITY. The Director of the division of environmental management of the North Carolina Department of Environments Health and Natural Resources or his or her designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

- (1) If the industrial user is a corporation, an **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, productions or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (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 proprietors respectively.
- (3) If the industrial user is a federal state or local governments 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 individual described in divisions (1) through (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.

BIOCHEMICAL OXYGEN DEMAND or **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 wastestreams from any portion of a user's treatment facility.

CATEGORICAL STANDARDS. National categorical pretreatment standards of pretreatment standard.

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

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

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

INDIRECT DISCHARGE or **DISCHARGE**. The discharge of the introduction from any nondomestic source regulated under Section 307 (b) 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 Section 405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, SWDA, (42 USC 6901 *et seq.*). The Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan 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 Sections 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. Chapter 1, Subchapter N, Parts 405-471.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD**. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in 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 discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307 (c) of the Act, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (b) The building, structure, facility, 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, structures, 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 Section e(j), (b)3 or e(c)3 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; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

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

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

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 water 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 violations 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, shell, 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 Manager.

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

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

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from 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 Section 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 town's **POTW**.

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 reasonable 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 50,000 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) If found by the town of pilot mountain, the division of environmental management 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*. 66% or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - (b) *Technical review criteria (TRC) violations*. 33% or more of the measurements are more than the TRC times the limit (maximum or average) in a six month period. There are two groups of TRCs: for conventional pollutants BODS, 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 and has resulted in the POTW's exercise of its emergency authority to halt or prevent 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; and
- (5) Any other violation or group of violations that the control authority considers to be significant.

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge stands in § 53.035.

STANDARD INDUSTRIAL CLASSIFICATION or **SIC**. A classification pursuant to the standard industrial classification manual issued by the executive office of the President of the Office of Management and Budget, 1987.

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

SUPERINTENDENT. 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.

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

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

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

WASTEWATER PERMIT. As set forth in § 53.016.

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

(B) This chapter is gender neutral and the masculine gender shall include the feminine and vice-versa. "Shall" is mandatory. "May" is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

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

- (1) BOD: Biochemical oxygen demand;
- (2) C.F.R.: Code of Federal Regulations;
- (3) COD: Chemical oxygen demand;
- (4) EPA: Environmental Protection Agency;
- (5) GPD: Gallons per day;
- (6) G.S.: North Carolina General Statutes;
- (7) l: Liter;
- (8) mg: Milligrams;
- (9) mg/l: Milligrams per liter;
- (10) NPDES: National pollution discharge elimination system;
- (11) O & M: Operation and maintenance;
- (12) POTW: Publicly-owned treatment works;
- (13) RCRA: Resource Conservation and Recovery Act;
- (14) SIC: Standard industrial classification;
- (15) SWDA: Solid Waste Disposal Act;
- (16) TSS: Total suspended solids;

(17) TKN: Total kjeldahl nitrogen; and

(18) USC: United States Code.
(Ord. 192, passed 7-25-94)

CONNECTION PERMITS

§ 53.015 CONNECTIONS REQUIRED.

It shall be unlawful for any persons 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 90 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. 192, passed 7-25-94) Penalty, see § 53.999

§ 52.016 WASTEWATER PERMITS; DETERMINATIONS.

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

(B) All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria, he or she will require that a significant industrial user permit application be filed.
(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.017 APPLICATION; SIGNATORIES AND CERTIFICATION.

(A) *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 the significant industrial user permit within 90 days after notification of the POTW Director's determination in § 53.016 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 §§ 53.035 through 53.041, any of the priority pollutants (Section 307(a) of the act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(6) of the act and contained in 40 C.F.R. 136, as amended;

- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drained, 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; the shortest schedule by which the user will provide 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 operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.
 - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between the progress reports to the POTW Director.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 C.F.R. 403.12 (b) and 15a NCAC 2h.0908 (a), as outlined in § 53.055.
- (14) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.

(B) *Signatories and certification.* All wastewater discharge permit applications and user report must be signed by an authorized representative of the user and contain the following certification statement:

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

§ 53.018 REVIEW AND EVALUATION.

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

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

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

(Ord. 192, passed 7-25-94)

§ 53.019 TENTATIVE DETERMINATION AND DRAFT PERMIT.

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

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

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

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

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

(C) The staff shall organize the determinations made pursuant to divisions (A) and (B) above and the town's general permit conditions into a significant industrial user permit.

(Ord. 192, passed 7-25-94)

§ 53.020 FACT SHEET; INFORMATION.

The contents of the fact sheets shall include at least the following information:

(A) 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.

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

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

(2) 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

(3) The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.
(Ord. 192, passed 7-25-94)

§ 53.021 FINAL ACTION.

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

(B) The POTW Director is authorized to:

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

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

(3) Modify any permit upon not less than 60 days notice and pursuant to § 53.023;

(4) Revoke any permit pursuant to §§ 53.100 through 53.105;

(5) Suspend a permit pursuant to §§ 53.100 through 53.105; and

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

(Ord. 192, passed 7-25-94)

§ 53.022 HEARINGS AND MODIFICATIONS.

(A) *Hearings.*

(1) *Initial adjudicatory hearing.* An applicant whose permit is denied or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under §§ 53.999 or one issued an administrative order under §§ 53.100 through 53.105 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demands identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment or administrative order. Unless the written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

(2) *Petition of judicial review.* The Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

(B) *Permit modification.*

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

(a) Changes in the ownership of the discharge when no other change in the permit is indicated;

(b) A single modification of any compliance schedule not in excess of four months; or

(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) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(3) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 53.017 (B)(2)(c), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(4) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. § 143-215.1(B) for modifications.
(Ord. 192, passed 7-25-94)

§ 53.023 PERMIT CONDITIONS.

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

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

(2) A statement of non-transferability;

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

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

(5) Notification requirements for slug load; and

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

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

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

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

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

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

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

- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;
- (9) 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);
- (10) Compliance schedules for meeting pretreatment standards and requirements;
- (11) Requirements for submission of periodic self-monitoring or special notification reports;
- (12) Requirements of maintaining and retaining plans and records relating to wastewater discharges as specified in § 53.067 and affording the POTW Director, or his or her representatives, access thereto;
- (13) 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;
- (14) 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;
- (15) Requirements for immediate notification of excessive, accidental or slug discharges, or any discharge which could cause any problems to the system;
- (16) 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;
- (17) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter, and state and federal laws, rules and regulations.
(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.024 DURATIONS, TRANSFERS AND REISSUANCE.

(A) *Permits durations.* 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.

(B) *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.

(C) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with §§ 53.015 through 53.024, a minimum of 180 days prior to the expiration of the existing permit.
(Ord. 192, passed 7-25-94)

USE REGULATIONS

§ 53.035 PROHIBITED DISCHARGE STANDARDS.

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

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to wastestreams 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 a half-inch in any dimension;

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

(4) Any wastewater having a pH less than 5.0 for more than 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, etc.), 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 bases, 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 § 53.041;

(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 Section 405 of the act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

(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/Superintendent in compliance with applicable state or federal regulations;

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

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

(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 N.C.A.C. 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; and

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

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

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

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

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with §§ 53.100 through 53.105; and

(2) Take appropriate actions for the user to protect the POTW from interference or pass through.
(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.036 NATIONAL CATEGORICAL STANDARDS.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 C.F.R. Chapter 1, Subchapter 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 wastewaters 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 stand is mixed with wastewater not regulated by the same standards the POTW Director shall impose an alternate limit using the combined wastestream 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. 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. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.037 LOCAL LIMITS; RIGHT OF REVISION.

(A) *Local limits.*

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

<i>Limits</i>	<i>Pollutant</i>
250 mg/l	BOD
250 mg/l	TSS
40 mg/l	TKN
0.003 mg/l	Arsenic
0.003 mg/l	Cadmium
0.061 mg/l	Copper
0.041 mg/l	Cyanide
0.049 mg/l	Lead
0.0003 mg/l	Mercury
0.021 mg/l	Nickel
0.005 mg/l	Silver
0.05 mg/l	Total chromium
0.175 mg/l	Zinc

(2) Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The POTW Director may impose mass limits in addition to or in place of the concentration-based limits above.

(B) *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.

(C) *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 § 53.001 or the general and specific prohibitions in § 53.035 as is allowed by 40 C.F.R. 403.4.

(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.038 DILUTION PROHIBITED.

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

(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.039 PRETREATMENT FACILITIES AND MEASURES.

(A) Pretreatment facilities.

(1) Users shall provide wastewater treatment as necessary to comply with this chapter, and wastewater permits issued under § 53.016 and shall achieve compliance with all national categorical pretreatment standards, local limits and the prohibitions set out in § 53.035 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.

(2) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be approved by the POTW Director before construction of the facility. The review of the plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town of 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 discharges separate sewage wastestreams from industrial wastestreams and other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

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

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that the interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. 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. 192, passed 7-25-94)

§ 52.040 ACCIDENTAL DISCHARGE.

At least once every two years, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The POTW Director may require any user to develop, submit for approval and implement a plan. Alternatively, the POTW Director may develop a plan for any user. An accidental discharge/ slug control plan shall address, at a minimum, the following:

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

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 53.060; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. 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. 192, passed 7-25-94)

§ 53.041 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into POTW only at locations designated by the POTW Director and at times as are established by the POTW Director. The waste shall not violate §§ 53.035 through 53.041 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/Superintendent 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. 192, passed 7-25-94) Penalty, see § 53.999

REPORTS, SAMPLING AND MONITORING**§ 53.055 BASELINE MONITORING REPORTS.**

(A) (1) 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 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)(3) below.

(2) A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

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

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

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

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream 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 § 53.064; and

(c) Sampling must be performed in accordance with procedures set out in § 53.065.

(6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance 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 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 § 53.056.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 53.017 (B).
(Ord. 192, passed 7-25-94)

§ 53.056 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 53.055 (B)(7) of this chapter:

(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. The 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 delays and, if appropriate, the steps being taken by the user to return to the established schedule.

(D) In no event shall more than nine months elapse between the progress reports to the POTW Director.
(Ord. 192, passed 7-25-94)

§ 53.057 COMPLIANCE REPORTS WITH NATIONAL STANDARD.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to the pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 53.055 (B). 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 § 53.017 (B).
(Ord. 192, passed 7-25-94)

§ 53.058 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 53.017 (B).

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 53.064, the results of this monitoring shall be included in the report. (Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.059 CHANGED CONDITIONS REPORTS.

Each user must notify the POTW Director, in writing, of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

(A) The POTW Director may require the user to submit the information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §§ 53.016 through 53.024.

(B) The POTW Director may issue a wastewater discharge permit under §§ 53.016 through 53.024 or modify an existing wastewater discharge permit under the above-mentioned sections in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, above permitted limitations and the discharge of any previously unreported pollutants. (Ord. 192, passed 7-25-94)

§ 53.060 POTENTIAL PROBLEMS REPORTS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge or a slug load, 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) (1) Within five days following the discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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.

(2) If damage to person or property occurs, notification shall not relieve the user of any fines, penalties or other liability which may be imposed pursuant to the chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees, who may cause a discharge to occur, are advised of the emergency notification procedure. (Ord. 192, passed 7-25-94)

§ 53.061 UNPERMITTED USER REPORTS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require. (Ord. 192, passed 7-25-94)

§ 53.062 VIOLATION AND REPEAT SAMPLING REPORTS.

If sampling performed by a user indicates a violation, the user must notify the POTW Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within 30 days after becoming aware of the violation. The user is not required to resample if the POTW Director monitors at the user's facility at least once a month, or if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. 192, passed 7-25-94)

§ 53.063 NOTIFICATION OF HAZARDOUS DISCHARGES.

The town prohibits the discharge of hazardous waste.
(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.064 ANALYTICAL REQUIREMENTS.

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

(Ord. 192, passed 7-25-94)

§ 53.065 SAMPLE COLLECTION.

(A) Except as indicated below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW Director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrate that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(Ord. 192, passed 7-25-94)

§ 53.066 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 services the date of receipt of the report shall govern.

(Ord. 192, passed 7-25-94)

§ 53.067 RECORD KEEPING.

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

duration of any litigation concerning the user or the town or where the user has been specifically notified of a longer retention period by the POTW Director.
(Ord. 192, passed 7-25-94)

§ 53.068 MONITORING FACILITIES.

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

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

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.
(Ord. 192, passed 7-25-94) Penalty, see § 53.999

§ 53.069 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, samplings records examination and copying or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property devices as 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 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 Directors, 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. 192, passed 7-25-94)

§ 53.070 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 Surry County Court.
(Ord. 192, passed 7-25-94)

§ 53.071 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 the information would divulge information, processes or methods of

production entitled to protection as trade secrets of the user. Any request must be asserted at the time of submission of the information or data.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that 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. 192, passed 7-25-94)

RATES AND CHARGES

§ 53.085 PURPOSE.

It is the purpose of this chapter to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.
(Ord. 192, passed 7-25-94)

§ 53.086 USER CHARGES.

A user charge shall be levied on all users including but not limited to, person, 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 Town Manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Board of Commissioners for adjustments in the schedule of charges and fees as necessary.

(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. 192, passed 7-25-94)

§ 52.087 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels: 350 mg/l of SOD and 200 mg/l of TSS.

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

(1) The volume of flow used in determining the total discharge of wastewater for payment of user

charges and surcharges shall be based on the following:

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

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

(c) Where any user procures all or part of this 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.

(2) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in 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.

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

(Ord. 192, passed 7-25-94)

§ 53.088 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 of pilot mountain may deem necessary to carry out the requirements of the pretreatment program.

(Ord. 192, passed 7-25-94)

ENFORCEMENT PROCEDURES

§ 53.100 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 requirement the POTW Director may serve upon 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.

(Ord. 192, passed 7-25-94)

§ 53.101 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. The orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to § 53.103.
(Ord. 192, passed 7-25-94)

§ 53.102 SHOW CAUSE HEARING.

(A) The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for the action, and a request that the user show cause why 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.

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

(C) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 53.999, nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 53.022 (A).
(Ord. 192, passed 7-25-94)

§ 53.103 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 violations and direct those persons in noncompliance to do any of the following:

- (A) Immediately comply with all requirements;
- (B) Comply in accordance with a compliance time schedule set forth in the order;
- (C) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
and
- (D) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
(Ord. 192, passed 7-25-94)

§ 53.104 EMERGENCY SUSPENSIONS.

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

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

(C) The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.
(Ord. 192, passed 7-25-94)

§ 53.105 TERMINATION OF PERMIT.

(A) Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its permit terminated:

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

(B) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under §§ 53.100 through 53.105 why the proposed action should not be taken.
(Ord. 192, passed 7-25-94)

§ 53.106 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:

(A) *Criminal violation.* The district attorney for the Surry County Judicial District may, at the request of the town, prosecute noncompliant users who violate the provisions of the town's sewer use chapter.

(B) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director, through the Town Attorney, may petition the superior court division of the general court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrained or compels the activities in question.

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

(D) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder, is 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 § 10.99, including reimbursing the POTW for any costs incurred in removing, abating or remedying the nuisance.

(Ord. 192, passed 7-25-94)

§ 53.107 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 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. 192, passed 7-25-94)

§ 53.108 ANNUAL PUBLICATION OF 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 N.C.A.C. 2h.0903 (B)(10)1 with applicable pretreatment standards and requirements during the previous 12 months.

(Ord. 192, passed 7-25-94)

§ 53.109 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) Upsets; grievances.

(1) 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.

(2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(c) The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact date and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

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

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

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

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

(B) *Prohibited discharge standards defense.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 55.035 (A) or the specific prohibitions in § 55.035 (B) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either;

(1) A local limit exists for each pollutant discharges and the user was in compliance with each limit directly prior to, and during, the pass through interferences; or

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

(C) *Bypass*

(1) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (2) and (3) below.

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

(b) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass.

(c) 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:

1. A description of the bypass and its cause;

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

3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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

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

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

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

3. The user submitted notices as required.

(b) 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 (1) above.

§ 53.999 PENALTY.

(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 \$10,000 per day per violation.

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

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

(2) The duration and gravity of the violation;

(3) The effect on ground or surface water quantity or quality or on air quality;

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

(6) Whether the violation was committed willfully or intentionally;

(7) The prior record of the violator in complying or failing to comply with the pretreatment program; and

(8) The cost of enforcement to the town.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 53.022 (A).
(Ord. 192, passed 7-25-94)

APPENDIX: WASTEWATER DISCHARGE PERMIT

Town of Pilot Mountain

Department of Public Works

WASTEWATER DISCHARGE PERMIT

Permit No.

In accordance with all terms and conditions of the _____ town code, Title _____, Chapter _____, _____, Section _____, *et seq.*, and also with any applicable provisions of federal or state law or regulation. Permission is hereby granted to _____.

Classified by SIC No. _____
For the contribution of _____
into the town's sewer lines at _____.

This permit is granted in accordance with the application filed on _____, _____, in the office of the _____ and in conformity with plans, specifications, and other data submitted to the _____ in support of the above application, all of which are filed with and considered as part of this permit, together with the following named conditions and requirements.

Effective this _____ day of _____, _____.
To expire _____ day of _____, _____.

Superintendent

