

TITLE V: PUBLIC WORKS

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**CHAPTER 50: SOLID WASTE MANAGEMENT**

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**IN GENERAL**

**§ 50.01 DEFINITIONS.**

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

**COMPOSTABLES.** Items such as leaves, wood chips and shredded paper that can be composted for rapid decay to produce a usable mulch.

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**DEMOLITION LANDFILL.** A landfill licensed under the rules and regulations of the state and United States Environmental Protection Agency, for the internment of demolition type materials such as building rubble, scrap metal, roofing scrap, tree leaves, branches and other wood scraps.

**FILL.** Dirt, earth, silt, rock, gravel, brick, concrete and asphalt pieces resulting from excavation, demolition, street or sidewalk repair, trenching or any other operation that results in its production and which may be used to backfill low areas or elevate the local ground level, a roadway or create an earthen barrier.

**GARBAGE.** All biodegradable wastes, including animal and vegetable matter, paper products, animal wastes and industrial/commercial byproducts.

**HAZARDOUS WASTE.** Any waste, residue or byproduct recognized as detrimental to the health and safety of the locale and its inhabitants, as defined by the U.S. Environmental Protection Agency and the State Department of Environment, Health and Natural Resources and prohibited from introduction in regular landfills.

**HAZARDOUS WASTES LANDFILL.** Specialized facility licensed and monitored by the U.S. Environmental Protection Agency for the long term storage/disposal of hazardous materials, chemical byproducts and other substances considered dangerous to the public health and safety. Low level nuclear wastes may be included in a like facility.

**MEDICAL WASTES.** All wastes generated by and unique to medical facilities including needles, surgical dressings, human blood and tissues and other products generated in the course of medical examinations and treatment, and which are prohibited from disposal in any regular landfill operation.

**PROHIBITED ITEMS.** Any number of items or substances that are barred from introduction into any landfill by federal and state regulations, a current list of which will be maintained by the Director of Public Works and Utilities for reference of the Sanitation Department employees.

**RECYCLABLES.** Any item or material that can be reprocessed or otherwise reused in commercial or industrial processes, such as newspaper, cardboard, glass, aluminum cans, metal scrap and plastics.

**REFUSE.** All normally non-biodegradable material not defined as garbage, hazardous waste, medical wastes, fill, white goods, prohibited items or compostables, regardless of recyclability.

**SANITARY LANDFILL.** A landfill licensed under the rules and regulations of the state and U.S. Environmental Protection Agency, for the internment of nonhazardous wastes excluding materials that must be interned in a demolition landfill.

**WHITE GOODS.** Scrapped household appliances such as stoves, refrigerators, washers, dryers, freezers, hot water heaters and the like, regardless of color; being both suitable for recycling and prohibited from landfill disposal.

(1993 Code, § 58-1)

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### **§ 50.02 PURPOSE AND PENALTY.**

(A) The purpose of this chapter is to reflect mandated changes in the collection, handling and disposal of various categories of solid waste within the town, and establish clear lines of responsibility and accountability for each category in regards to collection, handling and disposal of solid waste.  
(1993 Code, § 58-2)

(B) (1) Anyone not a customer of the sanitation section of the Public Works Department or any customer who fails to abide by the rules and regulations referred to and set forth in this chapter may be charged with a Class J felony under state law.

(2) Attempting to place solid wastes in other's collection containers, on private or public property in an attempt to get sanitation personnel to pick the materials up or attempting to dispose of anything in a manner not consistent with current rules and regulations could result in charges being brought against the offending parties, with conviction carrying a penalty in accordance with § 10.99.

(3) In the case of used tires, each tire illegally disposed of is considered a separate offense.  
(1993 Code, § 58-3)

### **§ 50.03 ACCUMULATION PROHIBITED.**

No public or private entity shall permit any manner of solid waste to accumulate on their property, and the Town Code Enforcement Officer shall be charged with seeing to the enforcement of this regulation, with the Director of Public Works and Utilities being responsible for the timely removal of all appropriate solid wastes.  
(1993 Code, § 58-4)

### **§ 50.04 COMPOSTING OPERATIONS.**

The Director of Public Works and Utilities may establish and operate a composting site and operation for the purposes of reducing the total waste stream produced by the town for landfill disposal, reduce transportation costs caused by transporting leaves, limbs, yard trimmings and certain types of paper to the landfill or transfer point, and to produce a useful end product from the process.  
(1993 Code, § 58-5)

### **§ 50.05 THEFT OF RECYCLABLE MATERIAL.**

Anyone found attempting to remove any recyclable material from any town-owned container or bin may be charged with theft of government property and prosecuted to the full extent of the law. Furthermore, should other materials be removed from the container or bin to facilitate in the search for recyclables, the perpetrator should be charged with the additional offense of littering.  
(1993 Code, § 58-6)

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### **§ 50.15 COLLECTION FROM CONTAINER ONLY.**

All solid wastes generated by residential, commercial and industrial customers of the town must be placed in containers purchased through the town before it will be collected.  
(1993 Code, § 58-36)

### **§ 50.16 TOWN TO PROVIDE CONTAINERS; FEE; OWNERSHIP.**

All residential, commercial and industrial customers of the sanitation section shall be provided with suitable containers for the storage and collection of the various solid wastes handled by that section, with a special assessment fee determined as part of the annual budget process which is included in the disposal fee charged each customer, for each container they utilize. All containers are and shall always remain the property of the town.  
(1993 Code, § 58-37)

### **§ 50.17 ABUSE, DESTRUCTION OR THEFT OF CONTAINERS.**

(A) All solid waste collection and storage containers serviced by the town sanitation section shall remain the property of the town. A storage container shall be made available to every household residence and commercial establishment upon request of the occupant of that property. For the purpose of this section the occupant and utility user at each storage container location shall be deemed to be the same person, unless notified otherwise in writing and delivered to the Town Clerk's office.

(B) The control, care and upkeep of each container so delivered shall be the obligation of the occupant/utility user for residential and commercial locations.

(C) (1) In the event of any damage, destruction or theft of any container, the occupant/utility user shall immediately notify the Town Clerk's office upon discovery of the damage, destruction or theft.

(2) The investigation of the damage, destruction or theft of each container so reported shall be conducted by the Town Administrator and the Chief of Police for appropriate civil or criminal action.  
(1993 Code, § 58-38)

### **§ 50.18 COLLECTION PRACTICES.**

(A) *Residential.* Household solid wastes shall be collected once or twice each week from all residential customers, on a regularly scheduled basis. Residential customers wishing garbage pickup on their collection day must bring their rollout containers to the curbside prior to the start of the workday. Senior citizens and the handicapped who have no able-bodied person in the home to bring the container to the curb may request special service backdoor pickup that shall be done once a week.

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(B) *Recyclables*. Any collection of recyclable items shall be done on a once-a-week basis, in the most cost-effective manner possible, with the exception of white goods, which shall be picked up by work order request only. No efforts at recycling on behalf of any party under contract with another governmental entity, such as the county, shall be done at the expense of the town, without the prior consent of the Board of Commissioners.

(C) *Compostables*. All customers of the sanitation section shall completely separate leaves, tree limbs, yard trimmings, wood chips and standard paper/newsprint from all other items/materials to be collected by the section, and place these compostables as close to the roadway as feasible. They may not be bagged in plastic or cardboard, and must be free of noncompostable items before the sanitation section will pick up the materials.

(D) *White goods*. Any item defined as white goods must be taken to the edge of the roadway, and the town office notified by telephone, requesting a pickup work order on the item.

(E) *Demolition landfill pickup*. Scrap lumber, furniture, mattresses and the like that must be interned at the county demolition landfill will be picked up upon request for pickup by work order from the town office.

(F) *Prohibited items*. Tires, car batteries, motor oil, asbestos shingles and many other items are prohibited from being introduced into any type of regular landfill, or are very restricted in the manner they may be disposed thereof. Individuals having those items to dispose of should contact the Director of Public Works and Utilities for assistance. A set of appropriate fees may be established, and revised as need be, to cover the cost of handling and disposing of any prohibited items the town may elect to collect and dispose thereof.

(G) *Contractors' waste*. Any solid wastes or other waste items produced by a contractor is the responsibility of the contractor to dispose of on a permanent basis, and all residential, commercial and industrial customers of the sanitation section should include a disposal clause in any contract they make that would result in the generation of any disposable waste items. Any property owner who permits a contractor to attempt to dispose of any disposable waste into the town solid waste stream shall be called before the Board of Commissioners; who, having heard in detail all matters relating to the incident, shall set a special assessment fee for the collection and disposal of the waste items, or order the owner to dispose of the waste items by other means.

(H) *Boxes*. Commercial and industrial customers are required to crush all boxes flat prior to placing them in any solid waste collection container. Failure to do so will result in refusal of the sanitation section to empty the container.

(1993 Code, § 58-39)

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### **§ 50.19 TIPPING FEES.**

Any tipping fees imposed fairly and equitably by the county in regards to accepting otherwise acceptable solid waste materials for disposal in its landfills shall be passed on in the same manner to all customers of the town collection system.

(1993 Code, § 58-40)

### **§ 50.20 BURNING OR BURYING OF SOLID WASTES.**

Except for burning under the permissible open burning provisions of G.S. § 143-215, no open burning is permissible within the jurisdiction of the town, and nothing else defined as solid waste within the guidelines of this subchapter, with the exception of fill, may be disposed of by internment or burying, by any public or private entity.

(1993 Code, § 58-41)

### **§ 50.21 DISPOSAL OF SOLID WASTES GENERATED BY CONTRACTOR.**

In all instances where any manner of solid waste is generated by a contractor working for a public or private entity within the jurisdiction of the town, it is the sole responsibility of that contractor to permanently dispose of those solid wastes.

(1993 Code, § 58-42)

### **§ 50.22 MEDICAL WASTE DISPOSAL.**

No medical waste may be placed in any collection container belonging to the town for town pickup and disposal. All doctors, dentists and medical treatment facilities shall be required to make arrangements for the disposal of all their medical waste with a firm licensed to handle and dispose of this material, and to keep the Director of Public Works and Utilities up-to-date on what firm that is. The chief medical practitioner at the office or business shall be solely responsible for contracting for the lawful disposal of all medical wastes generated at that facility. Any deliberate attempt to introduce medical wastes into the town collection system shall be reported to the North Carolina Department of Environmental, Health and Natural Resources, and all employees and officials involved will cooperate in any subsequent prosecution of the offending parties.

(1993 Code, § 58-43)

### **§ 50.23 REMOVAL OF DEAD ANIMALS.**

Small dead animals such as rabbits, opossums, squirrels, dogs and cats require separate collection and internment. Carcasses may not be placed in the normal waste stream for disposal in any landfill. Carcasses of larger animals are generally the responsibility of the owner for proper disposal. In instances where the carcass is found on public property or roadway, and no owner is identifiable, it will be disposed of in a manner consistent with all applicable laws, rules and regulations.

(1993 Code, § 58-44)

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*LITTERING*

**§ 50.35 DEPOSITING LITTER UPON STREETS, SIDEWALKS OR PRIVATE PREMISES.**

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of that private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.  
(1993 Code, § 58-62) Penalty, see § 50.99

**§ 50.36 THROWING OR DEPOSITING LITTER FROM VEHICLES.**

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.  
(1993 Code, § 58-63) Penalty, see § 50.99

**§ 50.37 MAINTENANCE OF PUBLIC AREAS.**

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain those areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon that street or other public way.  
(1993 Code, § 58-64) Penalty, see § 50.99

**§ 50.38 SUITABLE RECEPTACLES REQUIRED.**

Suitable receptacles shall be provided in all parking or access areas within the meaning of § 50.37. These receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.  
(1993 Code, § 58-65)

**§ 50.99 PENALTY.**

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



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(B) (1) Any owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises within the meaning of § 50.37 who fails to abide by the provisions of this subchapter shall be subject to a penalty of \$50 in addition to the penal provisions of state law for violations of municipal ordinances.

(1993 Code, § 58-61; Am. Ord. 3-18-19)

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CHAPTER 51: GENERAL UTILITY PROVISIONS

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- 51.35 Connections made within certain period after mains ready for use
- 51.36 Application for connection
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- 51.41 Maintenance of meters
- 51.42 Connection outside town limits

*IN GENERAL*

**§ 51.01 CONTROL, SUPERVISION OF UTILITIES.**

The town's utilities systems, water, wastewater and electric, shall be under the general control and supervision of the Town Administrator. The Town Administrator shall appoint a qualified person to supervise the operation and regulation of the systems. This person shall be known as the Director of Public Works and Utilities.

(1993 Code, § 74-1)

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### **§ 51.15 CONTRACTS TO CONFORM WITH PERTINENT PROVISIONS.**

All pertinent provisions of this subchapter are hereby made a part of the terms and conditions whereby the town furnishes sewer or water service to any person, or whereby the town makes any sewer or water connections or performs any work of any kind in connection with the furnishing of sewer or water service.

(1993 Code, § 74-111)

### **§ 51.16 CONNECTION TO SEWER REQUIRED; ADDITIONAL SEWER LINES.**

(A) Every person owning a dwelling, building or other structure which is used for human habitation or occupancy within the town situated on a lot or parcel of land which abuts or adjoins a street or other public way, along which is located a sanitary sewer shall connect that dwelling, building or structure to the sewer system of the town; however, no person shall be required to cross the private property of any other person to make that connection although this may be done voluntarily. Where connections are required, all toilets, sinks and other plumbing fixtures shall be installed so as to drain into the sanitary sewer.

(B) When in the future new and additional sewer lines are installed by the town, the persons owning dwellings, buildings and other structures for human habitation or occupancy situated on lots abutting or adjoining the streets in which those sewer lines are constructed shall connect those dwellings, buildings or structures to the new sewer lines within 60 days from the completion of same, prior to occupancy.

(C) However, a person who has installed or does install a septic tank because of the inaccessibility of town sewerage shall be able to continue to use that septic tank after town sewerage is available and shall not be required to attach to the town sewerage until and unless he or she so elects.

(1993 Code, § 74-112)

### **§ 51.17 PERMIT FOR CONNECTION REQUIRED.**

No person shall make any connection to the sanitary sewer system unless and until a permit therefor has been issued by the town. Permits shall be issued for connection only after the Director of Public Works and Utilities has determined the type of connection required, and the type of waste to be placed in the system.

(1993 Code, § 74-113)

#### ***Statutory Reference:***

*Municipal authority to require connections to water or sewer service, see G.S. § 160A-317*

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### **§ 51.18 CONNECTION FEES.**

A connection charge shall be made for each and every four-inch connection to the sanitary sewer system and a separate connection charge shall be made for each and every 3/4-inch connection to the municipal water system. There shall be an increase in the connection charges for sewer connections larger than four inches and water connections larger than 3/4-inch, this increase to be based on the cost of material used plus 25%. These charges shall be paid to the town prior to the installation of any connection.

(1993 Code, § 74-114)

### **§ 51.19 WORK TO BE DONE BY AUTHORIZED PERSONNEL; INSPECTIONS.**

All connections to the sanitary sewer system shall be made by authorized employees of the town or by licensed plumbers who have been specifically employed or granted permission by the Director of Public Works and Utilities to make that connection. Any sewer connections made by authorized, licensed plumbers shall be inspected by the Director of Public Works and Utilities and the Code Enforcement Officer after that work has been completed and prior to the time the connection is covered.

(1993 Code, § 74-115)

### **§ 51.20 SEPARATE CONNECTIONS REQUIRED.**

Each separate dwelling structure or other building shall have a separate connection to the system; provided that apartment or other multiuse or occupancy buildings may have one combined connection.

(1993 Code, § 74-116)

### **§ 51.21 APPLICATION FOR CONNECTION.**

No connection shall be made to any sewer or water lateral except after the written application therefor has been approved by the Director of Public Works and Utilities.

(1993 Code, § 74-136)

### **§ 51.22 CONSTRUCTION OF LATERALS FOR CONNECTION MADE BY TOWN ONLY.**

The construction of laterals for the connection of the sewer or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefor shall be done only by the town, except as otherwise provided in § 51.38.

(1993 Code, § 74-137)

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### **§ 51.23 LATERALS TO BE LAID ONLY TO INSIDE OF CURB.**

Water or sewer laterals laid as a part of any water or sewer main improved shall be laid only to the inside of the curb unless in the resolution ordering the improvement the Board of Commissioners specifically directs otherwise.  
(1993 Code, § 74-138)

### **§ 51.24 EXTENSION OF LATERALS.**

After laterals are laid from water or sewer mains to the inside of the curb, no lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor.  
(1993 Code, § 74-139)

## *MAIN CONNECTIONS*

### **§ 51.35 CONNECTIONS MADE WITHIN CERTAIN PERIOD AFTER MAINS READY FOR USE.**

Within 60 days after the time when any water main in any street is completed and ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause that lot to be connected with the water; and within 60 days after the time when any sewer main in any street is completed and ready for use, if a water main has been installed in that street, the owner of any abutting lot having thereon improvements for human occupancy, shall cause a water closet and sink to be installed and to be connected with that sewer main, and shall cause all other sewer facilities within those improvements, if any, to be connected with that sewer main; provided, that the owner of the premises shall be notified in writing by the town of the installation of that water main or the installation of the sanitary sewer, and shall be allowed 60 days after the written notice within which to make the required connection.  
(1993 Code, § 74-156)

### **§ 51.36 APPLICATION FOR CONNECTION.**

Every application for a sewer or water connection shall state the name of the owner of the lot; the name of the street on which the lot is situated; the number of the house, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired; and the character of surface of the abutting street. Every application, shall be accompanied by the proper fee for making the connection applied for, and shall be filed with the Finance Officer.  
(1993 Code, § 74-157)

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### **§ 51.37 CONSTRUCTION OF CONNECTIONS.**

Upon approval of any application for a sewer or water connection the town shall do the excavation, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street; provided, that by special permission of the Director of Public Works and Utilities, the user may make the excavations and refill the same after installation is made.  
(1993 Code, § 74-158)

### **§ 51.38 SEWER CONNECTIONS TO BE MADE WHERE OPENINGS PROVIDED.**

Every sewer connection made directly to a main shall be made at the wye provided for the lot to be served; but if no wye has been provided for that lot, the connection may be made directly to the main at any convenient point.  
(1993 Code, § 74-159)

### **§ 51.39 SEPARATE CONNECTIONS FOR EACH BUILDING.**

Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected, except in those cases where laterals have already been laid in macadam or improved streets from that main without provision being made for the house or building, in which case the connection may be made to an existing lateral. If the house or building is on macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each house or unit.  
(1993 Code, § 74-160)

### **§ 51.40 OWNERSHIP OF EQUIPMENT; MAINTENANCE AND UPKEEP.**

All meters, meter boxes, pipes and other tangible assets furnished, used or installed in connecting a water or sewer line to the existing system shall be the property of the town upon connection, except as noted in this section. In the case of main lines, this will include the granting of property easement to permit the maintenance and upkeep of those lines. In the case of lateral lines, easements will be granted to the meter box on water lines and to a point predesignated by competent authority of the town on sewer lines. Lines from the meter box and/or designated point shall remain the property of the land owner, who shall be solely responsible for their maintenance and upkeep.  
(1993 Code, § 74-161)

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### § 51.41 MAINTENANCE OF METERS.

All meters, except those as are required to be furnished by particular users of water, shall be kept in good repair and working order by the town and at the expense of the town. Meters furnished by particular users of water shall be kept in good repair and working order by the town but the expense thereof shall be borne by those users.

(1993 Code, § 74-162)

### § 51.42 CONNECTION OUTSIDE TOWN LIMITS.

(A) All connections to town-owned utilities outside the corporate limits of the town shall only be made by employees of the town. Prior approval for these connections must be made by competent authority of the town, and the approval shall only be granted after submission by the owner or contractor of detailed design of the utilities layout, uses and material composition proposed to be used, their review and acceptance.

(B) Any requirements of the North Carolina State Building Code and the town ordinances must be complied with before any connection approval is given under this section.

(C) The schedule of fees for connection to town-owned utilities outside the town shall be set by the Board of Commissioners as part of the annual budget, and a schedule of fees is on file in the Town Clerk's office.

(D) Housing projects, subdivisions and trailer parks:

(1) The charge for each functioning tap on the main connecting to our water or sewer line.

(2) Electric service shall be brought to the service entrance after the customer pays the required deposit.

(E) All commercial and industrial customers outside the municipality shall pay a fee calculated to be the cost of connection plus 25% thereof, for connection to either town water or sewer lines, or both. All fees must be paid prior to connection to the town system.

(1993 Code, § 74-163)

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### CHAPTER 52: ELECTRICAL SYSTEM

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- 52.02 Connections made by town
- 52.03 Right of entry for purpose of inspection
- 52.04 Failure to comply with rules and regulations
- 52.05 Injury to, tampering with system
- 52.06 Unlawful diversion
- 52.07 Authority to shut off electric service
- 52.08 Notice of complaint of unsatisfactory service
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- 52.10 Deposit for light service
- 52.11 Schedule of rates
- 52.12 Payment of bills; fee for reinstatement of service
- 52.13 Electric lines buried
- 52.14 Solar panels, windmills and other forms of renewable energy

#### **§ 52.01 CONTRACTS TO CONFORM WITH PERTINENT PROVISIONS.**

The provisions of this chapter shall be incorporated in all contracts for the distribution of electric power by the town insofar as those provisions could be applicable thereto.  
(1993 Code, § 74-26)

#### **§ 52.02 CONNECTIONS MADE BY TOWN.**

All connections to the electrical system of the town will be made by the town.  
(1993 Code, § 74-27)

#### **§ 52.03 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION.**

The town's authorized representative shall at all reasonable hours have free access to all premises for the purpose of examining fixtures or connections on which town electrical power is maintained.  
(1993 Code, § 74-28)



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### **§ 52.04 FAILURE TO COMPLY WITH RULES AND REGULATIONS.**

Any user of the town's electrical power who violates a rule or regulation related thereto approved by the Board of Commissioners shall be notified of that violation. Fourteen days after the notification, continuance of the violation shall be grounds for the disconnection of electrical service.  
(1993 Code, § 74-29)

### **§ 52.05 INJURY TO, TAMPERING WITH SYSTEM.**

(A) No person shall injure or in any way tamper with the electric power meters, poles or any other facilities or apparatus of the town electrical system.

(B) A person who knowingly violates this section shall be fined \$500. In addition to other penalties authorized in this code, persons responsible shall also be required to pay for the damage done.  
(1993 Code, § 74-30; Am. Ord. 10-15-18) Penalty, see § 10.99

### **§ 52.06 UNLAWFUL DIVERSION.**

No person shall divert electricity furnished by the town from its intended use.  
(1993 Code, § 74-46) Penalty, see § 10.99

### **§ 52.07 AUTHORITY TO SHUT OFF ELECTRICAL SERVICE.**

Only authorized employees of the town may disconnect or otherwise terminate electric service to any premises served by the town electrical system.  
(1993 Code, § 74-47)

### **§ 52.08 NOTICE OF COMPLAINT OF UNSATISFACTORY SERVICE.**

(A) Should the town's electrical service be deemed unsatisfactory, the Director of Public Works and Utilities shall be notified in writing of the specific complaints.

(B) (1) In case of protested bills, when it is alleged that meters are defective, the complaint may be made on the bill, but if the meter is found not defective, then the complainant shall pay all expenses of the investigation.

(2) All bills shall be paid before the test is made, and if an error is found, proper credit shall be made.  
(1993 Code, § 74-48)

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### **§ 52.09 NEW OCCUPANTS MAKE APPLICATION FOR SERVICE IN PERSON.**

The first time that an occupant of premises requests electrical service at that location, he or she shall make application in person in the office of the Town Clerk.  
(1993 Code, § 74-49)

### **§ 52.10 DEPOSIT FOR LIGHT SERVICE.**

The light service within the electric service area of the town will be turned on for service after an appropriate dwelling inspection and upon payment at the town office of a deposit fixed by the Board of Commissioners. When service is desired to be discontinued by the patron, the service will be cut off and deposit refunded, less the amount due for unpaid bills. Any patron moving and failing to notify the town officials shall forfeit his or her deposit.  
(1993 Code, § 74-50)

### **§ 52.11 SCHEDULE OF RATES.**

Electrical rates and connection and reconnection charges shall be determined by the Board of Commissioners as part of the annual budget, and shall be kept on file in the office of the Town Clerk.  
(1993 Code, § 74-66)

### **§ 52.12 PAYMENT OF BILLS; FEE FOR REINSTATEMENT OF SERVICE.**

The Town Administrator shall prescribe the manner in which electrical service fees are collected and the manner in which service is disconnected and reinstated in the event of nonpayment.

***Statutory Reference:***

*Authority to discontinue service to any customer whose account is delinquent for more than ten days, see G.S. § 160A-314(b)*

### **§ 52.13 ELECTRIC LINES BURIED.**

All electrical power lines outside the Town's right of way intended for direct consumer connections and which are located within the Town corporate limits shall be placed underground in accordance with the specifications and policies of the Town (excluding transformers or enclosures containing electrical equipment such as switches, meters or capacitors which may be pad mounted). Property owners shall bury conduit immediately adjacent from the connection point of any meter to the connection point within the Town's right of way as directed by the Town. Two-inch conduit shall be buried for 200 amp service and four-inch conduit shall be buried for 400 amp service. The Town shall then utilize the buried conduit to connect the meter to the electrical system as provided in section 52.02.  
(Ord. 4-15-19 and applies "to any new connection, and to any complete rewiring of any existing structure, made to the Town's electrical system after the effective date of this ordinance.")

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**§ 52.14 SOLAR PANELS, WINDMILLS AND OTHER FORMS OF RENEWABLE ENERGY.**

No person shall install any solar collection system, solar panel, windmill or other such device capable of producing renewable energy on the premises where the device is located unless prior written approval has been provided by the Town Administrator or his or her designee in consultation with the Electric Department and the Fire Chief. Adequate signage shall be placed on the appropriate electrical box or other equipment as directed by the Town Administrator sufficient to provide clear notice that a renewable energy device has been installed on the premises. The Town shall approve or deny any request to install a renewable energy device that connects to the Town's electrical system in its sound discretion.

(Ord. 3-15-21)

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CHAPTER 53: WATER

Section

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***WATER SERVICE***

**§ 53.01 METERED RATES.**

Water shall be furnished to consumers at metered rates only.  
(1993 Code, § 74-181)

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### **§ 53.02 SCHEDULE OF WATER RATES.**

Water rates, deposits, connection and reconnection charges shall be determined as part of the annual budget and shall be kept on file in the office of the Town Clerk.

(1993 Code, § 74-182)

### **§ 53.03 DEPOSIT TO BE MADE BY TENANTS.**

(A) When any tenant of any premises makes application for water to be furnished to those premises, he or she shall be required to make a deposit as hereinafter set out to guarantee the payment of the water bill. If at the expiration of the time limited by this subchapter for the payment of the bill for any month, the tenant has failed to pay his or her water bill due for that month, the portion of the deposit as may be necessary shall be applied to the payment of that water bill. Thereupon the water shall be cut off from those premises and shall not be turned on again until the balance of the deposit is increased to the original amount thereof.

(B) When the tenant has the water finally cut off, he or she shall, upon payment of all water bills due, be entitled to the return of his or her deposit, or any balance thereof; provided, that if the tenant vacates the premises without notifying the Water Division and having the water cut off he or she shall forfeit any balance of the deposit remaining after the water bill due has been deducted therefrom. The amount of the required deposits shall be set by the Board of Commissioners as part of the annual budget, and a schedule of deposits is on file in the Town Clerk's office. The making of the deposit required by this section shall not operate to relieve any premises of liability for the payment of any water bill incurred thereon by any tenant of those premises except to the extent of that deposit.

(C) Every landlord renting or leasing premises to tenants required by this section to make the deposit shall immediately notify the Water Division upon the vacation of the rented or leased premises by the tenant.

(1993 Code, § 74-183)

### **§ 53.04 METERS READ MONTHLY; DUE DATE OF BILLS.**

The Town Administrator shall prescribe the manner in which water service fees are collected and the manner in which service is disconnected and reinstated in the event of nonpayment.

### **§ 53.05 BILLS FOR WATER.**

Bills for water shall be based on the actual reading of amount of water used, except that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the average amount heretofore used by the premises served by that meter during the preceding three months or during the portion of that period for which water use records are available; or if water was not consumed by those premises through the meter during the preceding period, the bill rendered shall be for the average amount for other services of the same class in the town during the period covered by the

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bill. Bills shall be rendered separately for each service or connection. When more than one family or other group is furnished water through a single meter, the bill therefor shall be furnished only to the person upon whose application the water was furnished. All bills shall be made out and mailed as early as practicable after the close of the month covered by those bills.

(1993 Code, § 74-185)

### **§ 53.06 SERVICE OUTSIDE OF TOWN LIMITS.**

Water shall not be furnished to consumers outside of the town except at those terms and conditions as may be approved in each case by the Town Administrator.

(1993 Code, § 74-186)

### **§ 53.07 IRRIGATION METER REQUIREMENT.**

(A) All new in-ground irrigation systems installed after the effective date of this section that are supplied water from the town water system shall be independently connected to the system. Water consumption shall be measured through a separate irrigation meter.

(B) An irrigation service line may be installed by a direct tap into the main (separate tap) or by a split line off the non-irrigation service line at a point between the main and the non-irrigation meter (split tap). Either method of connection shall be performed by the Town Public Works Department, or by a licensed contractor upon prior written approval by the town.

(C) An irrigation service line, the irrigation meter and all related appurtenances shall be installed in accordance with the same regulations, policies and procedures that apply to non-irrigation meters.

(Ord. 2009-10, passed 9-21-2009)

## ***WATER SHORTAGE RESPONSE***

### **§ 53.20 PURPOSE.**

The purpose of this subchapter is to provide for the declaration of official phases of water supply shortages and to implement voluntary and involuntary water conservation measures throughout the town in the event a shortage is declared.

(Ord. passed 3-28-2005)

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### § 53.21 DEFINITIONS.

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

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

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

**BRACKISH WATER.** Water containing more than 100 parts per million of dissolved salts.

**CUSTOMER.** Any person using water for any purpose from the town's water distribution system and for which a regular charge is made.

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

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

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

**MANDATORY CONSERVATION.** Raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

**NON-RESIDENTIAL CUSTOMER.** Commercial, industrial, institutional, public and all other users, with the exception of hospitals, health care facilities and related users.

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

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

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

**SERVICE INTERRUPTION.** The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any end-user.

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

***WASTEWATER.*** Water previously used for industrial, municipal, county, domestic or other purposes, and has not been returned to the surface or groundwater source.

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

(B) Water use classes shall be established as follows:

(1) *Class 1: Essential water uses.*

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

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

(c) Public use: Fire hydrants; firefighting; certain testing and drills by the Fire Department if performed in the interest of public safety and if approved by the Town Administrator.

(d) Flushing sewers and hydrants: As needed to ensure public health and safety if approved by the Town Administrator.

(2) *Class 2: Socially or economically important uses of water.*

(a) All domestic uses other than those included in Classes 1 and 3:

1. Home water use including kitchen, bathroom and laundry use; and
2. Minimal watering of vegetable gardens; watering trees where necessary to preserve them.

(b) Commercial, agricultural, industrial and institutional uses:

1. Irrigation for commercial watering (public or private) using conservation measures and to the extent that sources of water other than fresh water are not available to uses;
2. Irrigation for commercial vegetables gardens and fruit orchards or the maintenance of livestock;
3. Watering by commercial nurseries at a minimum level necessary to maintain stock;



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4. Water use by arboretums and public gardens of national, state or regional significance where necessary to preserve specimens;

5. Use of fresh water at a minimum rate necessary to implement vegetation following earth-moving, where re-vegetation is required by law or regulation;

6. Watering of golf course greens;

7. Filling and operation of swimming pools. Residential pools which serve more than 25 dwelling units, pools used by health care facilities for patient care and rehabilitation and municipal pools;

8. Commercial car and truck washes;

9. Commercial laundromats;

10. Restaurants, clubs and eating establishments;

11. Air conditions. Refilling for start-up at the beginning of the cooling season, make-up water during the cooling season or refilling specifically approved by health officials where the system has been drained for health protection or repair purposes; and

12. Schools, churches, motels, hotels and similar commercial establishments.

(3) *Class 3: Non-essential uses of water.*

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

(b) Outdoor non-commercial watering (public or private):

1. Gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas;

2. Filling and operation of recreational swimming pools which serve fewer than 25 dwellings;

3. Non-commercial washing of motor vehicles;

4. Serving water in restaurants, clubs or eating places except by specific request; and

5. Refilling of air conditioning cooling towers after draining except as specified in

Class 1.

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### (c) Public use:

1. Fire hydrants, any use including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed in Class 1.

2. Flushing of sewers and hydrants except listed in Class 1.

(Ord. passed 3-28-2005)

### **§ 53.22 DECLARATION OF VOLUNTARY CONSERVATION.**

Whenever the Board of Commissioners finds that a potential shortage of water supply is indicated, it may declare by adoption of a resolution that voluntary conservation conditions exist, and that the Public Works Director shall, on a daily basis, monitor the supply and demand of water. In addition, the Board is authorized to call upon all water customers to employ voluntary water conservation measures to limit water uses (especially Class 2 users) and eliminate the waste of water. This resolution shall be published in a newspaper of general circulation pursuant to G.S. § 1-597, and may be publicized through the general news media or any other appropriate method of making resolutions public.

(Ord. passed 3-28-2005)

### **§ 53.23 DECLARATION OF MANDATORY CONSERVATION.**

Whenever the Board of Commissioners finds raw water supplies to be consistently below seasonal averages, which continue to decline and may not be adequate to meet normal needs, it may declare by resolution that mandatory conservation conditions exist. The town shall continue to encourage voluntary water conservation measures defined under the voluntary conservation declaration, and further shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared ended by resolution of the Board of Commissioners. Publication of these resolutions shall follow the provisions declared in § 53.22.

(Ord. passed 3-28-2005)

### **§ 53.24 DECLARATION OF WATER SHORTAGE EMERGENCY.**

In extreme circumstances, whenever the Board of Commissioners finds that raw water supplies are well below the level necessary to meet normal needs and that serious shortages exist, it may declare by resolution that a water shortage emergency exists. Class 1 uses shall be specifically identified as targets for voluntary conservation initiatives. All Class 2 and Class 3 uses shall be prohibited. These restrictions shall continue until the emergency is declared ended by resolution of the Board of Commissioners. Publication of these resolutions shall follow the provisions in § 53.22.

(Ord. passed 3-28-2005)

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### **§ 53.25 DECLARATION OF RATIONING.**

If the measures contained in § 53.24 are insufficient, and if the Board of Commissioners has declared a water shortage emergency and finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it may provide for mandatory rationing by adoption of a resolution.

(Ord. passed 3-28-2005)

### **§ 53.26 OBJECTIVES OF RATIONING.**

In order to adopt a resolution that provides for mandatory rationing, the Board of Commissioners must:

(A) Find an immediate need for further reduction in water use in order to extend existing water supplies and assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service;

(B) Determine whether the proposed rationing will prevent further reductions in water usage; and

(C) Provide for equitable reductions in water usage and for equal sacrifice on the part of each water customer.

(Ord. passed 3-28-2005)

### **§ 53.27 WATER USE RATIONING FOR RESIDENTIAL USERS.**

Metered residential water customers and allotments:

(A) The number of permanent residents in each dwelling unit will determine the amount of water allotted to each household;

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

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

(D) If the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health related requirements, a revised allotment for the particular customer may be established by the Public Works Director. Any person aggrieved by a decision of the Public Works Director may apply to the Town Administrator for

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reconsideration. If the customer is not satisfied with the decision of the Town Administrator, the customer may petition the Board of Commissioners for a variance.  
(Ord. passed 3-28-2005)

### **§ 53.28 WATER USE RATIONING FOR NON-RESIDENTIAL WATER USERS.**

(A) Non-residential customers are all other customers, except for hospital and health care facilities.

(B) Non-residential water customers shall reduce their water usage to 40 gallons per person per day or to 50% of normal usage during the period of this resolution, whichever is greater.

(C) Each non-residential water user shall provide access to town personnel for meter reading and monitoring of compliance with this subchapter.

(D) If the non-residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health related requirements, a revised allotment for the particular customer may be established by the Public Works Director. Any person aggrieved by a decision of the Public Works Director may apply to the Town Administrator for reconsideration. If the customer is not satisfied with the decision of the Town Administrator, the customer may petition the Board of Commissioners for a variance.  
(Ord. passed 3-28-2005)

### **§ 53.29 WATER USE RATIONING FOR HOSPITALS AND HEALTH CARE FACILITIES.**

(A) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers, to the extent compliance will not endanger the health of patients or residents of the institution.

(B) Each hospital or health care facility shall survey its water usage patterns and requirements and implement additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.  
(Ord. passed 3-28-2005)

### **§ 53.30 ENFORCEMENT OF WATER RATIONING.**

(A) The town will have primary responsibility for monitoring compliance with the water rationing resolution contained in § 53.25.

(B) The following provisions shall govern the implementations of temporary service interruptions:

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(1) In order to effectuate compliance with the resolution authorized by § 53.25, the town may implement temporary service interruptions to all or part of its water distributions system, as may be deemed appropriate, when any of the following conditions are determined to exist:

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

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

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

(2) In the event the Board determines that temporary service interruptions are necessary, the town shall notify its customers through public media at least one day prior to the temporary service interruption that a planned temporary service interruption is to be imposed. The notice shall:

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

(b) State the time when the planned, temporary service interruptions will begin and end;

(c) State whether the planned, temporary service interruptions are to be imposed on the entire system. If only parts of the system will experience planned, temporary service interruption, the notice shall identify geographic boundaries within which the interruptions will occur; and

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

(3) If a planned, temporary service interruption is imposed as authorized and required by this subchapter, the town must provide for the continued delivery of water to health care facilities within the areas effected by the interruptions and for the continued delivery of water for the proper operation of sewage collection, treatment and disposal systems and facilities.

(C) Any customer who exceeds the allotments established in a resolution authorized by § 53.25 will be subject to the following excess-use civil penalties:

(1) Excess-use civil penalties will be collected based on the amount by which a customer's use exceeds the applicable allotment established pursuant to the water rationing declaration, computed in accordance with the following schedule:

<i>Excess Usage Per Month</i>	<i>Civil Penalty For Excess</i>
First 2,000 gallons or portion thereof	\$10 per 100 gallons or portion thereof
Each 1,000 gallons or portion thereof, thereafter	\$20 per 100 gallons or portion thereof

(2) Any monies collected through excess use civil penalties shall be placed in a reserve

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account that is dedicated to addressing water shortage problems and water conservation initiatives.

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

(E) (1) Any customer or other person aggrieved by a decision or action imposing an excessive use civil penalty may request a hearing before the Board of Commissioners to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control, which resulted in the violation.

(2) A record regarding disputed violations shall be kept, and a written notice of the Board's final decision and action in those cases shall be provided to the customer or aggrieved party.  
(Ord. passed 3-28-2005)

### **§ 53.31 SHORTAGE WATER RATES.**

(A) Upon the declaration of a water supply shortage as provided in this subchapter, the Board of Commissioners may adopt special water rates during a water shortage designed to conserve water supplies.

(B) Rates may provide for, but shall not be limited to:

(1) Higher charges per unit for increasing usage;

(2) Uniform charges for water usage per unit of use;

(3) Extra charges for use in excess of a specified level; or

(4) Discounts for conserving water beyond specified levels.

(Ord. passed 3-28-2005)

### **§ 53.99 PENALTY.**

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

(B) Any person who violates the provisions of this chapter shall be subject to the following penalties:

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(1) Upon learning of a violation of this chapter, the town shall provide written notice of the violation to the customer of record and to any other person responsible for the violation or its correction. Notice shall describe the violation and order that it be corrected, cured or abated immediately or within a reasonable time under the circumstances. If the order is not complied with, the Board of Commissioners may terminate water service to the customer subject to the following procedures:

(a) The town shall give the customer notice by mail that, due to the continued violation, water services will be discontinued after a hearing before the Board of Commissioners;

(b) The Board shall provide the customer a full opportunity to be heard at the hearing; and

(c) The Board shall make findings of fact and determine whether service should continue or be terminated based on the spirit and intent of this subchapter.

(2) A fee of \$50 shall be paid for the re-connection of any water service terminated pursuant to this section. In the event of subsequent violations, the re-connection fee shall be \$200 for the second violation and \$300 for each additional violation.

(3) Any person violating any provisions of this chapter shall be subject to the provisions of § 10.99.  
(Ord. passed 3-28-2005; Am. Ord. 3-18-19)

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### CHAPTER 54: SEWER USE

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## **GENERAL PROVISIONS**

### **§ 54.001 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 of Enfield, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §§ 1251 *et seq.*) and the General Pretreatment Regulations (40 C.F.R. part 403).

(B) The objectives of this chapter are:

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

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

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

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

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

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

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

(D) This chapter shall apply to all users of the municipal wastewater system. Except as otherwise provided herein, the POTW Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions or orders issued hereunder. (Ord. passed 1-18-1995)

### **§ 54.002 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. Wherever a statute or regulation is cited, all subsequent amendments to and enactments of the statute or regulation are incorporated by reference.

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

**APPROVAL AUTHORITY.** The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources or his or her designee.

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### ***AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.***

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

1. 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

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

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

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

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

***BIOCHEMICAL OXYGEN DEMAND (BOD).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, usually expressed as a concentration (e.g. mgn).

***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 users treatment facility.

***CATEGORICAL STANDARDS.*** National categorical pretreatment standards or pretreatment standard.

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

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

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

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

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

### **INTERFERENCE.**

(a) 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.

(b) The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. §§ 6901 *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

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

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** or **CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 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 § 54.015 and are developed under the authority of § 307(b) of the Act and 40 C.F.R. § 403.5.

### **NEW SOURCE.**

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

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

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

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

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

(c) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

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

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

b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

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

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

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

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

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

**PERSON.** Any individual, partnership, copartnership, 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 any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and any agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

**POTW DIRECTOR.** The Town of Enfield Administrator, appointed by the Town Board of Commissioners.

**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 pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

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

**PRETREATMENT STANDARDS.** Prohibited discharge standards, categorical standards and local limits.

**PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM.** A treatment works as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. This definition includes any devices or systems used in the collection, storage,

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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 reasonably be expected to occur in the absence of a bypass. ***SEVERE PROPERTY DAMAGE*** does not mean economic loss caused by delays in production.

***SIGNIFICANT INDUSTRIAL USER.*** Any industrial user of the wastewater disposal system who: has an average daily process wastewater flow of 25,000 gallons or more; contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; is required to meet a national categorical pretreatment standard; or is found by the town, 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:

(a) Violations of wastewater discharge limits.

1. *Chronic violations.* Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.

2. *Technical Review Criteria (TRC) violations.* Thirty-three percent or more of the measurements are more than the TRC times the limit (maximum or average) in a six-month period. There are 2 groups of TRCs. For conventional pollutants: BOD, TSS, fats, oil and grease, TRC = 1.4; For all other pollutants, TRC = 1.2.

3. *Violations of an effluent limit.* 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.

4. *Any discharge of a pollutant.* 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.

(b) 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.



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(c) 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.

(d) Failure to accurately report noncompliance.

(e) 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 standards in § 54.051.

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

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

**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.

**TOWN.** The Town of Enfield.

**UPSET.**

(a) 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.

(b) An **UPSET** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

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

**WASTEWATER PERMIT.** As set forth in § 54.101.

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

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

***BOD.*** Biochemical oxygen demand.

***C.F.R.*** Code of Federal Regulations.

***COD.*** Chemical oxygen demand.

***EPA.*** The United States Environmental Protection Agency.

***gpd.*** Gallons per day.

***l.*** Liter.

***mg.*** Milligrams.

***mg/l.*** Milligrams per liter.

***G.S.*** North Carolina General Statutes.

***NPDES.*** National pollution discharge elimination system.

***O&M.*** Operation and maintenance.

***POTW.*** Publicly-owned treatment works.

***RCRA.*** Resource Conservation and Recovery Act.

***SIC.*** Standard Industrial Classification.

***SWDA.*** Solid Waste Disposal Act.

***TSS.*** Total suspended solids.

***TKN.*** Total kjeldahl nitrogen.

***U.S.C.*** United States Code.

(Ord. passed 1-18-1995)

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***DOMESTIC SEWAGE DISCHARGERS AND COMMERCIAL USERS***

**§ 54.015 USE OF PUBLIC SEWERS REQUIRED.**

(A) This subchapter applies only to domestic sewage dischargers, commercial users and unpermitted industrial users. In this subchapter the term ***DOMESTIC SEWAGE DISCHARGER*** or ***COMMERCIAL USER*** shall refer to any discharger who is not permitted pursuant to §§ 54.100 and 54.101 or by the approval authority. Industrial users permitted in accordance with §§ 54.100 and 54.101, including holders of permits issued by the approval authority prior to approval of the town's pretreatment program, are governed by §§ 54.100 and 54.101, other portions of this chapter where applicable and state and federal pretreatment regulations.

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

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

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

(E) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line and can be reached by gravity flow.

(F) No property owner shall be required to connect to the public sewer system if he or she must first purchase an easement in which to install sewer lines.

(Ord. passed 1-18-1995)

**§ 54.016 PERMIT FOR CONNECTION REQUIRED.**

No person may connect or be connected to the water or sewer system of the town until a permit for a connection has been issued pursuant to § 54.017.

(Ord. passed 1-18-1995)

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### **§ 54.017 APPLICATION FOR SERVICE CONNECTIONS.**

(A) Applications for water or sewer service connections shall be made at the Town Hall during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for the payment of the bills and shall be signed by the customer or by his or her authorized agent.

(B) Every application for connection shall be accompanied by the service connection fee specified in § 54.070.

(Ord. passed 1-18-1995)

### **§ 54.018 REJECTION OF PERMIT APPLICATION.**

(A) Upon application for connection permit, the town may reject the application and decline to provide service for the following reasons:

(1) Service is not available under the standard rate;

(2) The cost of the service is excessive;

(3) The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; or

(4) Other good and sufficient reasons.

(B) The town may also reject an application for service if there is an outstanding amount due the town for water or sewer service in the applicant's name.

(C) A lessee making an initial application for service to his or her leased dwelling shall not be refused service by the town solely because of an outstanding amount owed the town by another customer for service previously furnished to that same address.

(Ord. passed 1-18-1995)

### **§ 54.019 TOWN INSPECTION.**

By making application for service, the customer agrees that the town possesses the right to inspect and accept or reject the private water distribution systems, water connections, sewage collection systems and sewer connections before they are connected to the town water and sewer systems. The town shall be given notice to inspect before the pipes are covered and the systems are connected.

(Ord. passed 1-18-1995)

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### **§ 54.020 ALTERATION OF SYSTEM REQUIRES PERMIT.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the town.  
(Ord. passed 1-18-1995)

### **§ 54.021 COSTS TO BE BORNE BY OWNER.**

All cost and expense incident to the connection of the building sewer on the owner's property shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection into the public sewer shall be made by the town, for which the owner shall pay the town a standard sewer tap fee as set by the Board, copy of the schedule to be kept on file in the office of the Clerk.  
(Ord. passed 1-18-1995)

### **§ 54.022 INDEPENDENT SEWER FOR EACH BUILDING; EXCEPTION.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, when approved by the town.  
(Ord. passed 1-18-1995)

### **§ 54.023 OLD BUILDING SEWERS.**

No old sewers will be excepted. This requirement may be waived by the approving authority after the condition of the sewer has been thoroughly inspected by same.  
(Ord. passed 1-18-1995)

### **§ 54.024 MINIMUM STANDARDS OF SEWERS.**

(A) The building sewer shall, in all cases, meet the minimum standards of the State of North Carolina Plumbing and Building Codes and be installed in accordance with all applicable OSHA requirements. Joints shall be watertight. Any part of the building sewer that is located within ten feet of a water service shall be constructed of ferrous metal pipe with joints equivalent to water main standards. Ductile iron with mechanical joints may be required by the town where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of ductile iron or cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the town.

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(B) Where there are multiple buildings or structures situated on one lot and where the lot owner desires to have a common water connection, and a common sewer connection, he or she must meet the following requirements:

(1) The building or buildings to be serviced shall be in compliance with all application zoning regulations;

(2) The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot;

(3) The applicant shall be required to submit to the town a site plan showing the proposed water and sewer systems. Plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. Plans shall include:

(a) Size of water lines, materials to be used for construction, valve locations and hydrant locations. All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor; and

(b) Size of sewers and materials to be used for construction. All sewer lines eight inches or larger in size shall be constructed in accordance with town specifications and standards. All sewer lines smaller than eight inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed plumber or a licensed utility contractor.

(4) Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

(Ord. passed 1-18-1995)

### **§ 54.025 SIZE AND SLOPE OF SEWER.**

The size and slope of the building sewer shall be subject to the approval of the town; but in no event shall the diameter be less than four inches. The slope of a four-inch pipe shall not be less than 1/8 inch per foot.

(Ord. passed 1-18-1995)

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### **§ 54.026 GRADES FOR SEWERS.**

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

(Ord. passed 1-18-1995)

### **§ 54.027 BUILDING DRAINS.**

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

(Ord. passed 1-18-1995)

### **§ 54.028 EXCAVATION AND BACKFILL.**

All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the town. Backfill shall not be performed until the work has been inspected by the County Plumbing Inspector.

(Ord. passed 1-18-1995)

### **§ 54.029 ANGLE OF CONNECTION.**

The connection of the building sewer into the public sewer shall be made at an angle of approximately 45 degrees. A 45-degree ell may be used to make the connection, with the spigot-end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the town.

(Ord. passed 1-18-1995)

### **§ 54.030 NOTICE TO TOWN.**

The applicant for the building sewer permit shall notify the town when the building sewer is ready for inspection and connection to the public sewer.

(Ord. passed 1-18-1995)

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### § 54.031 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Health Sanitarian. The application for a permit shall be made on a form furnished by the county, which the applicant shall supplement by any permit and inspection fee, plans, specifications and other information as are deemed necessary by the Sanitarian, or county regulations.

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

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(E) At a time that a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 54.015, a direct connection shall be made to the public sewer in compliance with this chapter at the first malfunction of the private system. At this time, any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at his or her own expense.

(G) In addition to the other requirements of this subchapter, all owners of lots on which private sewage systems are situated shall maintain the systems properly. Failure to maintain the systems properly shall constitute a nuisance which may be abated using the procedures of this chapter. However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of sewer service poses an immediate threat to public health, the town may summarily abate the nuisance and bill the lot owner for all costs incurred by the town.

(H) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.

(Ord. passed 1-18-1995)



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### **§ 54.032 EXTENSIONS OF SERVICE TO IN-TOWN PROPERTY.**

(A) The town recognizes its basic responsibility to provide water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the availability of funds, to extend its service lines to all properties unless it is unreasonable to do so.

(B) The town may determine that an extension of service is unreasonable for the following reasons:

(1) The cost of service extension is excessive in terms of the number of customers to be serviced or because of topographical, engineering, technical or other problems;

(2) The provision of service will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; and/or

(3) Other good and sufficient reasons.

(Ord. passed 1-18-1995)

### **§ 54.033 EXTENSIONS TO DEVELOPED PROPERTY WITHIN THE TOWN.**

(A) Except as provided in § 54.034, the town will initially bear the cost of extending water or sewer service to properties within the corporate limits. However, the town may recoup its costs, in whole or in part, by charging front footage fees at the time of connection to the water or sewer system or by levying special assessments on benefitted property.

(B) Except as provided in § 54.034, the town, or those entities it contracts with, will provide water and sewer main extensions to serve properties within the town.

(C) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within rights-of-way, except where the topography makes this impracticable. However, in no case will the town extend sewer lines across private property, unless the town has obtained adequate permanent easements for the lines.

(D) In order to preserve road surfaces, whenever the town installs water or sewer line extensions in paved streets within the town, it may install lateral lines to serve undeveloped as well as developed properties.

(Ord. passed 1-18-1995)

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### **§ 54.034 IN-TOWN EXTENSIONS WITHIN NEW SUBDIVISIONS AND OTHER NEW DEVELOPMENTS.**

(A) As indicated in § 54.032, the town recognizes its responsibility to extend its water and sewer lines to properties within the town. However, the responsibility for extending water and sewer lines within new subdivisions or within other new developments lies with the subdivider or developer, although the town may in its discretion contract with the subdivider or developer to install water and sewer lines.

(B) The cost of extending water or sewer lines within new subdivisions or other new developments shall generally be borne by the subdivider or developer. However, if the town requires lines within a subdivision or other new development that are larger than those necessary to serve the project and are located so as to serve other properties, the town shall reimburse the developer for any additional costs incurred as a result of installing oversized lines. Reimbursement shall be paid at the time the lines are connected to the town's system.

(Ord. passed 1-18-1995)

### **§ 54.035 EXTENSIONS OUTSIDE OF TOWN.**

(A) The town has no responsibility to provide water or sewer service to property located outside its corporate limits. However, upon request, the town may extend its water and sewer lines to serve properties outside the town when it, in its sole discretion, determines that it is in the town's best interests to do so.

(B) Any owner of property outside the corporate limits who seeks an extension of the town's water or sewer system to service his or her property, shall provide all information the town deems necessary to determine whether the requested extension is feasible and in the town's best interests.

(C) The responsibility for extending a water or sewer line to serve property outside the town is solely that of the property owner requesting the extension. Accordingly, the entire cost of extending lines within new subdivisions or developments outside the town shall be borne by the subdivider or developer.

(Ord. passed 1-18-1995)

### **§ 54.036 EXTENSIONS MADE BY OTHER THAN TOWN PERSONNEL.**

(A) All additions to the town's water or sewer system by other than town personnel, whether inside or outside the town, shall be performed in accordance with the provisions of this chapter as well as all other applicable town specifications and requirements. These include, but are not limited to, specifications governing the size of all lines, their location, grade, materials used, manner of installation and provision for future extensions.

(B) (1) No construction on any addition to the town's water or sewer system shall commence until detailed plans have been reviewed and approved by the Administrator.

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(2) The plan shall include whatever information the Administrator deems reasonably necessary to determine whether the proposed extension complies with all applicable town specifications and requirements.

(C) Water lines intended for addition to the publicly owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the town may accept an offer of dedication of lines installed within unsubdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the town may accept sewer lines constructed on private property (where the topography makes this necessary) if adequate permanent easements are provided.

(D) To protect street surfaces, the town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to water or sewer lines.

(E) By making application for extension to the town's water or sewer system, the person responsible for the extension agrees to indemnify and holds the town harmless from all loss, cost, damage, liability or expense resulting from injury to any person or property arising out of the extension of service lines.

(Ord. passed 1-18-1995)

### **§ 54.037 INSPECTION BY TOWN OF WORK DONE BY OTHERS.**

(A) All work on the extension of water or sewer lines not performed by town personnel (whether inside or outside the town, shall be subject to inspection by the town. If, in the judgement of the Administrator, there is a demonstrated lack of competent supervision by a contractor, the Administrator may at his or her option:

(1) Halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or

(2) Provide constant inspection by town personnel at the expense of the applicant.

(B) (1) Inspection of a project by the town does not consist of or imply supervision.

(2) The person requesting the extension is solely responsible for ensuring that the project is completed according to town specifications (if the work is not done by town personnel), and may be required to bring the project into conformity with specifications and requirements, including correction of work already performed.

(Ord. passed 1-18-1995)

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### § 54.038 DEDICATION OF WATER AND SEWER LINE EXTENSIONS.

(A) All water and sewer mains constructed and connected with the facilities of the town pursuant to this subchapter shall be conveyed to and become the property of the town upon completion and acceptance by the town. Connection to the system and acceptance by the town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.

(B) Following dedication as provided in division (A) above, the town shall have exclusive control of all water or sewer lines and shall be responsible for their maintenance, repair and operations. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including all incidental damages as may arise from claims.  
(Ord. passed 1-18-1995)

### *GENERAL SEWER REQUIREMENTS*

### § 54.050 PROHIBITED ACTIVITIES.

No unauthorized person may:

(A) Supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain or other public outlet without specific authorization from the town;

(B) Manipulate, tamper with or harm in any manner whatsoever any waterline, sewerline, main or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;

(C) Tamper with the water meter so as to alter the true reading for the amount of water consumed and sewage discharged; or

(D) Attach or cause to be attached any connection to the waterline before the water meter.  
(Ord. passed 1-18-1995)

### § 54.051 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:

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- (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 1/2-inch in any dimension;
- (3) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;
- (4) Any wastewater having a pH less than 5.0 or more than 12.5, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment;
- (5) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD and the like) in sufficient quantity (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW;
- (6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which infuses the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § 54.059;
- (9) Any noxious or malodorous liquids, gases or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (10) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under § 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;
- (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses;
- (12) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the POTW Director in compliance with applicable state or federal regulations;

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

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

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

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

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

(18) Any material that would be identified as hazardous waste according to 40 C.F.R. part 261 if not disposed of in a sewer;

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

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

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

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

(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;

(24) Any substance discharged in a quantity that would cause any portion of the POTW to be hydraulically overloaded;

(25) Waste from garbage shredders and grinders shall not be acceptable for discharge into a town sewer, except:

(a) Wastes generated in preparation of food normally consumed on the premises; or

(b) 1. Where the user has obtained a permit for that specific use from the town, and agrees to undertake whatever self-monitoring is required to enable the town to determine the waste constituents and characteristics and applicable fees and charges.

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2. Grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the town sewer.

3. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

(26) (a) No persons shall discharge any substances directly into a manhole or other opening in a town sewer other than through an approved building sewer, unless he or she has been issued a permit by the town.

(b) If a permit is issued for a direct discharge, the user shall pay the applicable charges and fees and shall meet other conditions necessary to properly treat this discharge as required by the town; or

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

(C) Monitoring facilities for holding type wastes such as those described in division (B)(27) above shall be provided by the user when in the exclusive judgement of the town they are deemed reasonably necessary for monitoring purposes.

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

(E) 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: advise the user(s) of the potential impact of the contribution on the POTW in accordance with § 54.115; and take appropriate actions in accordance with §§ 54.100 and 54.101 for the user to protect the POTW from interference or pass through.  
(Ord. passed 1-18-1995)

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### § 54.052 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 C.F.R. Chapter 1, Subchapter N, parts 405-71, which are specifically incorporated herein.

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

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit, using the combined 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, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15.  
(Ord. passed 1-18-1995)

### § 54.053 LOCAL LIMITS.

(A) To implement the general and specific discharge prohibitions listed in this chapter, industrial user-specific local limits will be developed to ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user.

(1) (a) Unless authorized by a permit issued pursuant to § 54.101, no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage.

(b) For the following parameters, ***EXCEEDING DOMESTIC SEWAGE LEVELS*** shall mean in excess of:

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



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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) Domestic sewage levels for pollutants not listed above shall be determined by the POTW Director and shall be based on either actually measured local domestic sewage levels or levels generally accepted as reasonable in the scientific community.

(3) 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.

(4) 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.

(5) The town reserves the right to establish limitations and requirements for domestic sewage dischargers and commercial users which are more stringent than those required by either state or federal regulation.

(6) Unless authorized by a permit issued pursuant to § 54.101, no domestic sewage discharger or commercial user shall discharge wastewater with any of the following characteristics:

- (a) Having any clothing, rags, textile remnants and the like, except scraps of fibers that will pass through a 1/4-inch mesh screen or its equivalent in screening ability;
- (b) Having a COD of more than 1500 mg/l;
- (c) Having an ammonia nitrogen content of more than 40 mg/l;
- (d) Containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons;
- (e) Containing 1.0 mg/l phenolic compounds which cannot be removed by the town's treatment process;

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(f) Containing any toxic or poisonous substances or any other materials (including, but not limited to, heavy metals or chemicals) in sufficient quantities to interfere with the biological processes used in the sewage treatment works or that will pass through the sewage treatment works and harm persons, livestock or aquatic life utilizing the natural outlet;

(g) Containing strong iron pickling wastes or concentrated plating solutions unless pretreated in a way as to comply with all other limitations of this section;

(h) Containing any solid or viscous substance, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, paper products, glass, rags, bones, feathers, slurry, lime residues, slops, whole blood, fleshings, chemical residues, paint residues, waxes, asphalt, tar, hair, plastics, wood, paunch manure, butcher's offal or animal viscera capable of causing obstructions to the flow in the sewers or other interference with the proper operation of the sewage collection system or the sewage treatment works;

(i) Containing any liquid waste or other substance that contains dyes or other colors of characters and quantity as to prevent removal by biological processes employed at the town's treatment plant or that require special chemical treatment;

(j) Containing any liquid or other substances that, after normal treatment, require excessive amounts of chlorine for stabilization or pathogenic disinfection. The amount of excess demand will be determined by comparing the chlorine demand of all other wastes entering the plant;

(k) Containing any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor or chemicals in connection with its operation; or

(l) Having any waste resulting from process(es) involving textiles, fabrics, wool or other processes containing inert fibrous materials. Those discharges shall undergo evaluation by the town. Since some of these processes have been shown to be detrimental to the treatment of waste, the evaluation procedure will be concerned with residual fiber within the treatment plant and its discharges. Any process determined by the town to be creating adverse conditions within the treatment plant by the collection of fibrous or inert materials in its basins, pond or discharges, shall not be allowed to continue disposing of its waste into the sanitary sewer collection system of the town, but shall dispose of its waste by alternative means.

(7) Users in industrial categories subject to effluent guidelines issued under § 304(b) of the Act which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the Administrator pursuant to § 304(b) of the Act. Where the town's treatment works was designed to and does achieve substantial removal of pollutants other than compatible pollutants, as defined in this chapter, the town may not require the user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term ***SUBSTANTIAL REMOVAL*** is not subject to precise definition, it generally contemplates removals in the order of 80% or greater; minor incidental removals in the order of ten to 30% are not considered "substantial." For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as

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a result of the discharge into the town's treatment works or sanitary sewer system. However, any adjustments required for particular industrial categories should be considered in connection with the town's requirements, rather than in the national pretreatment standard.

(B) Limitations on wastewater strength in this chapter may be supplemented with more stringent limitations in accordance with the permit sections of this chapter and regulations, laws and procedures governing reissuance of permits.

(Ord. passed 1-18-1995)

### **§ 54.054 DISPOSAL OF UNACCEPTABLE WASTE.**

Waste not permitted to be discharged into the town's sewer must be transported to a state approved disposal site.

(Ord. passed 1-18-1995)

### **§ 54.055 SPECIAL PROVISIONS CONCERNING DISCHARGES.**

(A) If any waters or wastes (discharged or proposed to be discharged to the public sewers) contain the substances or possess the characteristics enumerated in §§ 54.050 through 54.059, and which in the judgement of the town may have a deleterious effect upon the wastewater treatment works, processes, equipment or receiving waters, or which create a hazard to life, or constitute a public nuisance, the town may reject the waters.

(B) The town may discontinue water service or sewer service, or both, to any domestic sewage discharger or commercial user who violates §§ 54.050 through 54.059, when in the judgement of the town action is necessary to protect the wastewater treatment works, processes, equipment or receiving waters from injury or damage, or is necessary to protect life or health.

(Ord. passed 1-18-1995)

### **§ 54.056 DILUTION.**

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

(Ord. passed 1-18-1995)

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### § 54.057 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 54.101 and shall achieve compliance with all national categorical pretreatment standards, local limits and the prohibitions set out in § 54.050 within the time limitations as specified by EPA, the state or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be approved by the POTW Director before construction of the facility. The review of plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

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

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

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

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. passed 1-18-1995)

### § 54.058 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

(A) 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.

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

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

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 54.120; and

(4) 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. passed 1-18-1995)

### **§ 54.059 HAULED WASTEWATER.**

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at times that are established by the POTW Director. Waste shall not violate §§ 54.050 through 54.059 or any other requirements established by the town. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.

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

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

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

(Ord. passed 1-18-1995)

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***WASTEWATER CHARGES AND FEES***

**§ 54.070 SCHEDULE OF CHARGES AND FEES.**

(A) The Town of Enfield, through its Board of Commissioners, shall adopt a schedule of charges and fees designed to cover the wastewater system costs, including operation, maintenance and replacement, and which will enable the town to comply with the revenue requirements of the North Carolina State Clean Water Grant Program and Pub. L. No. 92-500.

(B) The schedule of charges and fees shall provide a user charge system whereby each user which discharges pollutants to the sewer system, or causes an increase in the cost of managing the effluent or sludge from the treatment works shall pay for increased costs.

(C) All industries using the town's sanitary sewer system are subject to industrial waste surcharges on discharges whose characteristics exceed the limits set in § 54.073 for certain pollutants.

(D) A list of the current user charges and fees is shown in § 54.085.  
(Ord. passed 1-18-1995)

**§ 54.071 TYPES OF CHARGES AND FEES.**

The charges and fees established in the town's schedules of charges and fees may include, but is not limited to:

(A) User classification charges;

(B) Fees for extra monitoring; i.e., that which requires costs above the average cost of assessing an average or representative analysis;

(C) Fees for permit applications (includes regular monitor charges on permit);

(D) Appeal fees;

(E) Charges and fees based on wastewater constituents and characteristics;

(F) Ad valorem taxes;

(G) Industrial waste surcharges;

(H) User charge payments; and

(I) Security deposits.  
(Ord. passed 1-18-1995)

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### **§ 54.072 METHOD OF DETERMINING USER CHARGE RATE.**

The Board of Commissioners for the Town of Enfield shall review, at least annually, the town's charges, fees and sanitary sewer user charge system, and shall include sewer service charges and fees in its annual budget.

### **§ 54.073 BASIS FOR DETERMINATION OF SURCHARGES.**

(A) Where extra strength wastes are treated by the town, the user contributing the wastes shall pay charges and fees computed on the basis of the amount the wastewater exceeds a domestic discharge with the following characteristics:

- (1) BOD: 300 mg/l.
- (2) TSS: 300 mg/l.
- (3) Oil and grease (total): 50 mg/l.
- (4) COD: 625 mg/l.
- (5) Ammonia nitrogen: 25 mg/l.

(B) The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user, which may include, but which are not limited to, BOD, COD, TSS, ammonia, oil and grease, chlorine demand and volume. (Ord. passed 1-18-1995)

### **§ 54.074 METHOD OF DETERMINING SURCHARGES.**

(A) The charges for excesses of the constituents listed in § 53.073 above will be based upon the experience of other systems because the town has had no high pollutant dischargers previously and has no actual experience with which to establish its surcharge rates.

(B) (1) From pages 4-39 and 4-43 of EPA Technical Report No. 430/9-77-015 "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems," it is estimated that the average cost per pound for both BOD and SS removal was approximately \$0.22 for the 200 mgd facility.

- (2) This average was based on normal pollutant levels and 1978 rates.

(C) (1) With the treatment facility being constructed, there is only about a 10% variation in costs up or down for more or less treatment required, primarily a slight increase in labor requirements.

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(2) Therefore, adjustments add only about 10% to the standard costs, so the proposed surcharge is set for the time being at 10% of average costs (after adjustments from 1978 levels to 1987 levels based on ENR Cost Price Index - up 73%).

(D) Cost computations:

(1)  $(\$0.22/\text{lb})(1,000 \text{ lbs})(10\% \text{ surcharge})(1.73) = \$38.06/1000 \text{ lbs.}$

(2) Use \$38.00/1,000 lbs.

(E) (1) The proposed rate will simply provide the town with a median beginning point for surcharges, if and when the need arises.

(2) Experience with the proposed rate will then enable the town to make surcharge rate adjustments as needed in accordance with applicable law.

(Ord. passed 1-18-1995)

### **§ 54.075 SECURITY DEPOSITS.**

(A) (1) Every applicant for service shall make a cash deposit with the town in the amount set forth in § 54.070.

(2) The purpose of this deposit is to provide security for the payment of all charges by the customer.

(3) The town retains the right, upon 30 days written notice, to require the customer to increase the deposit a maximum of twice the amount of the highest monthly bill theretofore rendered.

(B) (1) Initial deposits shall be made with the service applications.

(2) Additional deposits, if required pursuant to division (A) above, shall be made within 30 days after receipt by the customer of the written notice specified in division (A).

(C) A separate deposit shall be paid on each installed water meter.

(D) No interest shall be paid on the deposit.

(E) Upon termination of service, the deposit shall either be applied to any outstanding bill, or refunded to the customer.

(Ord. passed 1-18-1995)



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**§ 54.076 MINIMUM SERVICE CHARGE.**

(A) The minimum service charge, as provided in the rate schedule, shall be made for each meter installed regardless of location. In addition, if more than one building is served by a single meter, the town may charge a separate minimum service charge to each building served.

(B) The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied, unless service has been terminated.

(C) Charges for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.

(Ord. passed 1-18-1995)

**§ 54.077 NOTIFICATION OF USER CHARGE RATE.**

The town shall notify each user, at least annually, in conjunction with a regular bill, of the current rate and of that portion of the user charges which are attributable to wastewater treatment service.

(Ord. passed 1-18-1995)

**§ 54.078 SAMPLING PROCEDURES AND ANALYSIS.**

(A) (1) All samples and determinations of wastewater characteristics shall be as representative of the waste discharge as possible.

(2) The costs of regular sampling and analysis will be included in the permit or class type.

(3) The town may take additional samples after a significant process change which significantly affects the quantity of strength of the wastewater discharged.

(B) The frequency of sampling shall be as follows:

<i>Average daily flow (thousand gallons/day)</i>	<i>Minimum required frequency of tests for surcharge parameters *</i>
0 - 10	0-1 per year
10 - 20	1 per year
20 - 30	1 per 6 months
30 - 40	1 per 3 months
40 - 50	1 per month
Over 50	2 per month

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<i>Average daily flow (thousand gallons/day)</i>	<i>Minimum required frequency of tests for surcharge parameters *</i>
*More frequent sampling may be done at any time at the option of the town for any user for whom retreatment is required or who has discharged incompatible wastes in the past.	

(C) Upon request by the person concerned, the town shall make available split samples of the composite sample collected. If the person believes the results are not representative of their wastes, the town may re-sample at a cost to that person of the actual cost to the town. The re-sample procedure may include sampling and analysis for BOD, TSS, COD, pH, chlorine demand and oil and grease or heavy metals, if necessary.

(Ord. passed 1-18-1995)

**§ 54.079 SMALL INDUSTRIES SAMPLING.**

Small industries with inadequate sampling facilities may be charged an estimated or average surcharge for that industry, in the event that its waste characteristics do not vary more than 25% total.

(Ord. passed 1-18-1995)

**§ 54.080 ACCESS TO PREMISES.**

(A) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection with the town's service or facilities.

(B) Application for service shall constitute consent by the customer to access to his or her premises for those purposes enumerated above.

(Ord. passed 1-18-1995)

**§ 54.081 METER READING AND DETERMINATION OF CHARGES.**

(A) Ordinarily, meters will be read once per month and bills rendered once per month. However, the town reserves the right to vary this schedule if, in the sole discretion of the town, the town believes this is necessary or desirable.

(B) When two or more meters are installed in the same premises for different customers, the town shall clearly identify which meter serves which customer.

(C) Where there are multiple dwelling units on one lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be ultimately responsible for the bill for meters jointly used by one or more tenants.

(D) Readings from different meters will not be combined into one account for billing.

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(E) Subject to § 54.084, a charge shall be made for all water passing through the customer's meter.

(F) Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

(Ord. passed 1-18-1995)

### **§ 54.082 BILLS.**

The Town Administrator shall prescribe the manner in which sewer service fees are collected and the manner in which service is disconnected in the event of nonpayment.

### **§ 54.083 METER TESTING.**

If the customer believes that a water meter on his or her premises is not registering his or her water consumption accurately, he or she may request a test of the meter by the town. If an inspection reveals that the meter is registering accurately, the customer shall be charged for this testing service. The standard for meter accuracy is 2.5%.

(Ord. passed 1-18-1995)

### **§ 54.084 CALCULATION OF BILL WHERE EQUIPMENT FAILS.**

(A) If the seal of the meter is broken by other than the town's representatives, or in the event that the meter fails to register the use of water, the customer shall be charged an amount determined by applying the current rate to the average consumption of water at that address for the previous three months.

(B) If the customer demonstrates to the reasonable satisfaction of the town that a break in the water line on the customer's side of the meter has resulted in extraordinary charges for a billing period, and that the break and the resulting loss of water occurred through no fault of the customer (including, but not limited to, the intentional or negligent acts of the customer or anyone acting on his or her behalf and/or in his or her employ), the town may recompute the customer's bill using the procedures set forth in division (A) above.

(Ord. passed 1-18-1995)

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**§ 54.085 USER CHARGES AND FEES.**

The sewer use charges and fees for the Town of Enfield shall be as set forth below:

<i>Type Charge</i>	<i>Amount of Charge</i>
Security deposit	(See current schedule of rates on file in the office of the Clerk)
Late charge	
Connection fee (4 feet service)	
Monthly rate	See § 54.072
BOD (in excess of 300 ppm)	\$38/1,000 lbs BOD
SS (in excess of 300 ppm)	\$38/1,000 lbs SS

(Ord. passed 1-18-1995)

**§ 54.086 OPERATION AND MAINTENANCE OF EXTRANEOUS FLOWS.**

In order to cover the costs of operations and maintenance for all flows not directly attributable to users (i.e., infiltration/inflow), the town shall provide that these costs be distributed among all users in the same manner that it distributes the costs for their actual use.

(Ord. passed 1-18-1995)

**§ 54.087 FINANCIAL MANAGEMENT.**

In order to provide for sound fiscal management of the town's sanitary sewage treatment and collection system, the town, through its Board of Commissioners, shall provide for a separate accounting of all revenues and expenditures associated with the operation, maintenance and replacement of the system.

(Ord. passed 1-18-1995)

**§ 54.088 INCONSISTENT AGREEMENTS.**

The town's wastewater charges and fees system as set forth in §§ 54.070 through 54.088 shall have precedence over any previous terms, conditions or contracts which are inconsistent with the requirements of § 2.04(1)(A) of the Clean Water Act (Pub. Law No. 92-500) and Federal Register 40 C.F.R. § 25.2140(9).

(Ord. passed 1-18-1995)

***WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE***

**§ 54.100 WASTEWATER DISCHARGERS.**

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

(Ord. passed 1-18-1995)

**§ 54.101 WASTEWATER PERMITS.**

(A) All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW.

(B) 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.

(C) 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.

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

(2) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in division (C)(1) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address and location (if different from the address);

(b) Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;

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(c) Analytical data on wastewater constituents and characteristics, including but not limited to those mentioned in §§ 54.050 through 54.059, any of the priority pollutants (see § 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended;

(d) Time and duration of the indirect discharge;

(e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be accidentally or intentionally discharged;

(h) 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;

(i) 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. 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:

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

2. 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 progress reports to the POTW Director.

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

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

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

(m) 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 § 54.115; and

(n) Any other information the POTW Director deems necessary to evaluate the permit application.

(3) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and must 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.”

(4) *Application 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. He or she 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 application if he or she determines that it is complete. If the POTW Director determines that the application is not complete, he or she shall return the application to the applicant with a statement explaining what additional information is required.

(5) *Tentative determination and draft permit.*

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

(b) If the staff’s tentative determination in division (C)(5)(a) above is to issue the permit, the following additional determinations shall be made in writing:

1. Proposed discharge limitations for those pollutants proposed to be limited;
2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

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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 division (5)(a) and (b) above and the town's general permit conditions into a significant industrial user permit.

(6) *Permit synopsis.* A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority. This fact sheet shall be made available to the public upon request. The contents of 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; and

(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.

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

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

(b) The POTW Director is authorized to:

1. Issue a significant industrial user permit containing conditions that 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 division (C)(9);

4. Revoke any permit, pursuant to § 54.156;

5. Suspend a permit, pursuant to § 54.156;



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6. Deny a permit application when in the opinion of the POTW Director that 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.

### (8) *Hearings.*

(a) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under § 54.155, or one issued an administrative order under § 54.156, shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment or administrative order. Unless 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.

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

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

(b) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (8)(a) above, may be appealed to the Town Board upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with the North Carolina Administrative Procedure Act G.S. § 150B. APA forms may be utilized. APA forms and procedures are incorporated herein solely as a convenience to the applicant and the town; the town is not subject to the APA. Failure to make written demand within the time specified herein shall bar further appeal. The Town Board shall make a final decision on the appeal within 90 days of the date the appeal was filed, and shall transmit a written copy of its decision by registered or certified mail.

(c) *Official record.* When a final decision is issued under division (8)(a) above, the Town Board shall prepare an official record of the case. This record shall include:

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

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4. A copy of the final decision of the Town Board.

(d) *Judicial review.* Any person against whom a final order or decision of the Town Board is entered, pursuant to the hearing conducted under division (8)(b) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Halifax County. A copy of the petition must be served on the town when the petition is filed. Within 30 days after receipt of the copy of the petition of judicial review, the Town Board shall transmit to the reviewing court the original or a certified copy of the official record.

### (9) *Permit modification.*

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

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

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

(c) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to those 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 division (C)(2) above, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(d) 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.

### (10) *Permit conditions.*

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

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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 loads; 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 and the like, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
4. Development and implementation of spill control plans or 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);

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10. Compliance schedules for meeting pretreatment standards and requirements;
11. Requirements for submission of periodic self-monitoring or special notification reports;
12. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 54.126 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; and
17. Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter, and state and federal laws, rules and regulations.

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

(12) *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.

(13) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with § 54.101 a minimum of 180 days prior to the expiration of the existing permit.  
(Ord. passed 1-18-1995)

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### ***REPORTING REQUIREMENTS***

#### **§ 54.115 BASELINE MONITORING REPORTS.**

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the following information:

(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 § 54.123;

(c) Sampling must be performed in accordance with procedures set out in § 54.125;

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(6) *Certification.* A statement, reviewed by the users 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 (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide 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 § 54.116 below; and

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 54.101(C)(3).  
(Ord. passed 1-18-1995)

### **§ 54.116 COMPLIANCE SCHEDULE PROGRESS REPORTS.**

The following conditions shall apply to the compliance schedule required by § 54.115(B)(7) above:

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

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

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

(D) In no event shall more than nine months elapse between progress reports to the POTW Director.  
(Ord. passed 1-18-1995)

### **§ 54.117 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 54.115(B)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40

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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 § 54.101(C)(3).  
(Ord. passed 1-18-1995)

### **§ 54.118 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 § 54.101(C)(3).

(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 § 54.123, the results of this monitoring shall be included in the report.  
(Ord. passed 1-18-1995)

### **§ 54.119 REPORTS OF CHANGED CONDITIONS.**

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

(B) The POTW Director may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 54.101.

(C) The POTW Director may issue a wastewater discharge permit under § 54.101 or modify an existing wastewater discharge permit under § 54.101 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.  
(Ord. passed 1-18-1995)

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### **§ 54.120 REPORTS OF POTENTIAL PROBLEMS.**

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

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

(Ord. passed 1-18-1995)

### **§ 54.121 REPORTS FROM UNPERMITTED USERS.**

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

(Ord. passed 1-18-1995)

### **§ 54.122 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.**

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. passed 1-18-1995)

### **§ 54.123 ANALYTICAL REQUIREMENTS.**

(A) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136, unless otherwise specified in an applicable categorical pretreatment standard.



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(B) If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (Ord. passed 1-18-1995)

### **§ 54.124 SAMPLE COLLECTION.**

(A) Except as indicated in division (B) 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 demonstrates 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. passed 1-18-1995)

### **§ 54.125 TIMING.**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. passed 1-18-1995)

### **§ 54.126 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 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. passed 1-18-1995)

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### ***COMPLIANCE MONITORING***

#### **§ 54.140 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 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. passed 1-18-1995)

#### **§ 54.141 INSPECTION AND SAMPLING.**

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

(Ord. passed 1-18-1995)

#### **§ 54.142 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

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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 Halifax County Superior Court.  
(Ord. passed 1-18-1995)

### ***MISCELLANEOUS PROVISIONS***

#### **54.155 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. passed 1-18-1995)

#### **§ 54.156 ADMINISTRATIVE REMEDIES.**

(A) *Notification of violation.* Whenever the POTW Director finds that any industrial user has violated or is violating this chapter, wastewater permit or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the POTW Director may serve upon 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.

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

(C) *Show cause hearing.* 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 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.

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

(2) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 54.157; nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 54.101(C)(8).

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

(1) Immediately comply with all requirements;

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

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

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

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

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(1) 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.

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

(F) *Termination of permit.* 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 or her discharge;

(2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit.

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

(Ord. passed 1-18-1995)

### **§ 54.157 OTHER AVAILABLE REMEDIES.**

(A) Other, in addition to those previously mentioned in this chapter, are available to the POTW Director, who may use any single remedy or combination of remedies against a noncompliant user.

(B) Additional available remedies include, but are not limited to:

(1) *Criminal violations.* The District Attorney for Judicial District 6A may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B.

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

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

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

(Ord. passed 1-18-1995)

### **§ 54.158 REMEDIES NONEXCLUSIVE.**

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

(Ord. passed 1-18-1995)

### **§ 54.159 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.**

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. passed 1-18-1995)

### **§ 54.160 UPSET.**

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

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

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

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

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

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

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

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

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

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

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

(Ord. passed 1-18-1995)

### **§ 54.161 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 § 54.051(A) of this chapter or the specific prohibitions in § 54.051(B)(2), (3) and (5) through (7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and that either:

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

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

(Ord. passed 1-18-1995)

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### **§ 54.162 BYPASS.**

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

(B) 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.

(C) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) 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 under division (B) above.

(E) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in division (D) above.  
(Ord. passed 1-18-1995)

### **§ 54.163 ENFORCEMENT PROCEDURES FOR DOMESTIC SEWAGE DISCHARGERS AND COMMERCIAL USERS.**

Except with respect to nonpayment of accounts as described in § 54.082, the provisions of this section do not apply to industrial users or other users permitted pursuant to § 54.101 or by the approval authority. Users who are not permitted pursuant to §§ 54.100 through 54.101, or the approval authority are governed by this section.  
(Ord. passed 1-18-1995)



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**§ 54.164 AUTHORITY AND CONTROL.**

(A) This chapter is adopted under the authority granted by G.S. § 160A.

(B) The sanitary sewer system of the Town of Enfield shall be under the control of the Board of Commissioners for the Town of Enfield. The system shall be regulated and operated as the Board of Commissioners shall ordain and direct. The Board of Commissioners shall appoint a qualified person or outside firm, who shall be known as the Administrator, to supervise the operation and regulation of the system, under the direction of the Board of Commissioners. The title and duties of the Administrator may be assigned to an employee of the town in addition to his or her other duties.

(Ord. passed 1-18-1995)

**§ 54.165 CONFLICT.**

(A) If any subchapter, division, section, phrase or word of this chapter is invalidated by any court of competent jurisdiction, the remaining subchapters, divisions, sections, phrases and words, shall not be affected and shall continue in full force and effect.

(B) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict.

(Ord. passed 1-18-1995)

***GREASE AND OIL CONTROL***

**§ 54.180 SCOPE AND PURPOSE.**

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulations of fats, oils and grease into the sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

(Ord. passed 6-9-2003)

**§ 54.181 DEFINITIONS.**

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

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

**FATS, OILS AND GREASES.** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 C.F.R. § 136, as may be amended from time to time. All are sometimes referred to herein as **GREASE** or **GREASES**.

### **GREASE TRAP INTERCEPTOR.**

(1) A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system.

(2) These devices also serve to collect solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(3) **GREASE TRAPS AND INTERCEPTORS** are sometimes referred to herein as **GREASE INTERCEPTORS**.

**MINIMUM DESIGN CAPABILITY.** The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewater discharged to the sanitary sewer.

**NON-COOKING ESTABLISHMENTS.** Those establishments that primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuff preparation and serving establishments.

**USER.** Any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

(Ord. passed 6-9-2003)

## **§ 54.182 GREASE INTERCEPTOR MAINTENANCE, RECORD KEEPING AND GREASE REMOVAL.**

(A) Grease interceptors shall be installed by users as required by the Director or his or her designee. Grease interceptors shall be installed at the user's expense, when the user operates a cooking establishment. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuff establishments when they are deemed necessary by the Director for the proper handling of

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liquid wastes containing grease. All grease interceptors shall be of a type, design and capacity approved by the Director or his or her designee and shall be readily and easily accessible for user cleaning and town inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than once every other month. Users who are required to, based on solids, pass water through a grease interceptor shall:

(1) Provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a **SLUDGE POCKET**;

(2) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than every other month at the users expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags and the like, which could settle into this picket and thereby reduce the effective volume of the grease interceptor;

(3) Accept the following conditions: If any skimmed or pumped wastes or other materials removed from the grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after the onsite treatment, the user shall be responsible for the attainment of established grease numerical limit consistent with and contained in division (A) above on all discharges of wastewater from a grease interceptor into the Town of Enfield sanitary sewer collection and treatment system;

(4) Operate the grease interceptor in a manner so as to maintain the device so that attainment to the grease limit is consistently achieved. **CONSISTENT** shall mean any wastewater sample taken from the grease inspector shall be subject to terms of numerical limit attainment described in division (A) above. If an establishment desires, because of documented space constraints, an alternate to an out of building grease inspector, the request for an alternative location shall contain the following information:

(a) Location of town sewer main and easement in relation to available exterior space outside building; and

(b) Existing plumbing at or in a site that uses common plumbing for all services at that site.

(5) Understand and agree that: the use of biological additives as a grease degradation agent is conditionally permissible, upon approval by the Director. Any establishment using this method of grease abatement shall maintain the trap or interceptor in a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved;

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(6) Understand and agree that: The use of automatic grease removal systems is conditionally permissible, upon prior written approval by the Director, Halifax County Plumbing Inspector of the Town of Enfield and the Halifax County Department of Health. Any establishment using this equipment shall operate the system in a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved; and

(7) Understand and agree that: The Director reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of traps.

(B) The user shall provide a written record of trap maintenance to the Director for three years. All records will be available for inspection by the town at all times.

(C) No non-grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

(D) (1) Except as provided herein, for a period of one year following adoption of this chapter, although installation of grease interceptors will be required to be installed, no enforcement actions will be taken under this subchapter for failure to achieve limits on grease discharges interceptors.

(2) If, during this one-year period an obstruction of a town sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the town's sewer main(s), the Town of Enfield will take appropriate enforcement actions, as stipulated in the town's Industrial Pretreatment Enforcement Plan and Sewer Use Ordinance, against the generator or contributor of the grease.

(E) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.

(Ord. passed 6-9-2003)