

**DAVIDSON COUNTY, NORTH CAROLINA
SEWERAGE SYSTEM POLICY**

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ARTICLE I. GENERAL PROVISIONS

Sec. 1. Purpose and Policy.

This policy sets forth requirements for all contributors to the wastewater collection and treatment system for Davidson County and enables the county to comply with all applicable state and federal laws required by the Clean Water Act and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this policy are as follows:

- (1) To prevent the introduction of pollutants into the collection system and/or treatment works which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the wastewater treatment system.
- (2) To prevent any introduction of pollutants into the wastewater treatment system, which will interfere with the operation of the system or will contaminate the residuals.
- (3) To improve the opportunity to recycle and/or reclaim wastewaters and residuals from the system.
- (4) To provide for equitable distribution of the cost of construction, operation and maintenance of the wastewater treatment works.
- (5) To protect both municipal personnel who may be affected by sewage, sludge and effluent in the course of their employment as well as the general public;
- (6) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, residual use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

This policy shall apply to all users of public sanitary sewer systems for which funds have been provided by Davidson County for the construction of all or part of such public sewer systems. By discharging wastewater into county funded systems, all users agree with terms and conditions established in this policy, as well as any permits, enforcement actions or orders issued hereunder. Except as otherwise provided herein, the county manager shall administer, implement, and enforce the provisions of these policies.

Sec. 2. Definitions

Unless the context specifically indicates otherwise, the following terms, words and phrases shall have the meanings respectively ascribed

to them in this section. Definitions for other terms not specified in this policy shall come from "Glossary, Water and Wastewater Control Engineering," 1981, APHA, ASCE, AWWA, WPCF or most recent edition.

Abbreviations. Defined in Section 3.

Accidental discharge. An incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or the provisions of this policy.

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 and Natural Resources, or his designee.

Authorized representative of user.

(1) If the industrial user is a corporation, "authorized representative" shall mean the president, secretary or a vice-president of a principle business function or any other person who performs similar policy or decision-making functions for the corporation.

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

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

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

Average flow. The total flow in gallons in a normal operating day of twenty-four (24) hours.

Best management practices. Practices such as preventive maintenance, scheduling of activities or process alterations which enable the user to comply with the provisions of this policy or any applicable state and/or federal guidelines.

Biochemical oxygen demand. A standard test used in assessing wastewater

strength. The measure of decomposable organic material in domestic or industrial wastewater as represented by the system utilized over a period of five (5) days at twenty (20) degrees centigrade and as determined by the appropriate standard procedures.

Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical pretreatment standards. Regulations promulgated by the State of North Carolina or local agencies or by the EPA designated as national categorical pretreatment standards or pretreatment standard.

Categorical standards. National categorical pretreatment standards or pretreatment standard.

Commissioners. The Davidson County Board of Commissioners.

Compatible pollutants. Wastewater constituents for which the POTW was designed or is operated to adequately treat.

Contractor. Any person or persons who transport or dispose of septage is a septic tank contractor.

Control authority. The county manager of Davidson County or his authorized representatives.

County. Davidson County, North Carolina, or any duly authorized agent(s) or official(s) acting on behalf of the county.

Developer. An individual or group of individuals who seeks to construct new facilities on a property.

Director. The Davidson County manager or the person designated by the county to supervise the operation of the county's waste- . water collection and treatment system or his authorized representative(s).

Effluent. Sewage, water or other liquid flowing out of any basin, treatment device or facility.

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

Federal Register. A federal government periodical dealing with federal legislation, published weekdays by the National Archives and Records Service.

40 CFR 403. Section 40 Part 403 of the Code of the Federal Register that mandates protection of the environment.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and/or serving of foods. It is composed largely of putrescible organic matter and its natural moisture content.

Grab sample. A sample which is taken from a waste stream on a onetime basis, with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Grease interceptor or grease trap. A pretreatment device designed and installed to separate fats, oils and grease from wastewater.

Individual in responsible charge. The person at the local level who is in charge of the pretreatment facility and whose responsibility it is to ensure that the wastewater discharge is in compliance with this policy and state and federal requirements.

Industrial user. Any user of a publicly owned treatment works identified in the U.S. "Standard Industrial Classification Manual," or latest revision under the following division:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services
- Division J - Public Administration
- Division K - Nonclassifiable Establishments

Industrial waste control. A section of the public works department that is in charge of controlling industrial discharges to the sewer system and supervising the industrial pretreatment program.

Industrial wastewater. All water-carried wastes and wastewater excluding domestic wastewater and unpolluted water. Includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural and/or other operations where the wastewater discharged includes wastes of nonhuman origin.

Inflow/infiltration. Inflow is the result of extraneous water entering the sewer system. Inflow includes water discharged into service connections and sewer pipes from foundation and roof drains, outdoor paved areas, unpolluted cooling water from air conditioners and unpolluted discharges from businesses and industries. Infiltration is the entry of water into the sewer system from surrounding soil. Common points of entry include broken pipe and defective joints in the pipe or walls of manholes. Infiltration may result from sewers being laid below the groundwater table or from saturation of the soil by rain or irrigation water.

Influent. Sewage, water or other liquid flowing into any basin,

treatment device or facility.

Instantaneous flow rate. The flow rate at any given moment, measured in gallons per day.

Interference. The inhibition or disruption of the POTW treatment processes, operations or its sludge process, use or disposal~ which causes or contributes to a violation of any requirement of the POTW's NPDES or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. Section 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

May. "May" is permissive.

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

National categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which applies to a specific category of industrial users and which appears in 40 CFR 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 Section 48 of this policy and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

New source.

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

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

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

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

- a. Begun, or caused to begin, as part of a continuous on site construction program:
 - i. Any placement, assembly or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment;

or

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

Noncompatible pollutants. Those pollutants which are forbidden or regulated by national pretreatment standards or which will pass through a POTW inadequately treated or interfere with the POTW operations or contaminate the resulting residuals or which can injure personnel.

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.

Normal operating day. A twenty-four-hour day in which the standard and routine operations and work of the facility are conducted. It would include, but is not limited to: daily cleaning, routine maintenance and production. It would not include: work stoppages, scheduled and unscheduled shutdowns, holiday schedules, major cleanups and the like.

Normal sewage. Waters having the following characteristics:

BOD5 - 1,668 lbs per million gallons (200 mg/l) or less

SS - 1,668 lbs per million gallons (200 mg/l) or less

Oil/grease - (Hydrocarbon) 834 lbs per million gallons (100 mg/l) or less

pH - Not less than 5.0 and not more than 10.0 units

North Carolina Plumbing Code. The most recent edition of the North Carolina State Building Code, entitled "Plumbing," published by the North Carolina Building Code Council and the North Carolina Department of Insurance.

Oil and grease. Any material (animal, vegetable or hydrocarbon) which is extractable from an acidified sample of a waste by freon or other designated solvents and as determined by the appropriate standard procedure.

Animal/vegetable. That oil and grease apart from that differentiated by method 502 E of the 17th Edition, Standard of Methods for Examination of Water and Wastewater.

Hydrocarbon oil/grease. That oil and grease differentiated by method 502 E of the 17th Edition, Standard Methods for the Examination of Water and Wastewater.

Outfall sewer. An underground conduit or pipe laying in easements across private property and in areas other than street right-of-ways. The primary purpose of an outfall sewer is to collect sewage flow from street sewers or other outfall sewers and to convey it further downstream to another outfall or trunk sewer network. While not strictly prohibited, it is neither desired nor advisable to utilize outfall sewers as the primary connection point for service laterals from buildings or structures unless there is no other economically feasible method of providing sewer service to a property.

Pass-through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from

other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or non-discharge permit, or a downstream water quality standard.

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

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter and indicates the degree of acidity or alkalinity of a substance. A pH value of 7.0 is neutral, being neither acid nor alkaline. Values below 7.0 are acid and those above 7.0 are alkaline.

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

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or a 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 county in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143215.3(a)(14) in accordance with 40 CFR 403.11.

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

Pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the State of North Carolina or local agencies or by the EPA in accordance with Section 307(b) and (c) of the Act.

Privies. Latrines, outhouses or any other permanently installed outdoor water closets.

Proper connections. Those sewer pipe connections made in accordance with the North Carolina Plumbing Code or as stipulated by the director.

Properly shredded garbage. Wastes from the preparation, cooking and dispensing of food that have been so shredded that all particles will

be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth (1/4) inch in any dimension.

Qualified laboratory.

(1) For commercial laboratories; laboratories accepted and approved by the Department of Environment, Health and Natural Resources, State of North Carolina and also approved by the director.

(2) For all other laboratories including in-house laboratories; laboratories accepted and approved by the director.

Residuals. The solid or semi-solid waste generated from a biological wastewater treatment facility with a NPDES permit which is owned or operated by the commissioners.

Sanitary sewer. A pipe or conduit which carries domestic waste and/or industrial wastes and to which storm, surface, ground waters and unpolluted waters are not intentionally admitted.

Scum. A filmy layer of matter on the surface of wastewater, including materials which adhere to POTW structures.

Septage. The sludge produced in individual domestic on-site wastewater disposal systems, such as septic tanks and cesspools.

Service lateral. The underground branch pipe that connecting buildings or other structures to a street sewer, outfall sewer, trunk sewer or other collecting sewerage conduit for the purpose of conveying wastewater from the point of origin within a building to the main collecting sewer conduit. Service laterals may be of varying sizes but are usually a minimum 4 inches diameter and seldom are larger than 8 inches in diameter. Service laterals may also be referred to as building sewers, building connections or laterals.

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.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewage treatment plant. Any arrangement of devices, equipment or structures used for treating sewage.

Sewer connection. A sewer pipeline, normally a four-inch pipe, running laterally from a street sewer, an off-street sewer, outfall sewer or a trunk sewer to an individual tract, lot or parcel of

land to serve one (1) or more houses or other buildings, whether or not connected to any house or building.

Sewer system. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Shall. "Shall" is mandatory.

Significant industrial user. Any industrial user of the wastewater disposal system who:

- (1) That discharges an average of twenty-five thousand (25,000) gallons or more per day of process wastewater to the POTW(excluding sanitary, noncontact cooling and boiler blowdown wastewaters)or;
- (2) Contributes more than five (5) per cent of the design flow of the POTW treatment plant or more than five (5) per cent of the maximum allowable headworks loading of the POTW treatment plant for any pollutant of concern or;
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is, regardless of (1), (2) and (3) of this definition, otherwise determined by the control authority to have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement or receiving stream standard, or to limit the POTW's sludge disposal options.

Significant noncompliance or reportable noncompliance. of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits.
 - a. Chronic violations. Sixty-six (66) per cent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six month period.
 - b. Technical review criteria (TRC) violations. Thirty-three (33) per cent or more of the measurements are more than the TRC times the limit (maximum or average) in a six-month period. There are two (2) groups of TRC's: For conventional pollutants BOD, TSS, fats, oil and grease, TRC = 1.4. For all other pollutants TRC = 1.2.
 - c. Any other violation(s) of an effluent limit (average or daily maximum) that the control

authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.

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

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

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

(4) Failure to accurately report noncompliance.

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

Sludge. The solid or semi-solid waste resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, precipitation, filtration and/or biological oxidation of water or wastewater.

Slug. Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour flows or concentration during normal operating day or which in the opinion of the director adversely affects the sewer system.

Standard industrial classification code. A four-digit number signifying a particular type of establishment identified in the U.S. "Standard Industrial Classification Manual," or latest edition.

Standard procedures. Those methods outlined in the most recent edition of the EPA manual "Methods for Chemical Analysis of Water and Wastes," and/or the APHA, AWWA, WPCF publication "Standard Methods for the Examination of Water and Wastewater," or in 40 CFR, 136.

Storm sewer or storm drain. A pipe or conduit designed, constructed and intended to carry stormwater, surface waters, drainage and other unpolluted waters, but not sewage or industrial wastes.

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

Street sewer. Underground conduit or pipe, lying within either private or public dedicated rights-of-way, which serves as the primary collection device for sewage flow emanating from buildings and structures by means of individual service laterals. Street sewers may be of a variety of sizes (size normally is 8 inches in diameter minimum) and may also be referred to as street mains or local sewers. Street sewers are almost exclusively reserved for the collection of polluted wastewaters which are to be conveyed to a wastewater treatment facility.

Suspended solids. Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids; solids that are not dissolved and which are measured by the appropriate standard procedures.

Toxic substances. Any substance or mixture, whether gaseous, liquid or solid, which, when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

Trunk sewer. A major outfall installed along the valley line of a watershed to serve as a collector for street sewers and outfall lines serving subdivisions and developed property within an entire watershed. While not strictly prohibited, it is neither desired nor advisable to utilize trunk sewers as the primary connection point for service laterals from buildings or structures unless there is no other economically feasible method of providing sewer service to a property.

Unpolluted water. Water whose discharge will not cause any violation of receiving water standards of the State of North Carolina.

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

User. An individual, establishment or industry using any part of the sewer system.

Wastewater. The liquid and water-carried industrial or domestic wastes, whether treated or untreated, from dwellings, commercial buildings, industrial facilities and institutions, together with any inflow and infiltration that may be present, which is discharged into or permitted to enter the county's treatment works.

Water closets. Any self-contained toilets, including those in

recreational vehicles and portable units.

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

This policy is gender-neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Sec. 3. Abbreviations.

The following abbreviations when used in this policy, shall have the designated meanings:

BOD - Biochemical oxygen demand

CFR - Code of Federal Regulations

COD - Chemical oxygen demand

EPA - Environmental Protection Agency

gpd - Gallons per day

I/I - Inflow and infiltration

IWC - Industrial waste control

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NCGS - North Carolina General Statutes

NPDES - National pollutant discharge elimination system

O/G - Oil and grease

O & M - Operation and maintenance

POTW - Publicly owned treatment works

RCRA - Resource Conservation and Recovery Act

SIC - Standard industrial classification

SS - Suspended solids

SWDA - Solid Waste Disposal Act

TSS - Total suspended solids

TKN - Total Kjeldahl nitrogen

U.S.C. - United States Code

Sec. 4. Confidential information.

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

When requested by the person furnishing a report, the portions of a report which might disclose trade 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 policy, the national pollutant discharge elimination system (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with pretreatment standards shall be made available to officials of the state and EPA upon request.

Sec. 5. Disclaimer of liability.

Neither the county nor the Board of County Commissioners shall be liable to any person for failure to furnish sewer service for any purpose or under any conditions, or for the quantity or quality of the service furnished, or for damage from discontinuance of service. All connections and service are subject to these provisions.

Secs. 6-11. Reserved.

ARTICLE II. SEWER CONNECTIONS

Sec. 12. Permit.

All persons connecting to the county sewer system shall obtain a permit pursuant to Section 57.

Sec. 13. Connection fee.

The fee charged for individual private sewer connection, shall be in accordance with the schedule set forth under Section 88.

Sec. 14. County supervision.

All sewer connections in their entirety, including the replacement of pavement over trenches, between the sewer in a public street and the cleanout fitting at the curb line, shall be made by the county after the permit is issued. This shall apply to all sewer connections except those installed by contractors for new developments, in which case the work and connections shall be under the supervision of the director.

Sec. 15. New systems and connections.

New sewer connection applicants who discharge non-domestic wastes will be required to have an approved sampling point prior to connections.

All connections for sewers on private property shall be inspected by the director or his representative(s) before the trench is filled, whether the pipes have been run within the building line or not. Sewer pipes or main drains are not to be raised, lowered or otherwise changed except under the authorization of the director.

The plumbing system of each new building and of new work installed in an existing building on premises abutting on a street in which there is a sanitary sewer shall be separate from and independent of that of any other building and every building shall have an independent connection with a sanitary sewer where available, except as provided below:

(1) Exception.

- a. When one (1) building stands in the rear of another building on a common 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 house drain from the front building may be extended to the rear building and the whole will be considered as one house drain.
- b. A common sewer connection will be permitted

to serve more than one (1) building in the following categories:

- i. Apartments
- ii. Townhouse developments
- iii. Condominium developments
- iv. Planned unit developments
- v. Hotels, motels
- vi. Hospitals
- vii. Warehouses, industrial buildings engaging in one business only
- viii. Schools
- ix. Mobile home parks
- x. Shopping centers
- xi. Churches
- xii. Other buildings under common management

(2) A common sewer connection, including a private sewer collection system will be permitted to serve the above categories of buildings meeting the following minimum requirements:

- a. The building or buildings to be served are in compliance with the county's zoning ordinances and subdivision regulations.
- b. The building permit and plat show a single owner or several owners with a common management agreement and indicate that the complex of buildings will be constructed on a single tract.
- c. All sewer construction within easements shall be in accordance with county, state and federal standards and specifications, and all other construction shall be in accordance with State plumbing code. Any construction which requires only cleanouts to be installed shall be performed by a licensed master plumber or licensed utility contractor. All construction requiring manholes will be performed by a licensed utility contractor. The owners or management of such complexes shall remain the owner of said private

sanitary sewer systems and be responsible for the operation and maintenance thereof.

- d. Should a building within such a complex be conveyed to a new owner without a common management contract, the commissioners shall require a sewer connection from that building to the public main.

It is the general policy of the county to provide for the expansion of sewers by apportioning the costs of the project to the benefited properties. In applying this policy, the Board may:

(1) Utilize the procedure of Special Assessment as provided in NCGS 153A-Article 9;

(2) Establish a Fee in Lieu Assessment, to be collected prior to connection, consisting of:

- a. An equitable, mathematical procedure similar to the bases for making assessments as found in NCGS 153A-186, to represent local sewer main costs;
- b. A Capital Recovery Fee as provided in Sec. 82(b) herein to represent trunk or outfall sewer costs;
- c. A connection fee for the furnishing of an individual service lateral connection, to represent cost of providing the individual laterals; and,
- d. A Capacity Fee, if applicable, to the owner of the Wastewater Treatment Plant serving the property, to represent the cost of providing a treatment facility.

(3) Pay for the project, whether in part or in whole, as a general obligation to all of the taxable property in the county.

Sec. 16. Specifications for installation of sewer system in old Buildings.

When and if it becomes necessary to install sewer systems in old buildings, the following specifications must be complied with:

- (1) If property is under one ownership, a maximum of two (2) separate buildings may be connected to a four-inch or six-inch sewer connection. When and if the ownership of these two buildings shall be divided, a separate connection must be provided for each building.

(2) If more than two (2) buildings are under one (1) ownership and it is desired to drain the waste from these buildings to the sanitary sewer at a single point, a private sewer must be installed at the property owner's expense. The private sewer must be built in accordance with specifications of Davidson County for sanitary sewers. The property owner must also obtain and record a permanent easement for the maintenance and operation of such private sewer. The property owner shall be responsible for the operation and maintenance of such private sewer.

Sec. 17. Ground level alterations.

The county shall be notified by the property owner of any changes desired to be made by the property owner that will alter the existing ground elevations within the street right-of-way and permission must be obtained by such property owner from the director for making such alterations. The entire cost of doing such work, including the adjustments to existing water meter boxes, sewer connections, cleanout fittings, or any of them, will be borne by the property owner.

Sec. 18. Valve requirements.

All plumbing fixtures or outlets connected with the sanitary sewer, which are located below the level of the top of the first upstream manhole shall be equipped with an approved backwater device or the house sewer shall be so equipped.

Sec. 19. Prohibited connections.

It shall be unlawful for any person to directly or indirectly connect, or permit the connection, of any open gutter, septic tank, privy vault or rainwater conductor to any sanitary sewer.

Sec. 20. Maintenance.

Whenever any house sewer, house drain or connection with any main sewer or common drain becomes clogged, broken, out-of-order or detrimental to the use of the sewer or other drain, or unfit for the purpose of drainage, the owner, agent, occupant or person having charge of any building or premises which is drained through such defective connection shall, when directed by the director or a health officer, within five (5) days after notice in writing, reconstruct or repair such sewer, drain or connection as the condition of same may require.

The county will maintain sewer services from the main line to the curblineline or right-of-way, depending on the location of the county's cleanout, to be located as directed by county.

Secs. 21-30. Reserved.

ARTICLE III. SANITARY SEWER EXTENSIONS

Sec. 31. Application; requirements and conditions.

All persons desiring to construct sewer improvements and to connect same with the sewer system of the county shall make written application for permission to the director. All such applications for sewer improvements, to be constructed and connected to the sewer system of the county, shall be subject to the following:

(1) All sewer improvements / extensions shall be designed and installed in accordance with the most restrictive of standards, specifications and requirements of the county, the city/utility treating the collected sewage or NCDENR.

(2) The applicant shall employ, at his expense, a licensed professional engineer to prepare plans and specifications of the proposed improvement and the engineer shall submit all necessary documents to the county and NCDENR for approval. The applicant shall further engage and authorize the engineer to

- a. observe the project during construction,
- b. provide, upon completion of the project, an engineer's certification of substantial compliance to assure that the constructed sewer system conforms to the construction plans and specifications,
- c. prepare record As-Built drawings and to submit these record drawings to the county, and
- d. submit to NCDENR the appropriate certifications and documents as required by state and local regulations.

(3) The applicant shall engage a licensed utility contractor, acceptable to and approved by the county, to construct the proposed sewer project including all appurtenances.

(4) All properties connected to the county sewer system shall be subject to a Capital Recovery Fee as described in section 82.

(5) The applicant shall pay a construction plan review fee and a construction inspection review fee as specified in section 88.

(6) "As Built" drawings, on mylar medium plus an electronic copy in a format acceptable to the county, shall be furnished

for all sewer installations. These record drawings shall be tied to the North Carolina Grid Coordinates and shall show the horizontal and vertical location of the sewer and appurtenances other than service laterals on private property.

(7) The applicant shall pay, in addition to all applicable connection fees and Capital Recovery fees, all costs involved in making the extension, except such portions of the cost of trunk sewers as the county may agree to bear.

(8) All sewer mains and line-extensions of the county sewer system, except service laterals on private property, shall become the property of the county without cost. Such mains and lines shall be located within dedicated public right-of-ways or within easements shown on a recorded plat or in a recorded deed and recorded in the public registry of Davidson County. The county shall have the right to operate, maintain, inspect, repair and replace such mains and lines.

(9) All risks shall be assumed by the applicant and the owners of the property being supplied with sewer service and the county Board of Commissioners shall not be responsible for any damages or injury to property by reason of such sewer system, its construction, maintenance or repair, and the county Board of Commissioners shall not be liable to any person, firm or corporation, for failure to supply sewer service.

(10) All requests for extensions to the sewer system of the county shall be submitted in writing to the county and shall be reviewed and approved by the commissioners before construction of any such sewer improvement shall be initiated.

(11) Any subdivision to which or in which the sewer system is to be extended must be approved by the county planning board and the director.

(12) All agreements with regard to sewer extensions shall be approved by the county attorney as to form and legality. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated therein.

Sec. 32. Investment by county - over-sizing reimbursement.

The county may make an investment in sanitary sewers installed within the system for additional costs of mains larger than the minimum eight-inch main, if the additional size is of benefit to the county and is required by the director. Whenever over-sizing is required by the director,

- (1) The county and the applicant shall enter into an agreement (prior to approval of the sewer project) providing for:

- a. the division of costs between county and applicant,
 - b. The terms and length of time for reimbursement.
- (2) The applicant shall cause his engineer to include the required over-sizing in the construction documents.
 - (3) The sewer construction contract shall be let in accord with provisions of Sec. 36 of this Article III.

Sec. 33. Regulations concerning new developments.

(a) The county shall require that all streets in a new development to be served by the county sewer system must be developed in accordance with Davidson County planning ordinance and constructed in accordance with NCDOT requirements.

(b) In the case of new developments, the county shall require the developer to bring the grade of proposed streets reasonably close to the final grade to be established before construction of the sewer system referred to in this article is begun.

(c) An applicant for sewer extension shall be required to furnish the county a complete plan of his proposed development, including profiles, with established grades shown thereon. All plans shall be on the sheet size, scale and sheet format as required by the county.

(d) The applicant shall dedicate through his property, without cost to the county, the necessary right-of-ways for the proposed extension thereunder.

(e) The applicant shall extend the sewer system completely through the development being served to the property's upstream boundaries unless said property is the upstream most property in which case the director may grant an exception.

(f) Upon completion of construction of the sewer, as evidenced by the engineer's Certificate of Compliance referred to in Sec. 31 of this policy and as approved by the director, the sewer system extension shall be the property of Davidson County upon:

- (1) The submission of approved As-Built plans to director,
- (2) The submission of easement descriptions, together with evidence of recordation, to the director,
- (3) The submission to the director of contract closeout documents:

- a. Contractor's waiver of lien,

- b. Contractor's Affidavit of Payment of Materials and Labor, and
- c. Assignment and transfer of all right title, easements and interest of the applicant to Davidson County,

Sec. 34. Commissioners may adopt any feasible plan.

With respect to any sewer extension project, no section of this article shall be construed to prevent the commissioners from adopting any economically feasible plan or policy which best facilitates the completion of that project.

Sec. 35. Connection Fees. Levying of fees - reimbursements to developers.

(Repealed 05/22/07)

Sec. 36. Extension of trunk sewers.

Applicants for sewer extensions, which are considered trunk sewers, may be granted permission to construct the trunk sewers extension, subject to the following conditions:

(1) The contract for the trunk sewer shall be let by the applicant's engineer in a format acceptable to the county and shall be based on plans and specifications prepared in accordance with Sec. 33. A county representative shall be present at the bid opening and a minimum of three bids must be obtained.

(2) It shall be the applicant's responsibility and expense to obtain all easements/right-of ways required for the sewer extension. In the event that the easements/right-of-ways cannot be obtained by the applicant, the applicant may appeal to the Board of Commissioners for their assistance. The Board of Commissioners at their sole discretion shall determine if the extension warrants their participation. Under either scenario, the entire expense of said easements/right-of-ways and all acquisition cost shall be borne by the applicant.

(3) The county will finance the difference between the cost of constructing an eight-inch sewer and the cost of constructing any oversized sewer required by the county according to Sec. 32 of this policy.

(4) The trunk sewer and easements therefore shall be the property of Davidson County; and all sewer mains and lines connected therewith and all appurtenances thereto, together

with the easements necessary for the operation and maintenance of all such sewer mains and lines, shall be the property of Davidson County from the completion thereof and acceptance of same by the county as described in Sec. 33(f).

(5) (Repealed 05/22/07)

(6) In the event the commissioners find that the county is unable to finance its share of a trunk sewer project under the above terms, permission for the construction of such trunk sewer project may be granted upon the terms and conditions as above set forth, except that the applicant shall be required to pay the entire cost of the project.

Sec. 37. Outfall sewers.

Whenever an outfall sewer is required to be constructed as a part of the sanitary sewer system installed to provide sewer service to an area, such outfall shall be considered a part of the project. The commissioners shall have the power to enter into contracts for the installation of sewer outfalls, pumping stations and other facilities designed to serve area outside of a development, within the county limits, and to participate in the costs thereof to the extent and in the manner which the commissioners determine to be appropriate and in the best interest of the county.

Sec. 38. Conformance with municipal requirements.

All connections and/or extensions permitted must be in conformance, for all sewer effluents, with the service agreement between Davidson County and the owner/operator of the wastewater treatment facility.

Secs. 39-45. Reserved.

ARTICLE IV. REGULATIONS

Sec. 46. Damage and tampering prohibition.

It shall be unlawful for any person to:

(1) Break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to Davidson County and used or intended to be used for the purposes of making measurement, tests or examination of sewage or wastes;

(2) Remove, damage or interfere with the functioning of any pipe, main manhole, manhole cover, building, apparatus or equipment used in the collection, conveyance or treatment of sewage or industrial wastes;

(3) Place or cause to be placed in any manhole or sewer pipe or main any material which results, or is likely to result, in the stopping or obstructing of the normal flow of sewage or wastes.

(4) Place or cause to be placed on any manhole, sewer pipe or main any material which will change the amount of cover material over said pipe, sewer main or manhole without prior written permission from the director.

Sec. 47. General discharge prohibitions.

All substances are to enter the sewer system through proper connections or at the POTW. The emptying of septage or substance from chemical toilets is restricted as mandated in Section 58.

(1) It shall be unlawful for any person to introduce any substance, either solid, liquid or gaseous, into the sewer system of the county, at manholes or in any other way, except through a proper connection, under specific permit or has hereinafter provided.

(2) 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.

(3) It shall be unlawful for any person to discharge or cause to be discharged into any sanitary sewer any stormwater, surface water, groundwater, roof runoff subsurface drainage or other unpolluted water. It shall also be unlawful to discharge sewage, directly or indirectly, into any storm sewer system.

(4) It shall be unlawful for any person to discharge into the sewer system or cause to be discharged into the sewer system the sludge or other residue resulting from pretreatment of waters or wastewaters.

(5) No user shall increase the use of process water or in any other way attempt to dilute a discharge as partial treatment to achieve compliance with the limitations contained in the federal pretreatment standards or the requirements in any other pollutant-specific limitation developed by the county or state.

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

user's pretreatment facility before connecting with the system.

Sec. 48. Specific pollutant limitations.

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60 degrees C) using the test methods specified in 40 CFR 261.21. This prohibition does not apply to any aqueous solution containing less than twenty four (24) per cent alcohol by volume which would otherwise be a hazardous waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade; Wastes which may prevent or make hazardous the maintenance or inspection of sewers and associated structures and equipment, such as gasoline, kerosene, fuel oil, used antifreeze, solvents, strong acids and alkalis, cyanides, radioactive wastes, exhaust gases from internal combustion engines and others as may be prescribed by the director.

(2) Wastes which limit the hydraulic capacity of county sewers and associated equipment and structures, such as grease, garbage with particles greater than one-fourth (1/4) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, paint, lacquer, varnish, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, solid or viscous pollutants or glass grinding or polishing wastes.

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

(4) Wastes which have the potential to damage sewers and associated structures and equipment such as grit, wastes having a pH lower than 5.0 or higher than 10, or other corrosive wastes as may be prescribed by the director.

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

(6) Any wastewater having a temperature which will inhibit

biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (40 degrees 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 director in accordance with Section 58 of this policy.

(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 residuals, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(11) Waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment in order for sewage treatment plant effluent to meet standards set by state law, or rules, or regulations or orders made pursuant to law.

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

(13) Wastes containing waxes, greases or oils which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit (zero (0) degrees Celsius) and one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius). Fats, oils, greases or waxes which are free floating shall not be discharged into the sewer system. Fats, oils and greases shall not be discharged to the sewer system if their concentration and physical dispersion results in separation and adherence of such materials to said structures, or if such materials cause blockage in the sewer system, then such materials must be removed prior to discharge into the sewer system.

(14) Any medical wastes, except as specifically authorized by the director.

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

(16) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the director.

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

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

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

(20) Wastes which form excessive amounts of scum that may interfere with the operation of a sewage treatment plant or cause undue additional labor or expense in connection with its operation.

(21) Waters or wastes which require excessive quantities of chlorine for stabilization in addition to biological treatment.

(22) Wastes containing any toxic or poisonous substances in sufficient quantity:

- a. To interfere with the biological processes used in a sewage treatment system, singularly or in combination.
- b. Which, singularly or in combination with other liquid wastes, upon passing through a sewage treatment plant, will be harmful to persons, livestock or aquatic life utilizing the receiving streams into which water from a sewage treatment plant is discharged.

(23) Wastes which, singularly or in combination, would cause an interference and/or contaminate the resulting residuals, or other wastes as may be prescribed by the director.

When the director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the director shall advise the user(s) of the potential impact of the contribution on the POTW and take appropriate actions in accordance with Section 72 to protect the POTW from interference or pass through.

(b) *Local Limits.*

(1) No person shall discharge wastewater containing concentrations in excess of the following limitations without having first obtained an industrial wastewater discharge permit specifying more lenient limits:

| | |
|---------------|-------------|
| BOD | 500 mg/l |
| SS | 500 mg/l |
| Cd | 0.005 mg/l |
| Cr | 0.03 mg/l |
| Cu | 0.20 mg/l |
| Pb | 0.05 mg/l |
| Ni | 0.05 mg/l |
| Zn | 0.50 mg/l |
| Silver | 0.002 mg/l |
| Cyanide | 0.005 mg/l |
| Arsenic | 0.005 mg/l |
| Mercury | 0.0002 mg/l |

(2) No person shall discharge wastewater containing concentrations in excess of:

Hydrocarbon O/G = 100 mg/l (must be emulsified)

pH = not less than 5.0 nor more than 10.0 units

(3) Discharge limitations for specific pollutants will be determined by the director on an individual basis and specified on the wastewater discharge permit. In no case will limitations specified be less stringent than applicable federal or state guidelines. The director may impose mass limits in addition to, or in place of, the concentration-based limits above.

(4) If a user's twelve-month running average flow will fluctuate twenty (20) per cent or more from the flow allocation specified on the discharge permit, a new wastewater discharge permit must be obtained.

(5) The instantaneous discharge flow rate shall not exceed the following limits:

| <i>Average Flow In Gallons Per Day</i> | <i>Allowable Ratio of Instantaneous Flow Rate To Average Flow</i> |
|--|---|
| 50 - 100,000 | 3 |
| 100 - 500,000 | 2 |
| More than 500,000 | 1.5 |

Users whose average flow is less than fifty thousand (50,000) gallons per day shall not discharge an instantaneous rate of flow in excess of one hundred fifty thousand (150,000) gallons

per day.

(6) No person shall discharge any wastes or wastewaters in a "slug" as defined in Section 2.

(c) *Right of revision.* The county reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in Section 1 of this policy or the general and specific prohibitions in Sections 47 and 48 of this policy, as is allowed by 40 CFR 403.4.

(d) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this policy.

(e) *National categorical pretreatment standards.* Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(f) *Pretreatment of wastewater.*

(1) Users shall provide wastewater treatment as necessary to comply with this policy and wastewater permits issued under Section 58 of this policy and shall achieve compliance with all national categorical pretreatment standards, local limits and the prohibitions set out in Sections 47 and 48 of this policy within the time limitations as specified by EPA, the state, or the director, whichever is most 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 county for review and shall be approved by the director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the county under the provisions of this policy. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the director prior to the user's initiation of the changes.

(2) Additional pretreatment measures.

- a. Whenever deemed necessary, the 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 waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this policy.
- b. The 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.
- c. Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand. All interception units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
- d. Users with the potential to discharge flammable or toxic substances may be required to install and maintain an approved gas detection meter.

(g) *Accidental discharge/slug control plans.* At least once every two (2) years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

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

batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by Section 59 of this policy; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedure 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.

Sec. 49. Accidental discharge provisions.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this policy. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the county for review and shall be approved by the county before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this policy.

Sec. 50. Precedence of other legislation.

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than state or local limitations, shall immediately supersede all other limitations imposed under this policy. In any case, the most stringent limitation shall apply.

Secs. 51-56. Reserved.

ARTICLE V. ADMINISTRATION

Sec. 57. Sewer connection permit.

Except in new developments where connections may be installed by private contracting firms, all persons desiring to make sewer connections to the sewer system of the county shall apply to the director for a permit upon forms prescribed and furnished by the director. Upon payment of the required fees to the county revenue collector, a written permit shall be issued by the director. The

acceptance of such permit shall obligate the owner of the property referred to in the permit to comply with all policies and regulations in force at the time the permit is granted, or which shall be in force at any time thereafter. When requested by Director, a user shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 58. Industrial wastewater discharge permits.

(a) *Permit requirements.* It shall be unlawful to discharge without a permit to the POTW any wastewater except as authorized by the director in accordance with the provisions of these policies. Any person desiring to commence discharging industrial wastes after this policy becomes effective shall obtain a permit prior to commencing the discharge of such wastes into any sanitary sewer. Any person discharging industrial waste and not now holding a valid discharge permit shall file a county-provided application for a permit. Existing industrial users who are determined by the director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the director's determination. For new users, the discharge permit application must be completed by the industry and approved by the director before use of sewer system begins.

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

(c) *Industrial user permit application.* Users required to obtain an industrial user permit shall complete and file with the county, an application in the form prescribed by the director. Industrial users shall submit an industrial user permit application within thirty (30) days after notification.

Industries discharging wastewaters which are more concentrated than any limitation specified in Section 48 will be required to resubmit an updated portion of this application at a frequency determined by the director. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location, (if different from the address);
- (2) Standard industrial classification (SIC) codes for pretreatment, the industry as a whole and any processes for which categorical pretreatment standards have been promulgated;

(3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Section 48 of this policy, any of the priority pollutants (Section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of the discharge;

(5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

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

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

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any county, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.
- b. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the 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 (9) months elapse between such progress reports to the director.

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

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

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

(13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15ANCAC 2H.0908(a), as outlined in Section 59 of this policy.

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

(d) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

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

(1) The director is authorized to accept and process applications for the county.

(2) If the application is not complete with all required information, the staff shall advise the applicant by mail:

a. How the application or accompanying supporting information may be modified to make them acceptable or complete;

b. That the ninety-day processing period required in

G.S. 143-215.1 begins upon receipt of corrected or complete application with required supporting information.

- c. That, if complete plans with all required information are not resubmitted within sixty (60) days, the application packet will be returned to the applicant as "Incomplete."

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

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

(2) The director is authorized to:

- a. Issue an industrial user permit containing such conditions as are necessary to effectuate the purposes of this policy and N.C.G.S. 143-215.1;
- b. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
- c. Modify any permit upon not less than sixty (60) days notice and pursuant to Section 58 of this policy;
- d. Revoke any permit pursuant to Section 73 of this policy;
- e. Suspend a permit pursuant to Section 73 of this policy;
- f. Deny a permit application when in the opinion of the director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(g) *Hearings.*

(1) Within thirty (30) days from the effective date of the permit or permit denial an industry may request in writing from the director a variance of any requirements or limits contained in the permit. The director will review all requests for variances. Unless such written demand is made within thirty (30) days, the action shall be final and binding. The director shall transmit a copy of the decision by registered or certified mail.

- a. New permits: Upon appeal, including judicial

review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

- b. Renewed permits: Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) Final appeal hearing: Any decision of the director made as a result of a variance request review held under Section 72 may be appealed to the commissioners upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with Section 72(e). Failure to make written demand within the time specified herein shall bar further appeal. The commissioners shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) Official record: When a final decision is issued under Section 72, the commissioners shall prepare an official record of the case that includes:

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

(4) Judicial review: Any person against whom a final order or decision of the commissioners is entered, pursuant to the hearing conducted under Section 72 may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Davidson County along with a copy to the county. Within thirty (30) days after receipt of the copy of the petition of judicial review, the commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

(h) *Permit modification.*

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

- a. Changes in the ownership of the discharge when no other change in the permit is indicated;
- b. A single modification of any compliance schedule not in excess of four (4) months;
- c. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

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

(2) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by Section 58, the user shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable national categorical pretreatment standard.

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

(i) *Permit conditions.* The director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this policy, state and federal laws, rules and regulations.

(j) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five (5) years.

(k) *Permit transfer.*

(1) 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.

(2) The holder of any permit to discharge must notify the director or his/her representative in writing when:

- a. A change of ownership occurs;

- b. A change in use of premises occurs;
- c. A ten (10)-per cent change occurs in waste volume, strength or characteristics;
- d. A change in name occurs;
- e. The facility ceases to discharge industrial wastewater due to the termination of operation.

Sec. 59. Reporting requirements.

(a) *Baseline monitoring reports.*

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2) below. At least ninety (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 director a report which contains the information listed in paragraph (2) 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.

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

- a. *Identifying information:* The name and address of the facility, including the name of the operator and owner.
- b. *Environmental permits:* A list of any environmental control permits held by or for the facility.
- c. *Description of operations:* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d. *Flow measurement:* Information showing the

measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

e. *Measurement of pollutants:*

- i. The categorical pretreatment standards applicable to each regulated process.
- ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the 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 Section 59(n) of this policy.
- iii. Sampling must be performed in accordance with procedures set out in Section 59(o) of this policy.

f. *Certification:* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. *Compliance schedule:* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 59(b) of this policy.

h. *Signature and certification:* All baseline monitoring reports must be signed and certified in accordance with Section 58(d) of this policy.

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by Section 59(a)(2)g.

of this policy:

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

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the director no later than fourteen (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

(4) In no event shall more than nine (9) months elapse between such progress reports to the director.

(c) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in Section 59(a)(2)d. through f. of this policy. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other 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 Section 58(d) of this policy.

(d) *Periodic compliance reports.*

(1) During each six-month period, compliance with each pretreatment standard will be determined by evaluating both county and self-monitoring data, but in no case less than one (1) analysis per six-month period for each pretreatment standard.

(2) All industrial users shall, at a frequency prescribed by the permit, submit a report indicating the nature and concentration of pollutants in the discharge. All periodic

compliance reports must be signed and certified in accordance with Section 58(d) of this policy.

(3) 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.

(4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in 40 CFR Part 136, the results of this monitoring shall be included in the report.

(e) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (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 director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the director monitors at the user's facility at least once a month, or if the director samples between the user's initial sampling and when the user receives the results of this sampling.

(f)

(1) Any user who discharges hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 59(g) of this policy. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical

pretreatment standards under the self-monitoring requirements of Section 59(a)(c)(d) of this policy.

(2) Users are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33 (e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this policy, permit issued thereunder, or any applicable federal or state law.

(g) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater as soon as possible before the change.

(1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 58 of this policy.

(2) The director may issue a wastewater discharge permit under Section 58 of this policy or modify an existing wastewater discharge permit under Section 58 of this policy in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) per cent or greater and the discharge of any previously unreported pollutants.

(h) *Interruption of operations report.* Notice by the user shall be

given to the director in advance, or at the earliest possible time, when normal operations of the industry will be interrupted for twenty-four (24) hours or longer, when wastes will not be available for discharge, or prior to implementation of a process change which will alter demands on the municipal treatment facilities. Notice shall also be given to the director of any increase or decrease in work schedule from that indicated in the discharge permit application.

(i) *Reports of potential problems.*

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, including a hazard to the POTW treatment processes, personnel or sludge disposal methods, the user shall immediately telephone and notify the 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.

(2) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this policy.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur are advised of the emergency notification procedure.

(j) *Sludge documentation.* The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable federal, state and local regulations.. The industrial user shall be responsible for documenting the transporting and/or disposal of all pretreatment sludges. Receipts and other documentation shall be kept for a minimum of three (3) years and shall be made available to the director upon request.

(k) *Intercepted and separated materials.* Upon request by the director, a user having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, etc., is disposed of and must provide evidence of such disposal service when required by the director. Records and receipts must be kept which demonstrate that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies,

including, but not limited to the U.S. Department of Transportation and handled by reputable persons who shall dispose of all such wastes in accordance with all federal, state and local regulations.

(l) *Truth in reporting.* The reports required by this section shall comply with the provisions of the United States Code (18 U.S.C. 1001) relating to fraud and false statements and the provisions of Section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.

(m) *Other reporting requirements.* Significant industrial users shall comply with all other reporting requirements as specified in 40 CFR 403.

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

(o) *Sample collection.*

(1) Samples shall represent the waste flow from the premises over that work day. The samples shall be time-composited or flow proportional, with such compositing being performed either manually or by automatic sampling equipment. The sample compositing technique must be approved by the director.

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

(3) The handling, storage and analysis of all samples collected for the determination of the characteristics of waste discharged shall be performed in accordance with standard procedures.

(p) *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.

(q) *Record keeping.* Users subject to the reporting requirements of this policy shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this policy and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available

for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the county, or where the user has been specifically notified of a longer retention period by the director.

Sec. 60. Self-monitoring regulations.

(a) *Self-monitoring reports.* If a self-monitoring report is required, the reporting schedule and requirements will be stated on each industrial user's discharge permit.

(b) *Requirements.* Periodic measurements of flow, suspended solids, BOD and other appropriate waste characteristics shall be made by those permittees specifically designated by the director. The director shall determine the number of twenty-four-hour flow measurements and samples required. All samples taken by the industrial user shall be divided with the county for testing as specified by the director. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes or if the wastewater appears to have characteristics which may damage the treatment system. The acceptability of any monitoring results shall be determined by the director. Self-monitoring frequency, parameters and location shall be specified on the industrial waste discharge permit.

(c) *Measurements.*

(1) All sampling and analysis for self-monitoring purposes shall be performed by qualified laboratories acceptable to the director in the manner described and certified under penalty of perjury by the permittee. Sample collection and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

(2) The handling, storage and analysis of all samples collected for the determination of the characteristics of waste discharged shall be performed in accordance with standard procedures.

Sec. 61. Monitoring and sampling by county.

(a) *Regulations.* The county may inspect or monitor the effluent source or treatment facilities of any user to ascertain whether the purpose and requirements of this policy are being met.

(1) Any person discharging industrial wastes into the sanitary sewer may be required to construct and maintain a suitable control or inspection manhole at the point where wastes enter the sewer or at some other location approved by the county.

(2) The county shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. County equipment which is set up on a user's property may not be handled or tampered with, as provided for in Section 46.

(3) Where pretreatment or equalization facilities are provided by the user for any waters or wastes, they shall be maintained continuously to provide effective operation by the owner at his expense. All industrial user pretreatment units shall be subject to periodic inspection by the county.

(4) The county, state or EPA shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any discharge records are located. The county shall also have access to review and be able to copy any data pertaining to the user's effluent discharges, inspect any monitoring equipment or method and sample any discharges coming into the sanitary sewer system.

(5) 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 and vehicles from the county will be permitted to enter without delay for purposes of performing their specific responsibilities.

(6) Search warrants. If the 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 policy, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this policy or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director, approval authority or EPA may seek issuance of a search warrant.

(7) If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for county personnel, such as a gate secured with a county lock. Access to the sampling site is not to be obstructed by any object, (e.g., vehicles, supplies, equipment, landscaping). There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The industrial user's entire monitoring and sampling facility shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(8) While performing the necessary work on private properties, the authorized county representatives shall observe all safety

rules applicable to the premises as established by the company. The county shall indemnify the company against loss or damage to its property by county employees. The county shall also indemnify the company against liability claims for personal injury or property damage asserted against the company resulting from the county's inspection or sampling operations. An exception to this would be as such may be caused by negligence or failure of the company to maintain safe conditions in connection with monitoring or inspection sites.

(9) Where a permittee operates as an integrated complex involving varying processes and having separate industrial waste sewer connections within the same contributory area, such permittee may be considered as one unit with multiple connections. An analysis for each connection may be combined in proportion to the flow from the connection and the weighted average of the results thus obtained may be used as the measure of the total flow and concentration of the wastes discharged into the sewer system for the purpose of surcharge calculation.

(10) For integrated complexes involving various users with multiple water meters but a common discharge line (e.g., shopping centers), the county will monitor the common discharge line for the surcharge basis and the surcharge will be billed to the owner(s) of the complex.

(b) *Frequency of county monitoring.*

(1) If the industrial user's discharge flow does not contain toxic or priority pollutants, or compatible pollutants in quantities the POTW, director will monitor at a minimum of two (2) samples per six (6) months.

(2) If the industrial user's discharge contains toxic or hazardous materials, or compatible pollutants in quantities sufficient to impact the operation of the POTW, more frequent monitoring may occur, as prescribed by the director.

(3) Deviations from the above sampling schedule will be determined by the director.

Sec. 62. Pretreatment of industrial wastewaters.

(a) An industrial wastewater pretreatment system or device may be required by the director to pretreat industrial wastewater prior to discharge into the sewer system. Any person who is prohibited from discharging a substance as specified in these regulations, or who is required to provide pretreatment under federal pretreatment standards and requirements shall have the sole responsibility to devise, at his own expense, the methods for eliminating the problem so as to make any waste discharge eligible for a permit and for compliance with this

policy and federal regulations.

(b) All pretreatment systems or devices shall be reviewed by the director; however, director approval shall not absolve the industrial user of the responsibility of meeting any industrial effluent limitation required in the permits.

(c) All pretreatment systems or devices shall be subject to periodic inspection by the county.

(d) Grease, oil and sand interceptors shall be provided, when deemed necessary by the director, for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients. All interceptors shall comply with all applicable local and state plumbing codes and be acceptable to the director and shall be located as to be readily accessible for cleaning and inspection. All interceptors shall comply with the following provisions:

(1) *General requirements:*

- a. All interceptors shall be designed so that they will not become air bound or permit siphonage and shall be equipped with a flow control fitting with external cleaning devices.
- b. All traps shall be properly vented and a fresh air inlet or vent shall be installed on the house side of the interceptor. The outlet of the interceptor shall have a vacuum breaker or vent.

(2) *Oil and grease interceptors:*

- a. An approved interceptor shall be installed in the drainage system of the building or premises of the following uses or occupancies unless its omission is approved by the director:
Restaurants, public eating places, food preparation at institutions, and schools, all wastes in meat preparation areas, pot sinks, dishwashing machines, can washers, commercial garages, repair shops, service stations, trucking docks, laundries and any other places whose wastes would be expected to contain *oil* or grease.
- b. Interceptors shall be so constructed as to be *oil* tight and shall have easily removable water-tight and/or gastight covers as required.
- c. Every interceptor shall have a vent not less than two (2) inches in diameter, connected to the interceptor tank to relieve vapor and terminated in an approved manner.

Sec. 63. Employee notification of regulations.

In order that users' employees be informed of county requirements, users shall make available to their employees copies of this policy together with such other wastewater information and notices as furnished by the county which are directed toward improving water pollution control.

Employers shall ensure that all applicable employees who may cause prohibited discharges are advised of the emergency notification procedure, as set forth in this sewer use policy Section 59(e).

Section 64. Trade names.

The county's mention of trade names, brands or commercial products does not constitute endorsement or recommendation for use.

Sec. 65-70. Reserved.

ARTICLE VI. ENFORCEMENT

Sec. 71. Criteria constituting a violation.

(a) A user shall be considered in violation when guilty of any of the following, regardless of intent or accident:

- (1) Violation of the conditions of these policies or applicable state and federal regulations.
- (2) Violation of the conditions of any permit herein described.
- (3) Failure to factually report discharge characteristics.
- (4) Failure to submit any required reports in the prescribed time period.
- (5) Refusal of access to user premises for inspection or monitoring:
- (6) Failure to pay any fees, charges or surcharges.
- (7) Tampering with any monitoring device or method which knowingly results in inaccuracy.

(b) Each day during which any violation continues shall constitute a separate violation.

Sec. 72. Actions following a violation.

(a) *Notification of industrial user violation.* A reasonable effort shall be made by the county to notify the violating party. Written notification shall be sent to the authorized representative, entitled "Notice of Violation" and specifying the nature and source of the violation. Following this notification, follow-up determinations will be used to establish penalties as provided by Section 73 and/or corrective action to be taken by the violator. Where repetitive violations are occurring and the user is using best efforts and best management practices as determined by the director to avoid further failures or violations, the director may allow a reasonable time for satisfactory correction thereof. Depending upon the severity of the situation, the director may require disposal of the industrial waste in some manner other than into the sanitary sewer at the expense of the user. The user shall, within the period of time specified in the notification, satisfactorily correct said failure or violation. Extensions of this time limit may be granted by the director upon consideration of a written request by said user, which shall set forth the truthful reasons why compliance cannot be timely made. Corrections of violation conditions shall not preclude assessment of penalties.

(b) *Consent orders.* The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to Section 72(c) below.

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

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

(d) *Show cause hearing.* The county may order any violator to show cause why the proposed enforcement action should not be taken. When the commissioners order the hearing, a notice shall be served on the user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken and the proposed enforcement

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). Service may be made on any agent or officer of a corporation.

For the user to request the hearing, a written request shall be filed with the director of public works within twenty (20) days of receipt of the notification of the enforcement action. The request shall specify why the action against the user should not have been taken, and/or the reasons why the enforcement action should be revised. The user shall be notified of the hearing date, time and place in writing.

After reviewing the evidence presented at the show cause hearing, the director shall render his/her decision, which may include, but is not limited to, issuing an order that the sewer service be discontinued if abatement is not achieved in a specified time period, and/or recommend to the county commissioners that fines be imposed as authorized by Section 73(c).

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 73(d) nor is any action or inaction taken by the director under this section subject to an administrative appeal under Section 58(g).

(e) *Appeal.* Users that disagree with decisions made by the director can appeal by filing a written request within ten (10) days of such decision to the county clerk to the Board. If the user disagrees with the director's decision and files as stated above, the user's situation will be decided upon by a committee composed of the commissioner members. The committee members will be chosen by the commissioner's chairman. The committee composed of the commissioner members will make a formal report to the full Board of Commissioners of its findings and decision on the user's appeal. The committee's decision shall be final. Fines or penalties approved by the county commissioners are not subject to appeal.

Sec. 73. Penalties.

(a) *Sewer service discontinuation.* The county may suspend sewer service to any user when such a suspension is necessary in the opinion of the county, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or its residuals disposal methods, or may cause the county to violate any conditions of the applicable NPDES permit. Any person notified of a suspension of sewer service shall immediately cease discharge of all wastewater. In the event of a failure of the person to comply voluntarily with the suspension order, the county shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to health or the environment.

The county may reinstate sewer service upon proof of the

elimination of the discharge which caused the violation. A detailed written statement by the user shall be submitted within fifteen (15) days of the date of notification of the violation. This statement shall describe the causes of the harmful contribution and the measures taken to prevent any future occurrence. Reinstatement of sewer service may also require the posting of a compliance bond by the user. This compliance bond shall be in an amount estimated to be the cost of complying with this policy, said bond being conditioned upon the faithful performance of the provisions of the policy and being in a form approved by the county attorney. The violator shall also make immediate repayment for all damages incurred by the discharge and for any sampling and analysis done in connection with the discharge.

(b) *Termination of permit.*

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

- a. Failure to accurately report the wastewater constituents and characteristics of his discharge;
- b. Failure to report significant changes in operations or wastewater constituents and characteristics;
- c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- d. Violation of conditions of the permit, consent or administrative orders.

(2) A user whose permit has been revoked or terminated shall immediately stop all discharges of any liquid-carried wastes covered by the permit to the sewer system. A user whose permit has been revoked must apply for a new permit and pay all fees, charges, penalties and such other sums as may be due to the county before issuance of a new permit is considered.

(3) The director may disconnect or permanently block from the sewer system the industrial sewer connection of any user whose permit has been revoked if such action is necessary to ensure compliance with the order of revocation.

(4) If the director finds that the holder of a consent, or administrative order is not proceeding in accordance with the conditions and schedule specified in a diligent manner, the director may allow the applicant to continue to operate pursuant to the order upon the posting of a compliance bond. This compliance bond shall be in an amount estimated to be the cost of complying with the order, the bond being conditioned upon the faithful performance of the provisions of the order,

and being in a form approved by the county attorney.

(c) *Fines and expense fees.*

(1) A special fine of not more than ten thousand dollars (\$10,000.00) per violation may be assessed. The director shall consider the following in assessing the fine.

- a. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quantity or quality or on air quality or other environmental impacts;
- d. Reason for the violation;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the pretreatment program;
- h. The response of the industrial user with regard to the violation (e.g. notification to POTW, attempts to stop, remedy or minimize the problem);
- i. Subsequent industrial user action so that similar problems do not recur;

(2) Violators will be assessed the costs incurred by the county resulting from:

- a. Investigative costs;
- b. Enforcement costs;
- c. Fines and expenses associated with violations of county held permits (including fish kills and other environmental impacts);
- d. Terminating or revoking a permit;
- e. Severance of the sewer connections.

(3) Violators will also be assessed the cost to rectify the damage and the cost of the work required to clear and/or

repair any part of the system affected by the discharge violation.

(4) Full payment of all fines and fees shall be made by the user before issuance of a new permit or reconnection to the sewer system.

(5) Assessments for both fines and regular service charges shall be paid within thirty (30) days after invoice. If a payment is not made within the allotted time, the county may levy an additional late charge of ten (10) per cent of the amount due.

(6) Fines and penalties assessed under this policy and not paid within the prescribed period of time may be collected in a civil action pursuant to N.C.G.S. 160 A175(c). In addition, the county may seek criminal prosecution for a violation of this policy, which shall constitute a misdemeanor as provided for in N.C.G.S. 160 A176(c).

In addition to the penalties provided herein, the county may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have been in violation.

(d) *Civil penalties.*

(1) Any user who is found to have failed to comply with any provisions of this policy, or the orders, rules, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000) per day per violation.

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

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

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 72(e).

(e) *Other available remedies.* Remedies, in addition to those previously mentioned in this policy, are available to the director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(1) *Criminal violations.*

The district attorney may, at the request of the county, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B, which states it is a crime to negligently violate any term, condition or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(I)).

(2) *Injunctive relief.* Whenever a user is in violation of the provisions of this policy or an order or permit issued hereunder, the director, through the county 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) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this policy or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the county code governing such nuisances.

(f) *Remedies nonexclusive.* The remedies provided for in this policy are not exclusive. The 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 county's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take multiple and escalated enforcement action(s) against any noncompliant user.

(g) *Annual publication of significant noncompliance.* At least annually, the director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which

are found to be in significant noncompliance, (as defined in Section 2) also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

Sec. 74. Affirmative defenses to discharge violations.

(a) *Upset.*

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2) below are met.

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

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days;
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

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

(5) User shall control production of all discharge to the

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

(b) *Prohibited discharge standards defense.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 47 of this policy or the specific prohibitions in Section 48(2),(3) and (5) through (7) of this policy if it can prove that it did not know or have reason to know, that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either;

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

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

(c) *Bypass.*

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

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

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

c. The user submitted notices and received approval to the bypass initiation.

(2) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph

(c)(1) of this section.

Sec. 75. Severability.

If any provision, paragraph, words, sections or article of this policy is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

Sec. 76. Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this policy are hereby repealed to the extent of such inconsistency or conflict.

Secs. 77-80. Reserved.

ARTICLE VII. CHARGES AND FEES

Sec. 81. Waste treatment cost review.

The director shall review the cost of wastewater treatment annually and shall recommend to the commissioners adjustments to the sewer service charges accordingly. These sewer service charges shall be reviewed and approved by the commissioners.

Sec. 82. Sewer connection fees.

(a) *Private connections*. The fees charged for individual private sewer connections shall be in accordance with the following schedules:

(1) The standard connection shall be four-inch pipe from main to curb line. The fee for such connection is specified in Section 88(a).

(2) Connections required other than standard shall be charged at the rate specified in Section 88(a).

(b) *Capital recovery fee*. In addition to the service tap installation fees prescribed above there shall be a Capital Recovery Fee (CRF) in each instance where neither the present nor any prior owner of the property, building or dwelling unit, to which the sewer connection is being made shall have paid or been regularly assessed for the construction of the sewer main.

(1) The CRF charge for residential development shall be based on the number of dwelling units. The number of residential units shall be derived from the zoning jurisdiction's approved site plan or survey produced by a licensed engineer or surveyor.

(2) Bona fide nonprofit schools and churches shall be assessed a CRF in accordance with the residential rate, per unit (building) to be served with sewer.

(3) In general, the CRF charge for all other development and uses will be applied to all of the contiguous acreage one person or firm owns either directly or indirectly. Generally, the same acreage as the county is taxing will be used as the acreage to determine acreage charges, or by a survey of the property if available. Exclusions for acreage charges cannot be made for portions of land for future streets and highways including a proposed right-of-way which has been designated by a governmental agency. Portions of property which are not suitable for building sites such as a pond, creek or flood plains will be included in the acreage for which a charge will be made. All land lying within a publicly dedicated road right-of-way in excess of a width of thirty (30) feet on each side of the road may be exempt from acreage charges. Any disagreement as to the amount of actual acreage owned will be settled by a survey provided by the property owner. The amount of the capital recovery fee is specified in Section 88(b).

Sec. 83. Sewer service charges.

(a) There shall be billed and collected either monthly or bimonthly a sewer service charge for the purpose of paying all operation and maintenance costs and to pay debt service. A sewer service charge shall be assessed to all properties in which there is a sewer connection with the county sanitary sewer system and to properties served by public water where connection to the county sanitary sewer system is imminent. The rates are given in Section 88.

(b) An industrial user's sewer service charge will be calculated based on the total quantity of water metered into the facility. If a user demonstrates to the satisfaction of the director that all purchased water is not returned to the sewer system, the user's sewer service charge will be calculated only on that quantity of water returned to the sewer system. In this case, the sewer service charge shall be determined on measurements from a flow meter installed and maintained by the user and acceptable to the county as to accuracy, maintenance and point of installation as verified by submittal of a monthly flow monitoring report. Applicable rates are presented in Section 88.

(c) Any user which is the sole contributor of flow to a wastewater treatment plant or wastewater pumping station constructed for the purpose of serving only that user shall pay to the commissioners the entire cost of operating and maintaining said facility. Such charges shall be paid as specified by a written agreement.

(d) The penalties for failure to pay such charges shall be the same as in case of failure to pay the water bill, except that in computing any monetary penalties the penalty shall be based and assessed on the combined water and sewer charge.

(e) Where sewer service is provided by the county, to property to which water service is not provided by Davidson Water, there shall be billed and collected bimonthly as sewer service charge. A current listing of these charges is provided in Section 88 (f).

(f) If a hotel, motel, office building, supermarket, school or other establishment contains a beauty shop, restaurant, drugstore or other activity for which a rate is specified in Section 88 (f), a sewer service charge shall be made for such activity at the rate shown, in addition to the charge made for the building in which the activity is housed.

(g) Sewer service billing for each property shall begin at the date of water meter installation or sewer service connection to the county sanitary sewer system, whichever occurs first.

Sec. 84. Surcharges.

A sewer service surcharge shall be billed and collected from industrial users of the sewer system who discharge industrial wastes based on BOD and suspended solids contributions. The surcharge is calculated on the basis of wastewater BOD and suspended solids concentrations in excess of 200 mg/l for each of the parameters.

The county will determine by monitoring, as provided for in Section 61, the amount of BOD and suspended solids being received into its sewer system from industrial users. Such surcharge shall be imposed in addition to any existing sewer service charge and any sewer charge imposed in the future. If an industrial user makes a request to director, additional monitoring may be performed for surcharge purposes. Director is in no way obligated to honor requests for additional surcharge monitoring. If additional surcharge monitoring is performed, the industrial user would be subject to the additional monitoring fees discussed in Section 85.

Sec. 85. Charges for monitoring.

(a) Industrial users whose discharge is being periodically monitored by the county shall pay for specific sampling and analytical work performed by the county. If, during the course of normal monitoring by the county, a violation of this policy is determined, additional monitoring by director may be imposed on the industrial user at a frequency defined by the director. The charge for the monitoring will be for only those wastewater parameters or conditions that are in violation of this policy and monitoring may continue until the

violation ceases.

Any additional monitoring for surcharge purposes requested by an industrial user shall be paid for by the industrial user on a per - analysis basis.

(b) Pretreatment program administration charges. The schedule of charges and fees adopted by the county may include charges and fees for:

- (1) Reimbursement of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permit application review and/or permitting;
- (5) Other fees as the county may deem necessary to carry out the requirements of the pretreatment program.

Sec. 86. Penalty fees.

Any person found to be in violation of this policy may be required to pay penalty fees as outlined in Section 73(c).

Sec. 87. Payment deadline; penalties for failure to pay.

(a) All charges, fees and assessments shall be made monthly or bimonthly and shall be due on the day following the date the bill is mailed.

(b) The county shall adhere to the following collection schedule for sewer connections.

- (1) If any charges remain on the thirtieth day after the due date of such charges, a ten (10) percent penalty will automatically be applied to the unpaid balance. Maximum gross penalties on unpaid balances will not exceed \$5,000.00.
- (2) If a bill is unpaid thirty-five (35) days after the bill was mailed, a second notice of payment shall be mailed to the customer. If the thirty-fifth day falls on a weekend or a holiday, the notice shall be sent on the next business day. This notice shall constitute the county's intent to apply an additional late payment penalty in ten (10) days in the amount of one dollar and fifty cents (\$1.50).

(3) If a bill is unpaid forty-five (45) days after the bill was mailed, a notice of termination shall be mailed to the customer. If the forty-fifth day falls on a weekend or a holiday, the notice shall be mailed on the next business day. This notice informs the customer that service has been ordered terminated and the date of termination. An additional late payment penalty of twenty dollars (\$20.00) is added to the unpaid balance ten (10) days after the termination notice is mailed, if payment has not been received by that date.

(4) If a bill is unpaid fifty-five (55) days after the bill was mailed, service shall be cut off by locking or removing the meter. If the fifty-fifth day occurs on a weekend or a holiday, said action will be taken on the next business day. The outstanding balance, plus all penalties, shall be paid before sewer service is restored.

Sec. 88. Rates.

(a) *Connections:*

| | <i>Cost</i> |
|--|--|
| Standard lateral connection, Max. length 30 feet | \$1,500.00- 4inch \$1,800.00- 6inch |
| Added length | \$15.00/ft- 4inch \$18.00/ft- 6inch |
| Non-standard lateral Connection | Actual cost+ 15% \$650.00 minimum |
| Free bore under roadway No casing | \$40.00/ft \$800.00 minimum |
| Standard casing Steel casing, not including carrier pipe | \$125.00/ft |

(b) *Capital Recovery Fee (CRF):*

| | |
|--|--|
| Residential | \$600/residential dwelling unit |
| Bona Fide Non-Profit schools & churches | \$600/unit (building) |
| Business, Commercial & Industrial | \$1,000/acre for wastewater flows of 3,000 c.f./acre/month or less. Min. of \$1,000.00 |

For wastewater flows greater than
3,000 c.f./ acre/month, CRF shall
be \$350.00/1,000 c.f./acre/month

- (c) *Plan review fee* \$0.20/linear foot sewer
- (d) *Construction inspection fee* \$0.45/linear foot sewer
- (e) *Service where public water also provided:*
 - (1) Volume rate \$6.81 per 100 cu.ft. of water metered, excluding first 267 cu. ft. (2000 gal)
 - (2) Base fee \$14.20 per month; base fee includes up to 267 cu. ft. (2000 gal)

(f) *Service where public water not provided:*

County Monthly Rates

| | |
|-------------------------------------|---|
| A Single-family, two-family..... | \$ 37.18 |
| residence and mobile home | |
| B Multifamily, per unit..... | 22.13 |
| C Hotel or motel per unit..... | 14.20 |
| D Supermarket..... | 140.08 |
| E Launderette..... | 411.82 |
| F Commercial establishment..... | 37.18 |
| w/ restrooms & fountains only..... | |
| G Beauty or barbershop..... | 37.18 |
| H Professional or commercial..... | 37.18 |
| office building (max. of four | |
| (4) restrooms) | |
| I Professional or commercial..... | 14.20 |
| office building, each additional | |
| restroom over four (4) | |
| J Service station or garage..... | 37.18 |
| K School, rate per student..... | 0.65 |
| L Drug store w/ soda fountain..... | 122.00 |
| or food service | |
| M Drug store w/o soda fountain..... | 37.18 |
| or food service | |
| N Restaurant, café or grill..... | 208.23 |
| O Manufacturing plant or | |
| other use not listed | Rate established by director based upon discharge |

(g) *Monitoring charges (Section 85):*

Sample collection, preparation and report
generation..... \$64.50 per sample

Flow monitoring first day, initial set up
and report generation..... \$107.50/day

Other flow monitoring..... \$32.25/day

Cost per analysis:

| | |
|-------------------------------------|---------|
| pH | \$ 4.30 |
| Biochemical oxygen demand | 36.55 |
| Total organic carbon | 32.25 |
| Chemical oxygen demand | 23.65 |
| Total and volatile suspended solids | 21.50 |
| Total and volatile solids | 21.50 |
| Total oil/grease | 32.25 |
| Hydrocarbon oil/grease | 34.40 |
| Kjeldahl nitrogen | 32.25 |
| Ammonia nitrogen (specific ion) | 21.50 |
| Nitrate nitrogen (Specific ion) | 21.50 |
| Cadmium | 21.50 |
| Copper | 21.50 |
| Chromium (total) | 21.50 |
| Lead | 21.50 |
| Nickel | 21.50 |
| Zinc | 21.50 |
| Phosphorous | 21.50 |

Fees for other analyses will be determined by the director

(h) *Late payment fees (Section 87)*

(i) *Bill.* The monthly bill may be comprised of the following elements:

Sewer service base rate

BOD surcharge

SS surcharge

Monitoring charges

(j) *Other work.* Any extra or unusual work shall incur additional cost.

(k) *Savings clause.* The county reserves the right to have industrial user samples analyzed by a private laboratory. In such cases, the industrial user shall be charged for these analyses at actual cost, plus costs incurred for sample collection, data generation, administration and other pretreatment activities as determined by the director.

(Sec. 88 (e) & (f) are effective October 1, 2008.)

Sec. 89. Sewer service credit.

If a user demonstrates, to the satisfaction of the director, that all of the user's metered water was not returned to the county sewer system, then the user's sewer service charges may be calculated on that quantity of water returned to the sewer system. The Davidson County Public Works Office shall calculate sewer service charges and authorize applicable credits. This section shall not be construed to authorize successive credits to a user for irrigation, filling of swimming pools and hot tubs, or other uses for which a separate water service meter may be obtained to isolate domestic water from non-sewered uses.