

Chapter 30

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ARTICLE I.
IN GENERAL

Sec. 30-1. Chapter considered part of contract for furnishing service.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city furnishes sewer, water or electric service to any person or whereby the city makes any sewer, water or electric connections or performs any work of any kind in connection with the furnishing of such services. All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Adopted this the 11th day of January, 1999.
(Code 1973, § 21-1)

Sec. 30-2. Extension of water or sewer laterals to property line.

After laterals are laid from water or sewer mains to the inside of the curb, no lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies for such an extension.
(Code 1973, § 21-2)

Sec. 30-3. Connections generally.

(a) No connection shall be made to any sewer or water lateral or to the electric system except after application and approval.

(b) All laterals extending from city mains shall be the responsibility of the property owner to repair and maintain. The City will not maintain any lines less than 6" in diameter.

- (1) If resident has sewer problems the City will assure all mains are flowing and free of obstruction. The lateral will be the property owner's responsibility to repair.
- (2) If repairs are needed on the private lateral under the street the City will cut asphalt and repair asphalt for no charge pending ditch line is properly tamped, filled with 6" ABC stone, and inspected by a city official; or the property

owner may purchase a new tap in which the city will extend a lateral to the property line.

This Ordinance will become effective on the date of its adoption, this 8th day of July, 2002.

(c) All connections made to water mains and sewers shall be done under the supervision of the director of public works.

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

(e) All water and light meters, meter boxes, pipes and other equipment furnished and used by the city in installing any water, light or sewer connection shall be and remain the property of the city.
(Code 1973, §§ 21-3--21-7)

(f) Electric meters shall be maintained by the city only.

Sec. 30-4. Visiting pumping station, electric substation or sewer treatment facilities.

No visitor shall be permitted to enter the electric substation, the pumping station or sewer treatment facilities unless accompanied by the city employee in charge. Under no circumstances shall anyone be allowed to handle or in any way come in contact with any part of the machinery.
(Code 1973, § 21-8)

Sec. 30-5. Claims for damages.

No claim for damages shall be made against the city on account of any wire connection or any other appliance breaking accidentally or accidental failure to supply sewer service, water or electric current.
(Code 1973, § 21-9)

Sec. 30-6. Right of city to interrupt service for connections, repairs or accidents.

The city shall have the right, at any time, to shut off the electric current, water or sewer service in case of accident or for the purpose of making connections or repairs.

(Code 1973, § 21-10)

Sec. 30-7. Overcharges, undercharges.

If the city has overcharged or undercharged a customer through human or machine error, except for meter inaccuracy or customer fraud, the city shall adjust its charges to refund the overcharge or recover the undercharge as follows:

- (1) If the overcharge or undercharge is due to the acts or omissions of a customer, the entire amount of the undercharge or overcharge shall be collected or refunded respectively for the entire interval of such undercharge or overcharge. If the interval cannot be determined, then the charges for the 12 months preceding the discovery of the billing error shall be used to establish a comparative basis. If the usage and/or demand incurred during the interval cannot be determined, then an appropriate estimate of usage and/or demand shall be used as determined by the city.
- (2) If the undercharge is due to city error, the amount of such undercharge shall be collected for the entire interval involved, not to exceed 150 days for a customer having a demand of less than 50 kilowatts, or 12 months for a customer having a demand of more than 50 kilowatts. If the interval cannot be determined, then an appropriate estimate of usage and/or demand shall be used as determined by the city.

(Code 1973, § 7-17)

Secs. 30-8--30-35. Reserved.

ARTICLE II.

WATER SERVICE*

* **State Law References:** Authority to operate a water system, G.S. 160A-312.

Sec. 30-36. Rates.

Water rates charged for water services furnished by the city shall be as set from time to time by the city council by resolution. A copy of such resolution shall be kept on file in the office of the city clerk.

(Code 1973, § 21-11)

State Law References: Authority of city to fix and enforce rates, G.S. 160A-314.

Sec. 30-37. Good faith deposits.

Before any water service shall be connected for an applicant for such service, such applicant shall make a good faith deposit as set by the city council from time to time by resolution. A copy of such resolution shall be kept on file in the office of the city clerk.

(Code 1973, § 21-12)

Sec. 30-38. Procedures for determination and collection of service charges.

Procedures for determining and collecting the proper service charge for persons receiving water service from the city shall be established by the city manager in accordance with the rates established under section 30-36.

(Code 1973, § 21-13)

Sec. 30-39. Taking and using water from fire hydrant.

No person, except the director of public works or the chief of the fire department or person in charge of street cleaning, shall take or in any way use water from any fire hydrant for private use, unless such person pays for the privilege and receives a permit to do so.

(Code 1973, § 21-14)

Sec. 30-40. Connection charges.

Charges imposed for the connection of an applicant to the water system of the city shall be as established by resolution of the city council from time to time. A copy of such resolution shall be kept on file in the office of the city clerk.

(Code 1973, § 21-18)

Sec. 30-41. Cross Connections

No cross connections shall be allowed as referenced in the North Carolina Administrative Code, Title 15A, Subsection 18C.

This Ordinance will become effective on the 10th day of April, 2000.

Sec. 30-42. Potable Wells.

There shall be no new potable wells allowed inside the city limits.

Sec. 30-43. Agricultural Wells for Irrigation Purposes

Agricultural wells shall be allowed for irrigation purposes only. The property owner shall apply and pay all applicable fees before a permit will be issued by Gaston County.

- (a) All agricultural wells must comply with all local, state, and federal laws.
- (b) No agricultural wells may be connected in any way to the structure or to a potable water source so as to create a cross connection.
- (c) All agricultural wells once installed must be inspected by a city official before the well can be used, and said wells are subject to subsequent inspection by city officials to assure compliance with this section.

This Ordinance will become effective on the 9th day of September, 2002.

Sec. 30-44. Water Emergency Management.

- (a) **Definition.** The term "water emergency" shall be defined as any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment and distribution systems of the city or with in the systems of the municipal, commercial and industrial customers. Determination of whether specific situations are considered to be water emergencies shall be made by the city manager or his designee after consultation with the utility department head. Water emergency situations shall include, but are not limited to, drought, or periods of insufficient raw water supply and times of a magnitude, such that system integrity is threatened.
- (b) **Declaration of water emergency.** The city manager or his designee after consultation with appropriate city staff, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency; voluntary (level 1), mandatory (level II, or III) or mandatory (level IV) staged water use

restrictions as described in subsection (c) of this section shall be imposed upon customers.

(c) Staged water use restrictions.

- (1) **Level 1.** During a declared level 1 water emergency, the following voluntary water conservation practices shall be encouraged for the public water system served by the city:
 - a. Water of lawns, ornamental plants and gardens shall be limited to that necessary for plant survival only.
 - b. Planting of new ornamental plants and seeding of lawns should be deferred until the water emergency situation no longer exists.
 - c. Household water should be reutilized to the greatest possible extent for watering.
 - d. Use of water for wash down of outside areas such as driveways or parking lots should be curtailed.
 - e. Faucets should not be left running while shaving, brushing teeth or washing dishes.
 - f. The use of clothes and dishwashers should be limited if possible and these units should be operated with full loads when used.
 - g. Washing of cars or other vehicles should be curtailed to Saturdays or Sundays. Hoses should not be left running while washing vehicles.
 - h. The use of flow restrictions and other water saving devices is encouraged.
 - i. Showers should be used for bathing and showers should be limited to four minutes or less.
 - j. Filling of pools shall be deferred or limited to hours between 9:00 pm and 6:00 am.
 - k. Any practice listed in this subsection (c)(1) may be modified or additional practices added at the discretion of the city manager or his designee.
- (2) **Level II.** During a declared level II water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the city:
 - a. All voluntary practices listed in subsection (c)(1) of this section shall be

mandatory unless stricter measures are indicated in this section.

b. Residents will be allowed to use water for outdoor activities on Wednesday and Saturday only. They may only use handheld hoses with spring-loaded nozzles. Professional and commercial landscaping, nursery and pressure washing businesses with City of Cherryville Privilege Licenses may resume operations using handheld hoses with spring-loaded nozzles.

c. Use of water for washing down of exterior areas, including but not limited to buildings, driveways, and/or parking lots, shall be prohibited unless the requirements of subsection (2)(e) below are met.

d. Public commercial washing structures including those providing hand held washing nozzles may continue normal operation. However, the facility owner/operator shall ensure that waste of water does not occur. All drawing of water shall be prohibited.

e. Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s).

f. Commercial, industrial and construction operations shall eliminate all possible waste of water.

g. Newly constructed or drained pools shall be filled only on Wednesday or Saturday. A permit must be obtained from the fire chief or his designee.

h. Any practice listed above may be modified or additional practices added at the discretion of the city manager or his designee.

(3) Level III. During a declared level III water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the city:

a. All practices listed in Level I and Level II shall remain in effect unless stricter measures are indicated in this section.

b. Restaurants and other food serving establishments shall utilize single serving utensils and plates, and serve water only at the patron(s) request.

c. Large scale commercial and industrial water customers and construction activities utilizing five thousand (5,000) or more gallons of water per day shall achieve mandatory reduction in daily water usage of twenty-five (25), fifty (50), or seventy-five (75) percent through whatever means available. The target reduction percentage shall be determined by the severity of the Water Emergency, and shall be publicly announced as part of the emergency declaration. The city manager or his designee shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted to designated public health facilities including but not limited to hospitals and nursing homes.

d. Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the City Staff.

e. Any practice listed above may be modified or additional practices added at the discretion of the city manager or his designee.

(4) Level IV. During a declared level IV water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the city:

a. All use of water for purposes other than maintenance of public safety is prohibited.

b. Where the city system is not functional, daily per day residential water use shall not exceed 300 gallons at each metered location.

c. Where the city system is not functional, National Guard and emergency services vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.

d. Compliance plan for industries during level IV remains the same as level II or as directed by the state public health officials. Such plans shall be submitted to the city manager or his designee

within ninety (90) calendar days from the adoption of this section. Plans shall be updated at least every five (5) years.
 e. Any practices listed in this subsection (c)(4) may be modified or additional practices added at the discretion of the city manager or his designee.

(d) Temporary suspension of zoning clearance permits and/or divisions of land

(1) Duration. During a declared mandatory (Level II, III, or IV) water emergency, the city manager or his designee may direct that the issuance of zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage be temporarily suspended for the duration of the water emergency.

(2) Exceptions. Notwithstanding subsection (d)(1) of this section, water connections to the water system owned by the city may continue to be made during a declared mandatory water emergency for the following facilities:

- a. Public schools satisfying compulsory education requirements of the state.
- b. Public facilities for police, sheriff, fire or emergency medical services.
- c. Hospitals.
- d. Facilities of public utilities regulated by the state.

(3) Misdemeanor. It shall be unlawful to make any water service connection, not subject to the exceptions set forth in subsection (d)(2) of this section to the water system owned by the city during the time that zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage are temporarily suspended. In addition to the civil penalties provided for in subsection (e)(1) of this section, any person, firm, or corporation who shall make such connection during such time shall be guilty of a misdemeanor and, upon convictions, shall be punished for a class 3 misdemeanor and shall be fined not more than \$500.00 as provided in G.S. 14-4.

(e) Noncompliance of water emergency management section.

(1) Penalties. Any person violating the mandatory provisions of this section shall be issued a civil citation pursuant to section 62-36 and a penalty not to exceed \$100.00 for residential customers and \$500.00 for commercial industrial

users. Each occurrence of a violation of this section shall be considered a separate violation.

(2) Discontinuance of service. Pursuant to the provisions of G.S. 162A-88 and this section, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Tap fees and deposits will be forfeited.

(3) Adoption and enforcement of section provisions. Municipal customers, water corporations or company compliance municipalities, water corporations or companies purchasing water from the city shall adopt and enforce this entire section as a condition of continuing existing water sales agreements. Upon declaration of a water emergency, such municipalities and companies shall "enforce the appropriate water use restrictions for the level of declared emergency. Water service to such municipalities and companies shall be terminated for not enforcing the provisions of this section.

Adopted this 18th day of November, 2002.

ARTICLE III.

ELECTRIC SERVICE*

Sec. 30-66. Construction of terms.

The user and prospective user of electrical service is referred to as the "customer" or "consumer," and these terms are to be considered as synonymous.
 (Code 1973, § 7-3)

Sec. 30-67. Violation of article a misdemeanor.

Any violation of any provision of this article shall be a general misdemeanor punishable in accordance with section 1-11.
 (Code 1973, § 7-32)

Sec. 30-68. Service agreement.

(a) Electric service will be supplied under:
 * **State Law References:** Electric service in urban areas, G.S. 160A-331 et seq.

- (1) The city's standard form of application, service agreement or contract;
- (2) The applicable rate schedule; and
- (3) These service regulations.

(b) The city shall not be required to supply service unless and until an agreement is executed by the customer and the city, it being understood and agreed that no promise, statement or representation by any agent, employee or other person shall be binding upon the city unless the same be in writing and attached to and made a part of the agreement. Notwithstanding the foregoing, when the requested supply of electricity is for residential use, and no extra charges for additional facilities are involved, the customer's application and the city's acceptance thereof may be verbal, and the city's applicable rate schedules and this article shall be effective in the same manner as if the city's standard form of application for service had been signed by the customer and accepted by the city. Such a verbal service agreement shall be conclusively presumed when there is no written application by a customer, accepted in writing by the city, if electricity supplied by the city is used by the customer or on the customer's premises.

(c) The rights which accrue to the customer under any such agreement or this article are personal and shall not be transferred or assigned by the customer without the written consent of the city.
(Code 1973, § 7-4)

Sec. 30-69. Wiring and equipment.

(a) Equipment which will operate in one locality may be useless in another due to differences in voltage, phase or frequency of electric service; therefore, before wiring a premises or purchasing equipment, the customer shall give the city notice of the character of service requested at such premises. The city may specify the voltage and type of electric service to be furnished, also the location of the meter, and the point where the service connection shall be made.

(b) All the customer's wiring and equipment must be installed and maintained in accordance with the requirements of the city, and the city may refuse to connect service to such customer, or may discontinue service. The customer shall keep in good repair all such wiring and equipment to the point of connection with the facilities of the city.
(Code 1973, § 7-7)

Sec. 30-70. Changes in wiring and equipment.

(a) The customer shall not employ or utilize, without the written consent of the city, any equipment, appliance or device, or permit the continuation of any condition, which tends to create any hazard or otherwise to affect adversely the city's service to such customer or to others. When polyphase electric service is used by any customer, the customer shall control the use of service so that the load will be maintained in reasonable electrical balance between the phases at the point of delivery.

(b) The customer shall give the city reasonable notice in writing of any anticipated increase in demand exceeding 30 kilowatts or ten percent of former demand, whichever is greater, and stating the approximate excess and date required. If, in the opinion of the city, the length of the unexpired term of the agreement and all other factors justify the additional investment required, the city, at its option, will endeavor to provide additional capacity for any increase so requested by the customer within a reasonable time.

(c) The city will extend its facilities and change the point of delivery only when the investment required is warranted by the anticipated revenue and when such extension is permissible and feasible.
(Code 1973, § 7-8)

Sec. 30-71. Access to customer's premises.

The city shall at all reasonable times have the right of ingress, egress and regress from the premises of the customer for any and all purposes connected with the delivery of service or the exercise of any and all rights under the agreement or this article; and the customer, by the acceptance of service, is deemed to consent to the ingress, egress and regress.
(Code 1973, § 7-9)

Sec. 30-72. Customer to furnish right-of-way.

(a) The customer shall at all times furnish the city a satisfactory, lawful and unobstructed right-of-way over his premises for the city's lines and apparatus necessary or incidental to the furnishing of service, and shall also provide satisfactory and easily accessible locations for metering equipment.

(b) The city may change the location of the right-of-way upon request of the customer and may require the customer to bear the expenses thereof so as not to jeopardize the city's service, either to the customer requesting the change or to any other customer. All

privileges of the city incident to the original location shall apply to the new location.

(c) The obligation of the city to supply service is dependent upon the city securing and retaining all necessary rights-of-way, privileges, franchises or permits, for the delivery of such service; and the city shall not be liable to the customer for any failure to deliver service because of the city's inability to secure or retain such rights-of-way, privileges, franchises or permits.
(Code 1973, § 7-10)

Sec. 30-73. Distribution and service facilities.

(a) The city's distribution and service facilities will be installed aboveground on poles, towers or other fixtures; however, underground facilities will be provided in accordance with the city's underground installation policy.

(b) The city may, at its option, require the customer to perform any excavation and backfill necessary for the installation of underground electric service and may require the customer to provide concrete foundation pads for transformers or other pad-mounted equipment associated with underground service. All such work shall be in accordance with city specifications.

(c) Where underground service is requested, the city may also require a contribution in aid of construction, equal to the difference in cost between overhead and underground construction, less the value of work provided by the customer under subsection (b) of this section.

(d) Service connections will be made as follows:

(1) Where both the city's lines and the customer's entrance conductors are aboveground:

a. The city will extend its service conductors to the customer's building, terminating them on the outside of the building at a location to be provided by the customer and satisfactory to the city for this purpose. The location must be of sufficient height to satisfy the requirements of the National Electrical Safety Code and applicable local codes, and the strength of the structure at the

point of termination must be satisfactory to the city.

b. The city will provide all meter sockets or enclosures and the customer will install such socket or enclosure. The city will make the necessary connections for a set fee from its service conductors to the customer's entrance conductors. Fees listed below.

\$50.00 for a 200 amp base
\$150.00 for a 400 amp base

(2) Where both the city's lines and the customer's entrance conductors are belowground, or when one is aboveground and the other is belowground, or where the size of the customer's demand or any unusual character of the customer's location requires, the city will make the necessary connections from its service conductors to the customer's entrance conductors as in subsection (d)(1) of this section if applicable, or as in subsection (d)(3) of this section if applicable. If neither subsection (d)(1) of this section nor subsection (d)(3) of this section is applicable, the connection shall be at a point acceptable to the city.

(3) When, in the city's opinion, an individual transformer installation is necessary to serve the customer's demand and such demand exceeds the capacity of a pole-type transformer installation, the city may require the customer, at the customer's expense, to provide suitable outdoor space on his premises to accommodate a ground-type transformer installation or substation. If the customer is unable to provide outdoor space for a ground-type transformer installation or substation, then the city may require the customer to provide a transformer vault built to the city's specifications on the customer's premises.

a. When the incoming service is overhead and the customer provides space for a ground-type transformer installation or

substation, the city will erect a structure outside of and immediately adjacent to the fence surrounding such installation and will connect to the customer's entrance conductors at that point. The city may require the customer to provide main disconnecting switches at the point of connection, which switches shall control all of the customer's load other than the fire pump circuit, if any. If the space agreed upon for such installation is adjacent to one or more of the customer's building walls, the city will connect to the customer's entrance conductors on the outside of one of the walls.

- b. When the customer provides a transformer vault, such vault shall be constructed in accordance with the city's specifications, and shall meet the requirements of the National Electrical Safety Code and other applicable safety codes and ordinances, and its location shall meet the city's requirements for accessibility and ventilation. The city will provide and install the transformers and necessary associated equipment including circuit breakers, switches, supporting structures for equipment, primary cable and secondary cable to the point of connection with the customer's entrance conductors, which point shall be 12 inches inside one of the walls of the vault. The city will also provide and install the primary cable from the customer's vault to the city's existing distribution facilities, in accordance with the city's requirements for contributions in aid of construction, and the customer will be responsible for providing all duct lines specified by the city.

- (4) With respect to any service after a service connection has been made, it may be

changed by the city upon request of the customer or to cause compliance with this article, but the customer must bear the expense of the change, and the change will not be made where it will interfere with or jeopardize the city's service, either to the customer desiring the change or to any other customer.

(Code 1973, § 7-11)

Sec. 30-74. Ownership of equipment.

All conductors and conduits, inside work and equipment, switches, fuses and circuit breakers, from the point of connection with the city's service shall be installed and maintained by and at the expense of the customer. All equipment furnished by the city shall be and remain the property of the city, except for the meter base itself.

(Code 1973, § 7-12)

Sec. 30-75. Attachment to structures.

No equipment or facilities owned by the customer or others may be attached to poles or other structures owned by the city, except where such attachments are part of another utility system and are subject to the terms of a joint use agreement, or except where such attachment has been otherwise approved by the city.

(Code 1973, § 7-13)

Sec. 30-76. Meters generally.

(a) The city will furnish all necessary meters. When a meter is moved from one location to another, all expenses in connection with such removal shall be borne by the city, except where the removal is at the request of the customer or required to cause compliance with this article, in which case, the expense will be borne by the customer. The city shall have the right, at its option, to place demand meters, volt meters or any other instruments or devices on the premises of the customer for the purpose of making any tests or measurements with respect to the customer's service at any time and in any manner without the permission of the customer.

(b) Meters for all residential service, and for all other service to the extent practicable, shall be located out-of-doors on the customer's structure at a place or point specified by the city which meets all the city's requirements for reading, testing, service accessibility and safety.

(c) Where it is not practicable, in the city's opinion, to locate the meter and its associated apparatus, if

any, out-of-doors, the customers shall provide a suitable indoor location which meets all of the city's requirements for reading, testing, service accessibility and safety, and shall make such meter readily accessible at any time when so requested by the city. The city shall also have the right to enter upon the customer's premises at any time with the customer's permission for any purpose under this subsection.

(d) In case of the inaccuracy of a meter, the customer's bill for the period of such inaccuracy, not to exceed 60 days prior to the last meter reading by the city, may be adjusted up or down as required to compensate for any meter inaccuracy exceeding four percent slow or fast, respectively.

(Code 1973, §§ 7-14--7-16)

Sec. 30-77. Bills due where no notice received.

(a) All meters are read monthly and all bills are due and payable on the date of the bill during regular business hours at the office of the city. Bills are past due and delinquent after the 15th day of each month.

(b) Failure to receive a statement which has been properly mailed or hand-delivered or posted on the customer's premises will not entitle the customer to any delay in paying the amount due beyond the date when the bill is due and payable.

(c) The word "month" as used in this section, and as used in the rate schedules of the city, shall be construed to mean the period of time between regular meter readings by the city. Meters with a constant of one may be read to the nearest ten kilowatt hours except in case of the initial or final bill. For purposes of establishing billing demand and minimum bills, the nearest whole kilowatt shall be used.

(Code 1973, § 7-18)

Sec. 30-78. Where meter not read.

Where a meter for any reason is not read at the regular reading time, the city may calculate the amount of service used with reference to the customer's normal consumption for a similar billing period during the 12 months next preceding the billing period in question, and make any adjustment in the bill rendered when the meter is next read; or the city may, in such event, render the customer a bill for the minimum charge, such charge to be credited to the customer when the meter is next read and bills computed for 30-day intervals.

(Code 1973, § 7-19)

Sec. 30-79. Offsets against bills.

No claim or demand which the customer may have against the city shall be set off or counterclaimed against the payment of any sum of money due the city by the customer for services rendered, and all such sums shall be timely paid in accordance with this article regardless of such claim or demand.

(Code 1973, § 7-20)

Sec. 30-80. Responsibility beyond delivery point.

It is understood and agreed that the city is merely a furnisher of electricity, deliverable at the point where it passes from the city's wires to the service wires of the customer, or through the divisional switch separating the customer's wires and equipment from the city's wires and equipment, where such a switch is installed. The city shall not be responsible for any damage to the buildings, motors, apparatus or other property of the customer due to lightning, defects in wiring or other electrical installations, defective equipment or any other cause. The city shall not be in any way responsible for the transmission, use or control of electricity beyond the delivery point, and shall not be liable for any injury to any person or property whatsoever, or death of any person arising, accruing or resulting in any manner, from the receiving or use of such electricity; and the city likewise in no way guarantees the continuous, uninterrupted supply of electrical energy.

(Code 1973, § 7-21)

Sec. 30-81. Interference with city property.

The customer shall not interfere with or alter the city's meters, seals or other property or permit the same to be done by any party. Damage caused or permitted by the customer to such property shall be paid for by the customer and such interference shall be a general misdemeanor. The customer shall make all reasonable efforts to protect the city's equipment from damage and to provide security therefor.

(Code 1973, § 7-22)

Sec. 30-82. Resale service.

Electricity is sold and delivered upon the express condition that the customer shall not directly or indirectly sell, resell, assign or otherwise dispose of the electricity so sold and delivered unto any third party.

(Code 1973, § 7-23)

Sec. 30-83. Foreign electricity.

The customer shall not use the city's electric service in parallel with other electric service, nor shall other electric service be introduced on the premises of the customer for use in conjunction with or as a supplement to the city's electric service, without the written consent of the city, and this prohibition shall specifically include the customer's use of any form of electrical energy generating equipment. (Code 1973, § 7-24)

Sec. 30-84. Service interruptions.

(a) The city does not guarantee continuous service. It shall use reasonable diligence at all times to provide uninterrupted service and to remove the cause in the event of failure, interruption, reduction or suspension of service; but the city shall not be liable for any loss or damage to a customer or to their property or to the property of others resulting from such failure, interruption, reduction or suspension of service which is due to any accident or other cause beyond its control, or to any of the following:

- (1) An emergency action due to an adverse condition or disturbance on the system of the city, or on any other system directly or indirectly interconnected with it, which requires automatic or manual interruption of the supply of electricity to some customers or areas in order to limit the extent of damage by the adverse condition or disturbance, to expedite restoration of service or to effect a reduction in service to compensate for any emergency condition on an interconnected system.
- (2) An act of God, or the public enemy, or insurrection, riot, civil disorder, fire or earthquake, or an order or regulation of a federal, state, county or other public or governmental authority.
- (3) Making necessary adjustments to, changes in or repairs to its lines, substations and facilities and in cases where, in its opinion, the continuance of service to a customer's premises would endanger persons or property.

(b) It is expressly understood and agreed that the city does not furnish power for pumping water or other chemicals for extinguishing fires; and in the event that the consumer shall use such electric power for pumping water

or other chemicals to be used for extinguishing fires, the consumer shall at all times provide for an adequate reserve supply of water so that it shall not be necessary to pump water by means of such electric power during a fire. It is expressly understood and agreed that the city shall not, in any event, be liable to the consumer, nor to any person for any loss or injury to property or persons by fire occasioned by, resulting directly or indirectly from the failure of any pump, pumping apparatus or other appliance to operate. The city shall not, in any event, be liable for any loss or damage occasioned by fire which may be caused by or result from the failure of the city to supply electric power to operate any pump or pumping apparatus or other appliances. (Code 1973, § 7-25)

Sec. 30-85. Discontinuance of service.

The city shall have the right to suspend its service for repairs or other necessary work on its lines or systems, or to suspend or discontinue its service for any of the following reasons:

- (1) For any misrepresentation as to the identity of the consumer entering the contract for service, or the failure by a consumer to notify the city of a change in ownership or occupancy.
- (2) For violation by the customer of any terms or conditions of any agreement between the city and a customer or violation of any portion of this article.
- (3) If the customer's use of the city's service is detrimental to the service of other customers.
- (4) If the customer's use of the city's service conflicts with or violates laws or regulations of the federal government, the state government, or any subdivision thereof.
- (5) If wiring, equipment, appliances or devices are installed or in use on the customer's premises, which permit electricity to be used without passing through the city's meter, or which prevents or interferes with the measuring of electricity by the city's meter.
- (6) For the nonpayment of any bill, when due, for service rendered either at the existing

location of the customer or at any former location, or the failure of the customer to provide any information when requested by the city.

- (7) Upon failure or refusal of the customer to make, restore or increase his deposit as required, or the customer's refusal to allow city personnel or agents upon the customer's premises for any lawful reason.

(Code 1973, § 7-26)

Sec. 30-86. Removal of equipment.

Upon discontinuation of service or the expiration of any contract a customer may have with the city, it shall be lawful for the city to remove its meters, apparatus, appliances, fixtures or other property and to enter upon the customer's premises without the permission of the customer.

(Code 1973, § 7-27)

Sec. 30-87. Waiver of default.

Any delay or omission on the part of the city to exercise its right to discontinue or suspend service or the acceptance of a part payment of any amount due, shall not be deemed a waiver by the city of any rights the city may have under the terms of this article, so long as any default in whole or in part or breach of contract on the part of the customer shall continue, and whenever and as often as any default or breach of contract shall occur.

(Code 1973, § 7-28)

Sec. 30-88. Reconnection fee.

(a) In the case of a discontinuance of service for any reason except repairs or other necessary work by the city, the customer shall pay the city the currently required reconnection charge before service will be restored.

(b) Where service has been discontinued for any reason, except for repairs or other necessary work by the city, the city shall have the right to refuse service at the same premises to any other applicant who is a member of the family of, a successor of, a grantee of or a lessee of the former customer or who resides or does business with the former customer on such premises.

(Code 1973, § 7-29)

Sec. 30-89. Copies of service regulations, etc.

Forms of application, service agreement, or contract, schedules of rates and copies of service regulations

shall be available at the office of the city and will be furnished to the customer on request during normal business hours.

(Code 1973, § 7-30)

Sec. 30-90. Types of service--Residential service.

(a) Residential electrical service will be supplied per the residential schedule to an individual residence or individually metered apartment unit. The residential service schedules shall be applicable to only one meter serving an individual residence or an individual apartment unit.

(b) Outbuildings, water pumps and other uses which form a part of the general living establishment on the same property may be connected to the residential service meter, or they may be separately metered.

(c) Residential service to two or more residences on the same property or to a residence subdivided into two or more individual housekeeping apartments or units may not be supplied through one meter on the residential service schedule.

(d) Individual meters shall be installed by the city for each individual residence, housekeeping apartment or housekeeping unit.

(Code 1973, § 7-31(a))

Sec. 30-91. Same--Commercial and industrial service.

Electrical service under the commercial and industrial service schedule is available to customers classified as manufacturing industries as determined by the city.

(Code 1973, § 7-31(b))

Sec. 30-92. Same--Breakdown and standby service.

The city does not supply breakdown or standby service and service under its rate schedules may not be used for resale or exchange or in parallel with other electric power or as a substitute for power contracted for or which may be contracted for.

(Code 1973, § 7-31(c))

Sec. 30-93. Same--Temporary service.

Temporary service for construction of buildings or other establishments or improvements which will receive, upon completion, permanent electric service from the city's lines will be provided under the appropriate service schedule

designated by the city upon payment of an installation cost of \$10.00. Temporary service for other projects, such as crushers, asphalt plants, carnivals, fairs and other nonpermanent installations will be provided on the appropriate service schedule designated by the city where the customer agrees to pay the actual cost of connection and disconnection. The cost shall include payroll, transportation and miscellaneous expenses for both erection and dismantling of the temporary facilities, plus the cost of material used. A deposit may be required equal to the estimated cost of connection and disconnection plus the estimated billing on the applicable service schedule for the period involved; provided, that such deposit may be returned if the contract period is fulfilled.
(Code 1973, § 7-31(d))

Sec. 30-95. Rates generally.

(a) Charges levied for electric service furnished by the city shall be as set from time to time by resolution of the city council. A copy of such resolution shall be kept on file in the office of the city clerk.

(b) A class of electric service is hereby established for senior citizens and blind or disabled customers. To qualify for and be included in this class of service, the customer must meet all of the following conditions and requirements:

- (1) The customer shall be 62 years of age or older, or be totally blind, or be totally physically or mentally disabled.
- (2) The customer shall be receiving benefits from the Social Security Administration.
- (3) The customer shall have the electric service in his name and be a customer of the city.
- (4) The customer's total gross annual income, including the gross annual income from all residents in the customer's household, shall not exceed \$12,000.00.
- (5) The customer's total annual consumption of electric power shall not exceed 9,000 kilowatt hours.

(c) Application forms shall be provided by the city and, upon completion by the customer, whose signature shall be acknowledged by a notary public, be submitted to the city manager or his agent for approval. Any customer whose application is not approved shall be so notified in writing by

mail within 30 days after the date of receipt of the application by the city manager. Applications which are approved may be reviewed by the city manager or his agent at any time as to compliance with this section, and upon failure to comply, written notice to the customer shall be given by mail within 30 days of the date of discovery of noncompliance. Any customer whose application has not been approved or whose application has been approved but thereafter, after review, has been found to fail to meet the stated qualifications may, within ten days after such notice, request a hearing before the city manager for a review of his application. In all cases the burden of proof shall be upon the customer as to the contents of the application and facts pertaining to qualification and compliance.

(d) The rate for electric service for this class shall be set from time to time by resolution of the city council, a copy of which resolution shall be kept on file in the office of the city clerk.
(Code 1973, §§ 21-15, 21-15.1)

State Law References: Authority of city to fix and enforce rates, G.S. 160A-314.

Sec. 30-96. Good faith deposits.

Before any electric service shall be connected for an applicant for such service, such applicant shall make a good faith deposit as set by resolution of the city council from time to time. A copy of such resolution shall be kept on file in the office of the city clerk.
(Code 1973, § 21-16)

Sec. 30-97. Procedures for determination and collection of service charges.

Procedures for determining and collecting the proper service charge for persons receiving electric service from the city shall be established by the city manager in accordance with the rates established under section 30-95.
(Code 1973, § 21-17)

Secs. 30-98--30-115. Reserved.

ARTICLE IV.

SEWER SERVICE*

* **Cross References:** Capital reserve water and sewer fund, § 26-36 et seq.

State Law References: Sanitary sewage systems, G.S. 130A-333 et seq.; authority to regulate sewage tie-ons in certain counties, G.S. 160A-196; public enterprises generally, G.S. 160A-311 et seq.

DIVISION 1. GENERALLY

Sec. 30-116. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means the mayor and city council.

BOD (denoting biochemical oxygen demand) means a measure of the degree of pollutorial strength of wastes of biodegradable nature. BOD, expressed in milligrams per liter, shall mean the calculated pounds of oxygen required to satisfy the five-day biochemical oxygen demand of a million pounds of domestic sewage or industrial waste, or a combination of both when tested for five-day BOD in accordance with the procedures acceptable to the approving authority.

COD (denoting chemical oxygen demand) means a measure of the degree of pollutorial strength of industrial wastes. COD tests allow measurements of industrial wastes in terms of total quantity of oxygen required for the chemical oxidation of organic matter to carbon dioxide and water. COD tests are conducted in accordance with the procedures acceptable to the approving authority and the COD values are generally expressed in milligrams per liter.

Color means the true color of water from which turbidity has been removed and is expressed in milligrams per liter.

Commercial user means any private establishment such as restaurants, hotels, stores, filling stations or recreational facilities with dry weather wastewater flows less than 25,000 gallons per day.

Composite sample means a combination of discrete samples of wastewater taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

Cooling water means the water discharged from any system of condensation such as conditioning, cooling or refrigeration.

Domestic sewage means a combination of the water-carried, normal strength sewage from residences, business buildings, institutions and the like, but excluding industrial process wastes.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab sample means an individual sample collected over a period of time not exceeding 15 minutes.

Industrial user means any of the following:

- (1) A nongovernmental, nonresidential user which discharges more than the equivalent of 25,000 gallons per day of sanitary waste and which is identified in the Standard Industrial Classification Manual under divisions A, B, D, E and I;
- (2) A user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works; and
- (3) A commercial use of an individual system.

Industrial waste means the liquid, solid and gaseous wastes, including the suspended solids, resulting from the processes employed in industrial establishments. Industrial waste includes the cooling waters and unpolluted process waters discharged to the sewerage system.

Infiltration means the water entering the sewerage system and service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Inflow means the water discharged into the sewerage system, including service connections, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections from combined sewers and storm sewers, catchbasins, stormwaters, surface water runoff, street washwaters or drainage. Inflow does not include, and is distinguished from, infiltration.

Milligrams per liter means the weight of a substance in milligrams in one liter of water.

Natural outlet means any body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant.

Nitrogen, ammonia (NH₃-N) means a chemical

combination of hydrogen and nitrogen occurring extensively in nature. The combination used in water and wastewater is expressed as NH₃-nitrogen.

Normal strength sewage means sewage which, when analyzed by the city, shows by weight a daily average of not more than 2,085 pounds per million gallons (250 milligrams per liter) of suspended solids, and not more than 2,085 pounds per million gallons (250 milligrams per liter) of BOD, and which is otherwise acceptable into a public sewer under the terms of this article.

pH means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in gram-moles per liter of solution and indicates the acidity or alkalinity of substance. pH scale is usually represented as ranging from 0 to 14, with pH 7 representing absolute neutrality. A stabilized pH will be considered a pH which does not change beyond the specified limits when the waste is subjected to aeration. pH below 7.0 is acid, above alkaline.

Properly shredded garbage means the garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particles greater than one-quarter inch in dimension.

Sanitary sewer means a sewer which carries sewage or industrial wastes and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of domestic sewage and industrial wastes.

Sewage treatment plant means any arrangement of devices and structures used for the treatment of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewerage system means all facilities for collecting, pumping, treating and disposing of sewage.

Significant industrial user means any industrial user of the city's sewerage system whose flow exceeds 50,000 gallons per day or five percent of the daily capacity of the sewage treatment plant.

Storm sewer or storm drain means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

Stormwater means any flow occurring during or immediately following any form of natural precipitation and

resulting therefrom.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, sewage or other liquids and which is removable by laboratory filtering.

Toxic substance means any substance whether gaseous, liquid or solid which, when discharged to a sanitary sewer in sufficient concentrations, may, in the opinion of the approving authority, be hazardous to sewer maintenance and personnel, tend to interfere with any sewage treatment process, to constitute a hazard to human beings and animals, to inhibit aquatic life or to create a hazard to recreation in the receiving waters of the effluent from a sewage treatment plant.

Unpolluted water means water not containing any pollutants or water whose discharge will not cause any violation of receiving water quality standards.

User means any person who discharges or causes or permits the discharge of wastewater into the sewerage system.

(Code 1973, § 21-19)

Cross References: Definitions generally, § 1-2.

Sec. 30-117. Violations and penalties.

(a) Any user who violates any provision of this article or of applicable state and federal regulations is subject to having the permit revoked upon 24-hour notice by the approving authority.

(b) Should any user violate any provision of this article or of applicable state and federal regulations such user is subject to having such user's connection with the city water and/or sewerage system severed upon being given 24-hour notice by the approving authority.

(c) In addition to all other remedies either provided in this article or in the general law, the city may apply to a court of competent jurisdiction for an injunction against any violation of this article.

(d) Violation of any provision of this article shall be a misdemeanor punishable in accordance with section 1-11.

(Code 1973, § 21-55)

Sec. 30-118. Damage, destruction, etc., of equipment or materials.

No person or user shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the city and used for the purpose of making measurements, tests or examinations and left upon the premises of a person or user discharging wastes into the sewer. This protection against damage shall also apply to any part of the public sewer system. Any person or user violating this section shall be subject to immediate arrest and prosecution.
(Code 1973, § 21-20)

Sec. 30-119. Erection of privies.

It shall be unlawful for any person to build, construct or otherwise erect a privy for use in connection with a house, building or other structure used for human habitation.
(Code 1973, § 21-21)

Sec. 30-120. Installation and connection of sewerage facilities within houses, etc.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the corporate limits of the city and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the city are hereby required to install suitable water-carried sewerage facilities therein and to connect such facilities directly with the public sanitary sewer in accordance with the rules and regulations governing such system.
(Code 1973, § 21-22)

State Law References: Authority of city to require connection, G.S. 160A-317.

Sec. 30-121. Connection fees.

Fees imposed for the connection of an application for sewer service to a main sewer line of the city shall be as established by resolution of the city council from time to time. Such resolution shall be kept on file in the office of the city clerk.
(Code 1973, § 21-23)

Sec. 30-123. Uncovering or injuring sewers.

No person or user shall uncover the public sewer in the city for any purpose, uncover any of the connecting branches thereof or open any manhole or flush tank in the city, except with written consent of the director of public works, or shall do or cause to be done any injury of any kind in any manner to any part of the sewers of the city, or to the outlet pipe or to any of the appliances of sewers.

(Code 1973, § 21-25)

Sec. 30-124. Wastes excessive in quantity or with considerable variation in polluttional value.

Whenever the total volume of wastes to be discharged by any user in any one day shall exceed the limits set forth in section 30-231 et seq. or where such wastes have considerable variation in polluttional value, such user shall be required to construct holding or storage tanks in order to equalize the discharge of wastes over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the waste so that its quality shall be uniform when discharged to the public sewers.
(Code 1973, § 21-26)

Sec. 30-125. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units but may be required for industrial or commercial establishments, public eating places, hospitals, hotels, abattoirs or other institutions. Such interceptors shall be readily accessible for cleaning and inspection and shall be maintained by the owner at his expense and in continuously efficient operation at all times.
(Code 1973, § 21-27)

Sec. 30-126. Standards for tests and analyses; point at which tests and analyses are to be run.

All tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be made in accordance with the procedures given in the latest edition of Standard Methods for Examination of Water and Sewage published by the American Public Health Association. Such tests and analyses shall be determined at the control manhole or at the point of discharge of any waters or wastes at the site of their origin on the premises of any person discharging such wastes into the sanitary sewers.
(Code 1973, § 21-28)

Sec. 30-127. Right of city employees to enter to inspect, measure, etc.

The approving authority and duly authorized employees of the city shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The city shall notify, if available, a

representative of the company or individual prior to entering the premises.
(Code 1973, § 21-29)

Sec. 30-128. Maintenance of preliminary treatment or holding facilities.

Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the user at his own expense.
(Code 1973, § 21-30)

Sec. 30-129. Amendment of article.

The city, through its duly qualified officers, reserves the right to amend this article in part or in whole whenever it may deem necessary.
(Code 1973, § 21-31)

Sec. 30-130. Regulatory actions.

If wastewaters containing any substance described in division 2 of this article are discharged or proposed to be discharged into the sewerage system of the city, the approving authority shall require the user making, causing or allowing the discharge to pay any additional cost or expense incurred by the city for sampling, handling and treating excess loads imposed on the treatment system. In addition to the above provision, the approving authority may take other corrective actions as follows:

- (1) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this article.
- (2) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate the provisions of this article.

(Code 1973, § 21-51)

Sec. 30-131. Pretreatment facility operation.

If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the user at his own cost and expense, subject to the requirements of this article and all other applicable codes and laws.
(Code 1973, § 21-52)

Sec. 30-132. Accidental discharge--Protection from.

Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the approving authority for review and shall be approved by it 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 his facility with the subsequent approval of the approving authority as necessary to meet the requirements of this article.
(Code 1973, § 21-53)

Sec. 30-133. Same--Reporting.

If for any reason a user does not comply with or will be unable to comply with any prohibitions or limitations in this article, the user responsible for such discharge shall immediately notify the approving authority so that action may be taken to protect the treatment system. In addition, a written report addressed to the approving authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent further discharges, shall be filed by the responsible user within five days of the occurrence of the noncomplying discharge.
(Code 1973, § 21-54)

Secs. 30-134--30-145. Reserved.

DIVISION 2.

DISCHARGES INTO SYSTEM

Sec. 30-146. Types generally prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc., which will pass through a one-fourth inch mesh screen or its equivalent in screening ability.
- (2) Any liquid or vapor having a temperature higher than 160 degrees Fahrenheit.
- (3) Any waters or wastes containing more than

75 parts per million by weight of fats, oils or grease.

collection system or the sewage treatment works.

- (4) Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion or be in any way injurious to persons, the sewerage system, the sewage treatment works or the operation of the sewage treatment works.
- (5) Any liquid wastes in which the suspended solids exceed 320 parts per million by weight.
- (6) Any wastes having a BOD of more than 320 parts per million, except as hereinafter provided for.
- (7) Any waters or wastes having a stabilized pH lower than 5.0 or higher than 11.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- (8) Any waters or wastes containing poisonous or toxic substances or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals or create any hazard in the receiving stream at the sewage treatment plant.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any garbage that has not been properly shredded.
- (12) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the sewage

(13) Any materials which form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.

(14) Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.

(15) No waters or wastes containing heavy metals and similar objectionable or toxic substances to such degree that any such material received in the composite sewerage at the point of entrance to the treatment plant exceeds the limit established below:

Pollutant	Concentration (mg/l)
Arsenic	0.10
Chromium (total)	0.50
Chromium (trivalent)	0.25
Chromium (hexavalent)	0.25
Cadmium	0.20
C.O.D.	1,200.00
Copper	0.50
Cyanide	0.34
Iron	5.0
Lead	0.10
Magnesium	50.0
Manganese	10.0
Mercury	0.1
Nickel	0.25
Phenol	75.0
Selenium	5.0
Silver	.03
Zinc	.50

(Code 1973, § 21-32)

Sec. 30-147. Water generally.

No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water.
(Code 1973, § 21-33)

Sec. 30-148. Stormwater and surface drainage; process and cooling waters.

Stormwater and surface drainage shall be admitted to only such sewers as are specifically designated as combined sewers, storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the approving authority, be discharged into storm sewers or storm drains.

(Code 1973, § 21-34)

Secs. 30-149--30-160. Reserved.

DIVISION 3.

CHARGES AND BILLING

Sec. 30-161. User charge.

(a) The city council shall adopt at least annually an adequate schedule of user charges and surcharges to defray the cost of operating and maintaining the city's sewerage system. The costs to be used as a basis for determining the charges shall include, but are not necessarily limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements and capital reserve.

(b) The charges adopted shall be such that each user pays their proportionate share of all costs to operate and maintain the sewer system. The user charges and surcharges shall be published on a form for public distribution and notice and shall become a part of this Code upon adoption by the city council.
(Code 1973, § 21-46)

Sec. 30-162. Surcharge.

The approving authority may allow a user to discharge industrial wastes whose waste exceeds the limitations of article V of this chapter, provided, that the user discharging such waste shall agree to the payment of a surcharge to offset the entire cost incurred by the city in treating wastes containing five-day BOD, suspended solids or ammonia-nitrogen in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service. The surcharge rates are to be updated annually.

(Code 1973, § 21-47)

Sec. 30-163. Basis for charges.

(a) *Residential, commercial and industrial users.* All residential, commercial and industrial users will pay a user charge in accordance with section 30-161 and based upon 100 percent of their water usage as obtained from the water meter readings except as allowed in article V for industrial users.

(b) *Industrial users.* All industrial users will pay, in addition to the above, the following fees and charges based upon 100 percent of their water usage as obtained from the water meter readings:

- (1) Surcharges resulting from additional costs incurred by the city in treating wastes containing five-day BOD, suspended solids and ammonia-nitrogen in excess of allowable limits.
- (2) Fees resulting from the sampling and analysis of industrial or commercial wastewaters.

Measurement and spot check of flow rates, flow volumes, five-day BOD, suspended solids and ammonia-nitrogen for use in determining the above described charges shall be made by the city on all industrial wastewaters, unless specifically relieved of such obligation by the director. The charges shall be based on the usage during the previous month. In case of a violation, the user shall be billed for the violation for the period of time for which the violation occurs as determined by the most frequent monitoring program in which the testing procedure is acceptable to the city as specified in article V of this chapter.

(Code 1973, § 21-48)

Sec. 30-164. Billing.

(a) *Residential, commercial and industrial users.* All residential, commercial and industrial users shall be billed monthly by the city.

(b) *Industrial users.* Other charges, surcharges and any other applicable costs as set forth in this section shall be billed and payable monthly on a separate bill rendered to the user by the city. All the charges, surcharges, fees and formulas for such cost will be as specified in the schedule on file in the city clerk's office.

(Code 1973, § 21-49)

Sec. 30-165. Failure to pay.

Failure to pay user charges and surcharges within 16 days of the billing date shall cause such bills to become

delinquent. After five days of delinquency, the director may
 take any action necessary to recover such bills.
 (Code 1973, § 21-50)

Secs. 30-166--30-185. Reserved.

ARTICLE V.

WASTEWATER PRETREATMENT*

* **Cross References:** Environment, ch. 14.

DIVISION 1.

GENERALLY

Sec. 30-186. Scope.

This article sets forth uniform requirements for
 direct and indirect contributors into the wastewater
 collection and treatment system for the city.
 (Code 1973, § 21-56)

Sec. 30-187. Objectives.

- (a) The objectives of this article are:
 - (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - (4) To provide for equitable distribution of the cost of the municipal wastewater system.

(b) This article provides for the regulation of
 direct and indirect contributors to the municipal wastewater
 system through the issuance of permits to certain
 non-domestic users and through enforcement of general
 requirements for other users, authorizes monitoring and

enforcement activities, requires user reporting and provides
 for the setting of fees for the equitable distribution of costs
 resulting from the regulations established in this article.
 (Code 1973, § 21-56)

Sec. 30-188. Application of article.

This article shall apply to the city and to persons
 outside the city who are, by contract or agreement with the
 city, users of the city POTW (publicly owned treatment
 works). Except as otherwise provided herein, the
 superintendent of the city POTW shall administer,
 implement and enforce the provisions of this article.
 (Code 1973, § 21-56)

Sec. 30-189. Definitions.

The following words, terms and phrases, when used
 in this article, shall have the meanings ascribed to them in
 this section, except where the context clearly indicates a
 different meaning:

Act or the Act means the Federal Water Pollution
 Control Act, also known as the Clean Water Act, as
 amended, 33 U.S.C. 1251 et seq.

Approval authority means the director of the state
 division of environmental management or an authorized
 representative of the same.

Authorized representative of industrial user means:

- (1) An executive officer, if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD) means the
 quantity of oxygen utilized in the biochemical oxidation of
 organic matter under standard laboratory procedure in five
 days at 20 degrees Celsius, expressed in terms of weight and
 concentration (milligrams per liter (mg/l)).

Building sewer means a sewer conveying
 wastewater from the premises of a user to the POTW.

Categorical standards means the National Categorical Pretreatment Standards or pretreatment standard.

Control authority means the superintendent.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant, substance or process added is heat.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Grab sample means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1347) into the POTW, including holding tank waste discharged into the system.

Industrial user means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES (national pollution discharge elimination system) permit. 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), the Clean Air Act, the Toxic Substances Control Act 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.

National Categorical Pretreatment Standard or pretreatment standard means any regulation containing pollutant discharge limits, promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347), which applies to a specific category of industrial users.

National Pollution Discharge Elimination System (NPDES) permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

National Prohibitive Discharge Standard or prohibitive discharge standard means any regulation developed under the authority of section 307(b) of the Act and 40 CFR, section 403.5.

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water, regardless of whether such alteration involves manmade or natural substances or processes.

POTW treatment plant means that portion of POTW designed to provide treatment to wastewater.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR section 403.6(d).

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Significant industrial user means any industrial user of the city's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average work day;
- (2) Has a flow greater than five percent of the flow in the city's wastewater treatment system;
- (3) Has in his wastes, toxic pollutants as defined pursuant to section 307 of the Act or state law and rules, or
- (4) Is found by the city, any state agency or authority of the United States Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system or the user.

Standard industrial classification (SIC) means a classification established pursuant to the Standard Industrial

Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Stormwater means any flow of any liquid or other substance occurring during or following any form of natural precipitation and resulting, directly or indirectly, therefrom.

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

Superintendent means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with the primary duties and responsibilities as set out in this article, or his duly authorized representative. His official title shall be superintendent of water treatment and wastewater treatment plant.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

User means any person who contributes, causes or permits, directly or indirectly, the introduction of wastewater into the city's POTW.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is introduced into or permitted to enter the POTW.

Wastewater contribution permit means a permit required to be issued to all significant users prior to connecting to or contributing to the POTW.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.
(Code 1973, § 21-57)

Cross References: Definitions generally, § 1-2.

Sec. 30-190. Abbreviations.

For the purposes of this chapter, the following

abbreviations shall have the designated meanings:

BOD means biochemical oxygen demand.

CFR means the Code of Federal Regulations.

COD means chemical oxygen demand.

EPA means the Environmental Protection Agency.

l means liter.

mg means milligrams.

mg/l means milligrams per liter.

NPDES means national pollutant discharge elimination system.

POTW means publicly owned treatment works.

SIC means standard industrial classification.

SWDA means the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.

TSS means Total suspended solids.

USC means the United States Code or United States Code Annotated, interchangeably as the case may be. (Code 1973, § 21-58)

Sec. 30-191. Penalties.

(a) *Generally.* Any user who is found to have violated an order of the city council or who willfully or negligently fails to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense, but each occurrence shall constitute a separate, nonconcurrent offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover attorneys' fees, court costs, court reporters' fees and all other expenses of litigation, including all fees and costs incurred in investigating such violations by appropriate suit at law against any person found to have violated this article or the orders, rules, regulations and permits issued under this article.

(b) *Falsifying information, tampering with monitoring devices, etc.* Any person who knowingly makes

any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or the wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both. Each such act shall constitute a separate, nonconcurrent offense. (Code 1973, § 21-86)

Sec. 30-192. Compliance with article.

It shall be unlawful without a permit to discharge wastewater to any natural outlet within the city or in any area under the jurisdiction of the city and/or to the POTW, except as authorized by the superintendent in accordance with the provisions of this article. (Code 1973, § 21-69)

Sec. 30-193. Wastewater contribution permit for significant users--Required.

All significant users, as determined by the city, proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. (Code 1973, § 21-70)

Sec. 30-194. Same--Application; issuance.

(a) Users required to obtain a wastewater contribution permit shall complete and file with the city an application, in a form prescribed by the city and accompanied by a filing fee of \$10.00. Existing users, as designated by the city, shall apply for a wastewater contribution permit within 180 days after the effective date of the ordinance from which this article derives, and proposed new users shall apply at least 180 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location of all the user's facilities.
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to

those mentioned in division 2 of this article, as determined by a reliable analytical laboratory (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).

leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards, e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.

- (4) Time and duration of contribution.
- (5) Average daily and 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, sewer connections and appurtenances by their size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, 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 later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- b. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established.

- (10) Each product produced by type, amount, processes and rate of production.
- (11) Type and amount of raw materials processed, average and maximum per day.
- (12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(b) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit, subject to the terms and conditions provided in this article. (Code 1973, § 21-71)

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events

Sec. 30-195. Same--Modification to require compliance with new pretreatment standards.

Within nine months of the promulgation of a

national categorical pretreatment standard, the wastewater contribution permit of every user subject to such standard 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 contribution permit as required by section 30-194, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent, within 180 days after the promulgation of any applicable federal categorical pretreatment standard, the information required by subsections (8) and (9) of section 30-194.
(Code 1973, § 21-72)

Sec. 30-196. Same--Conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged into a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs, which may include sampling locations, frequency of samplings and number, types and standards for tests and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports, see section 30-199.
- (8) Requirements for maintaining and retaining plant records relating to

wastewater discharge as specified by the city, and affording the city access thereto without notice.

- (9) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of slug discharges as per section 30-205.
- (11) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(Code 1973, § 21-73)

Sec. 30-197. Same--Term; reissuance; modification of terms and conditions by city.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or any period less than five years and may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. If the period of issuance is less than a year, the application must be made not less than 30 days prior thereto. The terms and conditions of the permit may be subject to modification by the city at any time during the term of the permit, as limitations or requirements as identified in this article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Code 1973, § 21-74)

Sec. 30-198. Same--Transfer, etc.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner or new user, or for different or modified premises or a new or changed operation, without the prior approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. In no case shall any permit or any interest therein or any right or right of use derived therefrom be hypothecated without the city's prior written approval.

(Code 1973, § 21-75)

Sec. 30-199. Reporting requirements for permittees.

(a) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements, and the average and maximum daily flow for those process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional (O&M) and/or pretreatment is necessary to bring the user into compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional in the pretreatment field.

(b) *Periodic compliance reports.*

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of discharge into the POTW, shall submit to the superintendent, during the month of December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the month during which the above reports are to be submitted.

(2) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the

user's effluent. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto, or with any other test procedures approved by the administrator. Sampling and analysis shall be performed by a laboratory certified by the state.

(Code 1973, § 21-76)

Sec. 30-200. Monitoring facilities.

(a) The city shall require, at the user's expense, monitoring facilities to allow inspection, sampling and flow measurement of the sewer and/or internal drainage systems. The monitoring facility should be situated on the user's premises, but the city may, when such a location would cause extreme hardship on the user, allow the facility to be constructed in the public street or sidewalk area, if located so that it will not obstruct landscaping or parking areas or impair any public or private use of such area.

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

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

(Code 1973, § 21-77)

Sec. 30-201. Inspections, sampling, etc., by city.

The city may inspect the facilities of all users to ascertain whether the purposes of this article are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or

discharged shall allow the city or its representatives ready access at all reasonable times to all parts of their premises, for the purposes of inspection, sampling, records examination or the performance of any of their duties, with or without notice to any user. The city, approval authority, and where the NPDES state is the approval authority, the EPA, shall have the right to set up on any user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

(Code 1973, § 21-78)

Sec. 30-202. Pretreatment and facilities to be provided at user's expense; plans and operating procedures; availability of records.

(a) Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facility required to pretreat wastewater to a level acceptable to the city 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 city for review and shall be acceptable to the city before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(c) All records relating, directly or indirectly, to compliance with pretreatment standards shall be made immediately available to officials of the EPA, the approval authority or the city upon request.

(Code 1973, § 21-79)

Sec. 30-203. Confidentiality of information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets

of the user, but in such cases, only the public, and not other governmental agencies, will be denied the availability of such information.

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

(Code 1973, § 21-80)

Sec. 30-204. Suspension of service or permit for harmful contributions; reinstatement procedure.

(a) The city may immediately suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop or prevent an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes, or may tend to cause, the city to violate any condition of its NPDES permit.

(b) Any person notified of a suspension of wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. Upon a failure of the person to comply with the suspension order, the city may take such steps as the city deems necessary, including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service only upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city prior to reinstatement.

(Code 1973, § 21-81)

Sec. 30-205. Revocation of permit.

Any user who violates any of the conditions of this

Article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this article. Examples of violations are as follows, but the following is not an inclusive list:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
 - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
 - (3) Refusal of reasonable access to the user's premises for any purpose set out in this article.
 - (4) Violation of conditions of the permit.
- (Code 1973, § 21-82)

Sec. 30-206. Notice of violations.

Whenever the city finds that any user has violated, is violating, is about to violate or permits or is about to permit a violation of this article, his wastewater contribution permit or any prohibition, limitation or requirement contained in this article, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a written plan for satisfactory correction thereof must be submitted to the city by the user. This procedure may be suspended by the city if a harmful contribution exists as defined in section 30-204. (Code 1973, § 21-83)

Sec. 30-207. Show cause hearing; orders and directives of city council pursuant to hearing.

(a) The city may order any user who causes or permits, or is about to cause or permit, an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user, specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken and the proposed enforcement action and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served by registered or certified mail, return receipt requested, at least ten days before the hearing by mailing the same to the user at the user's last known address.

(b) The city council may itself conduct the hearing or may designate any of its members or any officer

or employee of the city to:

- (1) Issue in the name of the city council notices of hearings, requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved at such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts, if such are deemed necessary by the city, and other evidence, together with recommendations, to the city council for action thereon.
- (c) At any hearing held pursuant to this section, testimony taken must be under oath.
- (d) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge, or permitting the same, directing that the sewer service be discontinued, unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued at the sole discretion of the city council. (Code 1973, § 21-84)

Sec. 30-208. Legal action by city.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements or any order of the city, the city may commence a civil and/or criminal action for legal and/or equitable relief. (Code 1973, § 21-85)

Secs. 30-209--30-230. Reserved.

DIVISION 2.

DISCHARGE REGULATIONS

Sec. 30-231. General discharge prohibitions.

(a) No user shall contribute, or cause or permit to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with or adversely affect in any way the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW,

whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (1) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent or any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or the EPA has determined is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or creating a hazard to structures, equipment and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public or private nuisance or hazard to life or tend to prevent entry into the sewers or any portion of the POTW for maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 160 degrees Fahrenheit.
- (9) Any pollutants, including oxygen

demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows, has reason to know or with the exercise of reasonable prudence should know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average 24-hour concentration, quantities or flow during normal operation.

(10) Any wastewater containing any radioactive wastes or isotopes of a halflife or concentration that may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(11) Any wastewater which causes a hazard to human, animal or plant life or creates a public or private nuisance.

(b) When the superintendent determines that a user is contributing to the POTW any of the above enumerated substances, the superintendent shall:

(1) Advise the user of the impact of the contribution on the POTW; and

(2) Develop effluent limitations for such user to correct the interference with the POTW.

(Code 1973, § 21-59)

Sec. 30-232. Federal categorical pretreatment standards--Applicability.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.

(Code 1973, § 21-60)

Sec. 30-233. Same--Modification.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal categorical pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal categorical pretreatment standards. Consistent

removal shall be defined as reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or less harmful state in the effluent, which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the Code of Federal Regulations, part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal categorical pretreatment standards if the requirements contained in 40 CFR part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained. (Code 1973, § 21-61)

Sec. 30-234. Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

Pollutant	Concentration (mg/l)
Arsenic	0.10
Chromium (total)	0.50
Chromium (trivalent)	0.25
Chromium (hexavalent)	0.25
Cadmium	0.20
COD	1,200.00
Copper	0.50
Cyanide	0.34
Iron	5.0
Lead	0.10
Magnesium	50.0
Manganese	10.0
Mercury	0.1
Nickel	0.25
Phenol	75.0
Selenium	5.0
Silver	0.03
Zinc	0.75

(Code 1973, § 21-62)

Sec. 30-235. Applicability of state requirements and limitations.

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

(Code 1973, § 21-63)

Sec. 30-236. City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 30-186. (Code 1973, § 21-64)

Sec. 30-237. Dilution of discharge, etc., as substitute for adequate treatment.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the city or state, or with the terms of this division. (Code 1973, § 21-65)

Sec. 30-238. Accidental discharges.

(a) *Facilities and plans to prevent.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility.

- (1) No user who commences contribution to the WWTP after the effective date of the ordinance from which this article is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.
- (2) Review and approval of such plans and operating procedures shall not relieve the industrial user from meeting all of the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the WWTP.
- (3) The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(b) *Written notice.* Within five days following an accidental discharge, the user shall submit to the

superintendent a detailed written report describing the cause of the discharge and the measures proposed to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WWTP, fish kills, damage to the environment or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil or criminal penalties or other liability which may be imposed by this article or other applicable law.

(c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to notify upon any accidental discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. Employers and all users shall be fully liable for all acts or omissions of their employees, agents, contractors or subcontractors, including their failure to provide notice as set out herein. (Code 1973, § 21-66)

Secs. 30-239--30-265. Reserved.

DIVISION 3.

FEES AND CHARGES

Sec. 30-266. Purpose; schedule generally.

It is the purpose of this division to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established in this article. The applicable charges or fees shall be set forth in the city's schedule of charges and fees. (Code 1973, § 21-67)

Sec. 30-267. Types of fees authorized.

- (a) The city may adopt charges and fees which may include:
 - (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
 - (2) Fees for monitoring, inspections and surveillance procedures;
 - (3) Fees for reviewing accidental discharge procedures and construction;

- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the city of pollutants otherwise subject to federal categorical pretreatment standards; and
- (7) Other fees as the city may deem necessary to carry out the requirements contained in any portion of this article, including all court costs, engineering fees and attorney's fees for the enforcement of this article.

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

(b) These fees relate solely to the matters covered by this article and are separate from all other fees charged by the city.
(Code 1973, § 21-68)

- (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.

Secs. 30-268--30-300. Reserved.

ARTICLE VI. SEWER USE

DIVISION 1. GENERALLY

Sec. 30-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also know as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority means the director of the division of environmental management of the state department of environment, health and natural resources or his designee.

Authorized representative of the industrial user.

- (1) If the industrial user is a corporation, authorized representative means:
 - a. The president, secretary or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

The individuals described in subsections (1) through (3) of this definition 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 city.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration e.g., mg/l.

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical standards means national categorical pretreatment standards or pretreatment standard.

Environmental Protection Agency or EPA means 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 such agency.

Grab sample means a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Holding tank waste means any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

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

Industrial user or *user* means any person who is a source of indirect discharge.

Interference means 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 nondischarge 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. 6901 et. seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of (SWDA)), applicable to the method of disposal or use employed by the POTW.

Medical waste means 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* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of industrial users, and which appears in 40 CFR chapter 1, subchapter N, parts 405--471.

National pollution discharge elimination system or *NPDES permit* means a permit issued pursuant to section 402 of the act, 33 U.S.C. 1342, or pursuant to G.S. 143-215.1 by the state under delegation from the EPA.

National prohibitive discharge standard or *prohibitive discharge standard* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 30-361 and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

New source.

- (1) The term "new source" means:
 - a. Any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under 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:
 - 1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these

are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Nondischarge permit means a disposal system permit issued by the state pursuant to G.S. 143-215.1.

Pass through means 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 nondischarge permit or a downstream water quality standard.

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

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

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

POTW superintendent means the city's wastewater treatment plant operator in responsible charge (ORC).

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater

- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)a1 or 2 of this definition but otherwise alters, replaces or adds to existing process or production equipment.

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

- a. Begun, or caused to begin as part of a continuous on-site construction program:
 - 1. Any placement, assembly or installation of facilities or equipment; or
 - 2. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment.
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without

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 by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

Pretreatment program means the program for the control of pollutants introduced into the POTW from nondomestic sources, which was developed by the city in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

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

Pretreatment standards means prohibited discharge standards, categorical standards and local limits.

Publicly owned treatment works (POTW) or municipal wastewater system means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, or in any other way, users of the city's POTW.

Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user means any industrial user of the wastewater disposal system who:

- (1) Has an average daily process wastewater flow of 25,000 gallons or more;
- (2) Contributes more than five percent of any design or treatment capacity, i.e., allowable pollutant load, of the wastewater treatment plant receiving the indirect discharge;

- (3) Is required to meet a national categorical pretreatment standard;
- (4) Is found by the city, the division of environmental management or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality or compliance with any pretreatment standards or requirements; or
- (5) Meets any requirements of 15A NCAC 2H.0903, as amended.

Significant noncompliance or reportable noncompliance means a status of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits.
 - a. *Chronic violations*. Sixty-six percent or more of the measurements exceed, by any magnitude, the same daily maximum limit or the same average limit in a six-month period.
 - b. *Technical review criteria (TRC) violations*. Thirty-three percent or more of the measurements are more than the TRC times the limit, maximum or average, in a six-month period. There are two groups of TRCs:
 1. For conventional pollutants, such as BOD, TSS, fats, oil and grease, TRC equals 1.4.
 2. For all other pollutants, TRC equals 1.2.
 - c. Any other violations 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 or 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 90 days or more after the schedule date.
- (3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports and periodic compliance reports within 30 days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations that the control authority considers to be significant.

Slug load means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 30-361.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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

Superintendent means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with

categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

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

Wastewater permit means a permit as set forth in division 5 of this article.

Waters of the state means 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.

(Ord. of 11-8-93, § 1.2(a))

Cross References: Definitions generally, § 1-2.

Sec. 30-302. Abbreviations.

The following abbreviations, when used in this article, 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
l	Liter
mg	Milligrams
mg/l	milligrams per liter
NPDES	national pollution discharge elimination system
O&M	operation and maintenance
POTW	publicly-owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	standard industrial classification
SWDA	Solid Waste Disposal Act
TSS	total suspended solids
TKN	total Kjeldahl nitrogen
U.S.C.	United States Code

(Ord. of 11-8-93, § 1.2(b))

Sec. 30-303. Purpose, objectives and application of article.

(a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR part 403).

- (b) The objectives of this article are to:
- (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
 - (3) Promote reuse and recycling of industrial wastewater and sludges from the municipal system;
 - (4) Protect both municipal personnel who may be affected by sewage, sludge and effluent in the course of their employment as well as protecting the general public;
 - (5) Provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - (6) Ensure that the city complies with its NPDES or nondischarge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

(c) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.

(d) This article shall apply to all users of the municipal wastewater system, as authorized by G.S. 160A-312 and/or 153A-275. Except as otherwise provided in this article, the superintendent of the city POTW shall administer, implement and enforce the provisions of this article. Any powers granted to or imposed upon the POTW superintendent may be delegated by the POTW superintendent to other city personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions or orders issued pursuant to this article.

(Ord. of 11-8-93, § 1.1)

Sec. 30-304. Confidential information.

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

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

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. of 11-8-93, § 7)

Sec. 30-305. Annual publication of significant noncompliance.

At least annually, the POTW superintendent shall

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

(Ord. of 11-8-93, § 9)

Secs. 30-306--30-330. Reserved.

DIVISION 2.

ADMINISTRATION AND ENFORCEMENT

Sec. 30-331. Administrative remedies.

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

(b) *Consent orders.* The POTW superintendent 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 subsection (d) of this section.

(c) *Show cause hearing.*

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

the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

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

- (3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 30-332, nor is any action or inaction taken by the POTW superintendent under this section subject to an administrative appeal under section 30-434.

(d) *Administrative orders.* When the POTW superintendent finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder or any other pretreatment requirement, the POTW superintendent 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.

Appeals of administrative orders shall be as provided for in section 30-434.

(e) *Emergency suspensions.*

- (1) The POTW superintendent may suspend the wastewater treatment service and/or wastewater permit when such suspension is

necessary in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or nondischarge permit.

- (2) Any user notified of a suspension of wastewater treatment service and/or wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW superintendent shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW superintendent prior to the date of the hearing described in this subsection.

(f) *Termination of permit.* Any user who violates the following conditions of this article or applicable state and federal regulations is subject to having his permit terminated:

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

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

(Ord. of 11-8-93, § 8.1)

Sec. 30-332. Civil penalties.

(a) Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$10,000.00 per day per violation.

(b) In determining the amount of the civil penalty, the POTW superintendent shall consider the following:

- (1) The degree and extent of the harm to the natural resources, to the public health or to public or private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on groundwater or surface water quantity or quality or on air quality.
- (4) The cost of rectifying the damage.
- (5) The amount of money saved by noncompliance.
- (6) Whether the violation was committed willfully or intentionally.
- (7) The prior record of the violator in complying or failing to comply with the pretreatment program.
- (8) The costs of enforcement to the city.

(c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 30-434.

(Ord. of 11-8-93, § 8.2)

Sec. 30-333. Other available remedies.

Remedies, in addition to those previously mentioned in this article, are available to the POTW superintendent 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 for the county judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of G.S. 143-215.6.B.
- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued pursuant to this article, the POTW superintendent, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
- (3) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this article or an order or permit issued pursuant to this article, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (4) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued pursuant to this article is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW superintendent. Any person creating a public nuisance shall be subject to the provisions of sections 30-130 through 30-133 governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying such nuisance.

(Ord. of 11-8-93, § 8.3)

Sec. 30-334. Remedies nonexclusive.

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

enforcement action against any noncompliant user. (Ord. of 11-8-93, § 8.4)

Sec. 30-335. 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 subsection (a)(2) of this section 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 causes of the upset;
 - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user has submitted the following information to the POTW superintendent within 24 hours of becoming aware of the upset. This description may be given orally, followed by a written report within five days:
 - 1. A description of the indirect discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the

noncompliance.

- (3) In any enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - (5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (b) *Prohibited discharge standards defense.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 30-361(a) or the specific prohibitions in subsections 30-361(b)(2), (5) through (7) and (9) through (23) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:
- (1) A local limit exists for each pollutant 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 or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) *Bypass.*
- (1) A user may allow any bypass to occur

which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c)(2) and (3) of this section.

- (2) Notice of bypass.
 - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW superintendent, at least ten days before the date of the bypass, if possible.
 - b. A user shall submit oral notice to the POTW superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (3) Bypass is prohibited, and the POTW superintendent 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under subsection (c)(2) of this section.

(4) The POTW superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW superintendent determines that it will meet the three conditions listed in subsection (c)(3) of this section.

(Ord. of 11-8-93, § 10)

Secs. 30-336--30-360. Reserved.

DIVISION 3.

GENERAL SEWER USE

Sec. 30-361. Prohibited discharge standards.

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

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

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (2) Solid or viscous substances in amounts

which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension.

- (3) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (4) Any wastewater having a pH less than 5.0 or more than 11.0, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
- (5) Any wastewater-containing pollutants, including oxygen-demanding pollutants (BOD, etc.), insufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to cause interference with the POTW.
- (6) Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (7) Any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW superintendent in accordance with section 30-369.
- (9) Any noxious or malodorous liquids, gases or solids 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 effluent or any other product of the POTW, such as residues, sludges or scums,

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

- (11) Any wastewater which imparts color which cannot be removed by the treatment process, including but not limited to dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the superintendent in compliance with applicable state or federal regulations.
- (13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW superintendent.
- (14) Fats, oils or greases of animal or vegetable origin in concentrations greater than 75 mg/l.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the POTW superintendent in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts or other chelating agents which will produce metallic complexes that

interfere with the municipal wastewater system.

- (18) Any material that would be identified as hazardous waste according to 40 CFR part 261 If not disposed of in a sewer, except as may be specifically authorized by the POTW superintendent.
- (19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B.0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the municipal wastewater system.
- (23) At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent, nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.

(c) *Process and storage.* 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.

(d) *Duty of superintendent.* When the superintendent determines that a user is contributing to the POTW any of the substances enumerated in subsection (b) of this section in such amounts which may cause or contribute to interference of POTW operation or pass-through, the superintendent shall advise the user of the potential impact of the contribution on the POTW in accordance with section 30-331 and take appropriate actions in accordance with division 5 of this article for such user to protect the POTW from interference or pass-through.

Ord. of 11-8-93, § 2.1)

Sec. 30-362. 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 POTW superintendent may impose equivalent concentrations 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 POTW superintendent shall impose an alternate limit using the combined wastestream 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 the 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.

(Ord. of 11-8-93, § 2.2)

Sec. 30-363. Local limits.

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

Pollutant	Concentration (mg/l)
BOD	320
TSS	250
NH	40
Arsenic	0.003
Chromium (total)	0.05
Cadmium	0.003
Copper	0.02
Cyanide	0.005
Lead	0.049
Mercury	0.0003
Nickel	0.021
Phenol	75.0
Silver	0.005
Zinc	0.252

(Ord. of 11-8-93, § 2.3)

Sec. 30-364. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. (Ord. of 11-8-93, § 2.4)

Sec. 30-365. Right of revision.

The city reserves the right to establish limitations or 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 30-303 or the general and specific prohibitions in section 30-361, as is allowed by 40 CFR 403.4. (Ord. of 11-8-93, § 2.5)

Sec. 30-366. Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the city or state. (Ord. of 11-8-93, § 2.6)

Sec. 30-367. Pretreatment of wastewater.

(a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article, and wastewater permits issued under division 5 of this article, and shall achieve compliance with all national

categorical pretreatment standards, local limits and the prohibitions set out in section 30-361 within the time limitations as specified by EPA, the state or the POTW superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operation procedures shall be submitted to the city for review, and shall be approved by the POTW superintendent before construction of the facility. The review of such plans and operation procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW superintendent prior to the user's initiation of the change.

(b) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the POTW superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) The POTW superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil and sand interceptors shall be provided when, in the opinion of the POTW superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly,

as needed, by the user at their expense.

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

(Ord. of 11-8-93, § 2.7)

Sec. 30-368. Accidental discharge/slug control plans.

At least once every two years, the POTW superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The POTW superintendent may require any user to develop, submit for approval and implement such a plan. Alternatively, the POTW superintendent 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 nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW superintendent of any accidental or slug discharge, as required by section 30-476; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.

(Ord. of 11-8-93, § 2.8)

Sec. 30-369. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW superintendent, and at such times as are established by the POTW superintendent. Such waste shall not violate the provisions of this division or any other requirements established by the city. The POTW superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

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

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

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.
(Ord. of 11-8-93, § 2.9)

Sec. 30-370. Damage, destruction of equipment or materials.

No person or user shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the city and used for the purpose of making measurements, tests or examinations and left upon the premises of a person or user discharging wastes into the sewer. This protection against damage shall also apply to any part of the public sewer system. Any person or user violating this section shall be subject to immediate arrest and prosecution.
(Ord. of 11-8-93, § 2.10)

Sec. 30-371. Erection of privies.

It shall be unlawful for any person to build, construct or otherwise erect a privy for use in connection with a house, building or other structure used for human habitation.
(Ord. of 11-8-93, § 2.11)

Sec. 30-372. Installation and connection of sewerage facilities within houses.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the corporate limits of the city and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the city are hereby required to install suitable water-carried sewerage facilities therein and to connect such facilities directly with the public sanitary sewer in accordance with the rules and regulations governing such system within 120 days after the date of official notice, provided that the public sanitary sewer is accessible within 200 feet of the property line.
(Ord. of 11-8-93, § 2.12)

Secs. 30-373--30-400. Reserved.

DIVISION 4.

FEES AND CHARGES

Sec. 30-401. Purpose of division.

It is the purpose of this division to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established in this article. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.
(Ord. of 11-8-93, § 3.1)

Sec. 30-402. User charges.

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

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

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

(d) The city manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the city council for adjustments in the schedule of charges and fees as necessary.

(e) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
(Ord. of 11-8-93, § 3.2)

Sec. 30-403. Surcharges.

(a) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

Pollutant	Concentration (mg/l)
BOD	335
TSS	320
NH	40
Cadmium	0.03
Chromium	0.35
Copper	0.30
Cyanide	0.03
Lead	0.10
Nickel	0.10
Zinc	0.50

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

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

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

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

(c) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and

analyzed by the city. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR part 136.

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

(Ord. of 11-8-93, § 3.3)

Sec. 30-404. Pretreatment program administration charges.

The schedule of charges and fees adopted by the city 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) Permitting.
- (5) Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

(Ord. of 11-8-93, § 3.4)

Secs. 30-405--30-430. Reserved.

DIVISION 5.

WASTEWATER DISCHARGE PERMIT

Sec. 30-431. Permission to discharge required.

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

Ord. of 11-8-93, § 4.1)

Sec. 30-432. Permit application process.

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

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

(c) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the city an application in a form prescribed by the POTW superintendent, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW superintendent's determination in subsection (b) of this section. 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 division 3 of this article, 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 indirect discharge.
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be accidentally or intentionally discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or (O&M) will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - a. The schedule shall contain progress increments in the form of

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

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

- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw materials processed, average and maximum per day.
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H.0908(a), as outlined in section 30-471.
- (14) Any other information as may be deemed by the POTW superintendent 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.*

- (1) The POTW superintendent will evaluate the data furnished by the user and may require additional information.
- (2) The POTW superintendent is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
- (3) Within 30 days of receipt, the POTW superintendent shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(f) *Tentative determination and draft permit.*

- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in subsection (f)(1) of this section is to issue the permit, the following additional determinations shall be made in writing:

- a. Proposed discharge limitations for those pollutants proposed to be limited;
- b. A proposed schedule of

compliance, including interim dates and requirements, for meeting the proposed limitation; and

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

(3) The staff shall organize the determinations made pursuant to subsections (f)(1) and (2) of this section and the city's general permit conditions into a significant industrial user permit.

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

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

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

- a. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
- b. The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and
- c. The basis for the pretreatment limitations, including the documentation of any calculations in applying categorical pretreatment standards.

(Ord. of 11-8-93, § 4.2(a)-(f))

Sec. 30-433. Final action on applications.

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

(b) The POTW superintendent is authorized to:

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

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

(3) Modify any permit upon not less than 60 days' notice and pursuant to section 30-436.

(4) Revoke any permit pursuant to section 30-331.

(5) Suspend a permit pursuant to section 30-331.

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

(Ord. of 11-8-93, § 4.2(g))

Sec. 30-434. Hearings.

(a) *Initial adjudicatory hearings.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 30-332 or one issued an administrative order under section 30-331 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW superintendent upon making written demand, identifying the specific issues to be contested, to the POTW superintendent within 30 days following receipt of the significant industrial user permit, civil penalty assessment or administrative order. Unless such written demand is made within the time specified in this subsection, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within 45 days of the receipt of the written demand for a hearing. The POTW superintendent shall transmit a copy of the hearing

officer's decision by registered or certified mail.

- (1) *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Final appeal hearings.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (a) of this section may be appealed to the city council upon filing a written demand within ten days of receipt of notice of the decision. Failure to make written demand within the time specified in this subsection shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(c) *Official record.* When a final decision is issued under subsection (b) of this section, the city council shall prepare an official record of the case that includes:

- (1) All notices, motions and other like pleadings.
- (2) A copy of all documentary evidence introduced.
- (3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
- (4) A copy of the final decision of the city council.

(d) *Judicial review.* Any person against whom a final order or decision of the city council is entered, pursuant to the hearing conducted under subsection (b) of this section, may seek judicial review of the order of

decision, by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the superior court of the county, along with a copy to the city. Within 30 days the city council shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. of 11-8-93, § 4.2(h))

Sec. 30-435. Modification.

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

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

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

(c) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the timeframe 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 subsection 30-432(c), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(d) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications. (Ord. of 11-8-93, § 4.2(i))

Sec. 30-436. Conditions.

(a) The POTW superintendent shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article

and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

- (1) A statement of duration, in no case more than five years;
- (2) A statement of nontransferability;
- (3) Applicable effluent limits based on categorical standards or local limits or both;
- (4) Applicable monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
- (5) Notification requirements for slug loads; and
- (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

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

- (1) Limits on average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
- (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
- (4) Development and implementation of spill control plans or other special conditions, including management practices, necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (8) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, and number, types and standards for tests and reporting schedules.
- (9) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.
- (10) Compliance schedules for meeting pretreatment standards and requirements.
- (11) Requirements for submission of periodic self-monitoring reports or special notification reports.
- (12) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 30-483, and affording the POTW superintendent, or his representatives, access thereto.
- (13) Requirements for notification and approval by the POTW superintendent of any new introduction of wastewater pollutants or of any substantial change in the volume or character of the wastewater prior to introduction into the system.
- (14) Requirements for the prior notification and approval by the POTW superintendent of any change in the manufacturing and/or pretreatment process used by the permittee.
- (15) Requirements for immediate notification of

excessive, accidental or slug discharges, or any discharge which could cause any problems to the system.

- (16) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.
- (17) Other conditions as deemed appropriate by the POTW superintendent to ensure compliance with this article, and state and federal laws, rules and regulations.

(Ord. of 11-8-93, § 4.2(j))

Sec. 30-437. Duration.

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

(Ord. of 11-8-93, § 4.2(k))

Sec. 30-438. Transfer.

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

(Ord. of 11-8-93, § 4.2(l))

Sec. 30-439. Reissuance.

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with section 30-432 a minimum of 180 days prior to the expiration of the user's existing permit.

(Ord. of 11-8-93, § 4.2(m))

Secs. 30-440--30-470. Reserved.

DIVISION 6.

REPORTING REQUIREMENTS

Sec. 30-471. Baseline monitoring reports.

(a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under

40 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 POTW superintendent a report which contains the information listed in subsection (b) of this section. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the POTW superintendent a report which contains the information listed in subsection (b) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described in subsection (a) of this section shall submit the following information:

- (1) *Identifying information.* The name and address of the facility, including the name of the operator or owner.
- (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operations carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams, as necessary, to allow use of the combined wastestreams formula set out in 40 CFR 403.6(e).
- (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the

POTW superintendent, of regulated process. Instantaneous, daily maximum and longterm 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 30-480.

c. Sampling must be performed in accordance with procedures set out in section 30-481.

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

(7) *Compliance schedule.* If additional pretreatment and/or (O&M) will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or (O&M). The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 30-472.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 30-432(d).

(Ord. of 11-8-93, § 5.1)

Sec. 30-472. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 30-471(b)(7):

(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 in subsection (1) of this section shall exceed nine months;

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

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

(Ord. of 11-8-93, § 5.2)

Sec. 30-473. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW superintendent a report containing the information described in section 30-471(b)(4) through (6). 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 longterm 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 in accordance with section 30-432(d).

(Ord. of 11-8-93, § 5.3)

Sec. 30-474. Periodic compliance reports.

(a) All significant industrial users shall, at a frequency determined by the POTW superintendent, but in no case less than twice per year (in January and July), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 30-432(d).

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

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW superintendent, using the procedures prescribed in section 30-480, the results of this monitoring shall be included in the report. (Ord. of 11-8-93, § 5.4)

Sec. 30-475. Reports of changed conditions.

(a) Each user must notify the POTW superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

(b) The POTW superintendent 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 30-432.

(c) The POTW superintendent may issue a wastewater discharge permit under division 5 of this article or modify an existing wastewater discharge permit under division 5 of this article in response to changed conditions or anticipated changed conditions.

(d) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of 20 percent or greater, and the discharge of any previously unreported pollutants. (Ord. of 11-8-93, § 5.5)

Sec. 30-476. Reports of potential problems.

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

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

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure. (Ord. of 11-8-93, § 5.6)

Sec. 30-477. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW superintendent as the POTW superintendent may require. (Ord. of 11-8-93, § 5.7)

Sec. 30-478. Notice of violation/repeat sampling and reporting.

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

month or if the POTW superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. of 11-8-93, § 5.8)

Sec. 30-479. Notification of the discharge of hazardous waste.

(a) Any user who commences the discharge of a 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 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 wastestream discharged during the calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification requirement in this section does not apply to pollutants already reported by the users subject to categorical pretreatment standards under the self-monitoring requirements of sections 30-471, 30-473 and 30-474.

(b) Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than 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 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 onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) 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 POTW superintendent, the EPA regional waste management waste division director and state hazardous waste authorities of the

discharge of such substance within 90 days of the effective date of such regulations.

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

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

(Ord. of 11-8-93, § 5.9)

Sec. 30-480. 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 the EPA. All testing shall be done by a state certified wastewater laboratory.

(Ord. of 11-8-93, § 5.10)

Sec. 30-481. Sample collection.

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

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

(Ord. of 11-8-93, § 5.11)

Sec. 30-482. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not

mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. of 11-8-93, § 5.12)

Sec. 30-483. Recordkeeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article 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 persons 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 years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the POTW superintendent.

(Ord. of 11-8-93, § 5.13)

Secs. 30-484--30-510. Reserved.

DIVISION 7.

COMPLIANCE MONITORING

Sec. 30-511. Monitoring facilities.

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

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

(c) Whether constructed on public or private

property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specification. Construction shall be completed within 90 days following written notification by the city.

(Ord. of 11-8-93, § 6.1)

Sec. 30-512. Inspection and sampling.

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

Unreasonable delays may constitute denial of access.

(Ord. of 11-8-93, § 6.2)

Sec. 30-513. Search warrants.

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

(Ord. of 11-8-93, § 6.3)

