

BEFORE THE
NORTH CAROLINA UTILITIES COMMISSION

WLI INVESTMENTS, LLC

DOCKET NO. W-1305, SUB 35

DOCKET NO. W-1300, SUB 77

REBUTTAL EXHIBITS OF

D. LOGAN

NOVEMBER 16, 2022

INDEX TO

LOGAN REBUTTAL EXHIBIT NO. 1

<u>Document Name</u>	<u>Pages</u>
CFPUA Rates and Fees Schedule FY 22-23	1-5
CFPUA Grinder Pumps FAQs for Homeowners	6-7
Brunswick Regional Water and Sewer (H2GO) Rates and Fee Schedule Fiscal Year 2022-2023	8-17
Brunswick Regional Water and Sewer (H2GO) Resolution #2105-03-001 Resolution to Revise the H2GO Grinder Pump Policy	18-20
Brunswick Regional Water and Sewer (H2GO) Grinder Pumps Frequently Asked Questions	21-22
Brunswick County Sewer Use Ordinance with appendices	23-84
Pender County Water and Sewer Ordinance	85-171

CAPE FEAR PUBLIC UTILITY AUTHORITY
RATES AND FEES SCHEDULE FY 22-23

Logan Rebuttal Ex. 1 (P. 1 of 171)

OFFICIAL COPY
Nov 16 2022

		Rates and Fees Effective 12/08/21	Rates and Fees Effective 07/01/2022	Ordinance Reference
1	WATER RATES & FEES			
	Water rates include both a fixed meter charge based on meter size and consumption charge based on metered consumption, billed monthly.			
A.	Fixed Meter Charge by Meter Size*	Monthly	Monthly	
	5/8"	\$ 13.78	\$ 16.21	Sec. 1-97 (1) f
	1" (Single-Family Residential with fire sprinkler system)	\$ 13.78	\$ 16.21	Sec. 1-97 (1) f
	1"	\$ 34.45	\$ 40.53	Sec. 1-97 (1) f
	1 1/2"	\$ 68.90	\$ 81.05	Sec. 1-97 (1) f
	2"	\$ 110.24	\$ 129.68	Sec. 1-97 (1) f
	3"	\$ 206.70	\$ 243.15	Sec. 1-97 (1) f
	4"	\$ 344.50	\$ 405.25	Sec. 1-97 (1) f
	6"	\$ 689.00	\$ 810.50	Sec. 1-97 (1) f
	8"	\$ 1,102.40	\$ 1,296.80	Sec. 1-97 (1) f
	10"	\$ 1,722.50	\$ 2,026.25	Sec. 1-97 (1) f
	12"	\$ 2,067.00	\$ 2,431.50	Sec. 1-97 (1) f
	* Fixed Meter Charge is not applied to Irrigation Meters if a separate Water Meter exists.			
B.	Consumption Charge (per 1,000 gallons)**	\$ 4.02	\$ 4.74	Sec. 1-97 (1) c
	** Single-Family Residential is serviced by one domestic meter			
C.	Availability Charge for unconnected 5/8" water service; Availability Charge for larger meters based on meter size	Monthly	Monthly	
		\$ 13.78	\$ 16.21	Sec. 1-97 (1) a
D.	Bulk Water Rates			
	Bulk Water Resale Rate (per 1,000 gallons)	\$ 3.48	\$ 4.11	Sec. 1-97 (1) b
	Bulk Reclaimed Water In-Service Area Rate (per 1,000 gallons)	\$ 2.55	\$ 2.55	Sec. 1-97 (1) b
	Bulk Reclaimed Water Deposit In-Service Area Rate ***	\$100 minimum	\$100 minimum	Sec. 1-97 (1) b
	Bulk Reclaimed Water Out-of-Service Area Rate (per 1,000 gallons)	\$ 3.19	\$ 3.19	Sec. 1-97 (1) b
	Bulk Reclaimed Water Deposit Out-of-Service Area Rate***	\$125 minimum	\$125 minimum	Sec. 1-97 (1) b
	*** Greater of 3 months estimated usage or the minimum			
E.	Water Service Connection Fee*			
	Service Line Connection Fee by Service Size			
	1" Service	\$ 1,850.00	\$ 1,850.00	Sec. 1-97 (2) a; Sec. 1-5 c
	2" Service	\$ 2,300.00	\$ 2,300.00	Sec. 1-97 (2) a; Sec. 1-5 c
	Inspection Fee for Developer-Installed Connection	\$ 55.00	\$ 55.00	Sec. 1-97 (2) b; Sec. 1-6 a
	Inspection Fee for Developer-Installed Connection (After hours - Minimum of 2 hours)	\$75/hour	\$75/hour	Sec. 1-97 (2) b; Sec. 1-6 a
F.	Meter Set Fee by Meter Size (includes labor and materials)			
	5/8"	\$ 250.00	\$ 250.00	Sec. 1-97 (2) c; Sec. 1-5 c
	5/8" Split Service	\$ 575.00	\$ 575.00	Sec. 1-97 (2) c; Sec. 1-5 c
	1"	\$ 350.00	\$ 350.00	Sec. 1-97 (2) c; Sec. 1-5 c
	1 1/2"	\$ 1,600.00	\$ 1,600.00	Sec. 1-97 (2) c; Sec. 1-5 c
	2"	\$ 1,800.00	\$ 1,800.00	Sec. 1-97 (2) c; Sec. 1-5 c
G.	System Development Charges			
	Water by Meter Size			Sec. 4-27 (a)
	5/8"	\$ 2,120.00	\$ 2,230.00	Sec. 1-97 (2) d
	1" (Single-Family Residential with fire sprinkler system)	\$ 2,120.00	\$ 2,230.00	Sec. 1-97 (2) d
	1"	\$ 5,300.00	\$ 5,575.00	Sec. 1-97 (2) d
	1 1/2"	\$ 10,600.00	\$ 11,150.00	Sec. 1-97 (2) d
	2"	\$ 16,960.00	\$ 17,840.00	Sec. 1-97 (2) d
	3"	\$ 31,800.00	\$ 33,450.00	Sec. 1-97 (2) d
	4"	\$ 53,000.00	\$ 55,750.00	Sec. 1-97 (2) d
	6"	\$ 106,000.00	\$ 111,500.00	Sec. 1-97 (2) d
	8"	\$ 169,600.00	\$ 178,400.00	Sec. 1-97 (2) d
	10"	\$ 265,000.00	\$ 278,750.00	Sec. 1-97 (2) d
H.	Special Use of Water			
	Water Rates include both a fixed meter charge as referenced in Section A based on meter size or backflow preventer size, whichever is less, plus consumption charge based on metered consumption as referenced in Section B, billed monthly.			
	Fixed Meter Charge by Size	Initial Fee	Initial Fee	
	5/8"	\$ 31.00	\$ 31.00	Sec. 1-97 (3) g
	3/4"	\$ 35.00	\$ 35.00	Sec. 1-97 (3) g
	1"	\$ 45.00	\$ 45.00	Sec. 1-97 (3) g
	1 1/2"	\$ 56.00	\$ 56.00	Sec. 1-97 (3) g
	2"	\$ 96.00	\$ 96.00	Sec. 1-97 (3) g
	3"	\$ 165.00	\$ 165.00	Sec. 1-97 (3) g
	4"	\$ 254.00	\$ 254.00	Sec. 1-97 (3) g
	Lost or stolen special use sign	\$ 50.00	\$ 50.00	Sec. 1-97 (3) g
I.	Water Quality Fees			
	Inspection Fees Backflow Assembly			
	Initial inspection	No Charge	No Charge	Sec. 1-97 (2) b
	Subsequent inspections	\$ 55.00	\$ 55.00	Sec. 1-97 (2) b
J.	Fire Line Service			
	Fixed Fire Line Charge by Size	Monthly	Monthly	
	2"	\$ 10.00	\$ 10.00	Sec. 1-97 (1) e
	3"	\$ 15.00	\$ 15.00	Sec. 1-97 (1) e

CAPE FEAR PUBLIC UTILITY AUTHORITY
RATES AND FEES SCHEDULE FY 22-23

Logan Rebuttal Ex. 1 (P. 2 of 171)

OFFICIAL COPY
Nov 16 2022

		Rates and Fees Effective 12/08/21	Rates and Fees Effective 07/01/2022	Ordinance Reference
	4"	\$ 20.00	\$ 20.00	Sec. 1-97 (1) e
	6"	\$ 40.00	\$ 40.00	Sec. 1-97 (1) e
	8"	\$ 70.00	\$ 70.00	Sec. 1-97 (1) e
	10"	\$ 110.00	\$ 110.00	Sec. 1-97 (1) e
	12"	\$ 160.00	\$ 160.00	Sec. 1-97 (1) e
2 SEWER RATES & FEES				
Sewer rates include both a fixed meter charge based on meter size and consumption charge based on metered consumption, billed monthly.				
A. Fixed Meter Charge by Meter Size		Monthly	Monthly	
	5/8"	\$ 14.55	\$ 14.55	Sec. 1-97 (1) f; Sec. 1-75
	1" (Single-Family Residential with fire sprinkler system)	\$ 14.55	\$ 14.55	Sec. 1-97 (1) f; Sec. 1-75
	1"	\$ 36.38	\$ 36.38	Sec. 1-97 (1) f; Sec. 1-75
	1 1/2"	\$ 72.75	\$ 72.75	Sec. 1-97 (1) f; Sec. 1-75
	2"	\$ 116.40	\$ 116.40	Sec. 1-97 (1) f; Sec. 1-75
	3"	\$ 218.25	\$ 218.25	Sec. 1-97 (1) f; Sec. 1-75
	4"	\$ 363.75	\$ 363.75	Sec. 1-97 (1) f; Sec. 1-75
	6"	\$ 727.50	\$ 727.50	Sec. 1-97 (1) f; Sec. 1-75
	8"	\$ 1,164.00	\$ 1,164.00	Sec. 1-97 (1) f; Sec. 1-75
	10"	\$ 1,818.75	\$ 1,818.75	Sec. 1-97 (1) f; Sec. 1-75
	12"	\$ 2,182.50	\$ 2,182.50	Sec. 1-97 (1) f; Sec. 1-75
B. Consumption Charge (per 1,000 gallons) See Notes 1 & 2		\$ 4.63	\$ 4.63	Sec. 1-97 (1) c; Sec. 1-75
Note 1	Single-Family Residential metered consumption capped at 15,000 gallons per monthly billing			Sec. 1-97 (1) c; Sec. 1-75
Note 2	No cap for non-residential metered consumption			Sec. 1-97 (1) g; Sec. 1-75
C. Flat Sewer Charge				
	Residential (Note 1)	\$ 34.46	\$ 33.53	Sec. 1-97 (1) c; Sec. 1-75
	Non-residential (Note 2)			
	5/8"	\$ 70.11	\$ 36.77	Sec. 1-97 (1) c; Sec. 1-75
	1"	\$ 70.11	\$ 92.87	Sec. 1-97 (1) c; Sec. 1-75
	1 1/2"	\$ 70.11	\$ 188.96	Sec. 1-97 (1) c; Sec. 1-75
	2"	\$ 70.11	\$ 387.72	Sec. 1-97 (1) c; Sec. 1-75
	3"	\$ 70.11	\$ 627.54	Sec. 1-97 (1) c; Sec. 1-75
	4"	\$ 70.11	\$ 1,199.00	Sec. 1-97 (1) c; Sec. 1-75
	6"	\$ 70.11	\$ 1,942.41	Sec. 1-97 (1) c; Sec. 1-75
	8"	\$ 70.11	\$ 4,058.21	Sec. 1-97 (1) c; Sec. 1-75
	10"	\$ 70.11	\$ 5,189.39	Sec. 1-97 (1) c; Sec. 1-75
Note 1	The residential flat sewer rate consists of the fixed meter charge for a 5/8" meter plus assumed consumption based on the average consumption for residential customers having domestic metered water service during the most recent calendar year			
Note 2	Each tier of the non-residential flat sewer rate consists of the fixed meter charge for the assumed meter size plus assumed consumption based on the average metered consumption for non-residential customers having that meter size during the most recent calendar year			
D. Availability Charge for unconnected 5/8" sewer service; Availability Charge for larger meters based on meter size		Monthly	Monthly	
		\$ 14.55	\$ 14.55	Sec. 1-97 (1) a
D. Bulk Wastewater Collection and Treatment Rate (per 1,000 gallons)		\$3.34	\$3.34	Sec. 1-97 (1) b
E. Sewer Service Connection Fee				
Installation Fee by Service Size				
	4" Service	\$ 2,200.00	\$ 2,200.00	Sec. 1-97 (2) a; Sec. 1-5 c
	6" Service	\$ 2,800.00	\$ 2,800.00	Sec. 1-97 (2) a; Sec. 1-5 c
Inspection Fee for Developer-Installed Connection		\$ 55.00	\$ 55.00	Sec. 1-97 (2) b; Sec. 1-6 a
Inspection Fee for Developer-Installed Connection (After hours - Minimum of 2 hours)		\$75/hour	\$75/hour	Sec. 1-97 (2) b; Sec. 1-6 a
F. System Development Charges				
Sewer by Meter Size				Sec. 4-47 (a)
	5/8"	\$ 2,180.00	\$ 2,160.00	Sec. 1-97 (2) d
	1" (Single-Family Residential with fire sprinkler system)	\$ 2,180.00	\$ 2,160.00	Sec. 1-97 (2) d
	1"	\$ 5,450.00	\$ 5,400.00	Sec. 1-97 (2) d
	1 1/2"	\$ 10,900.00	\$ 10,800.00	Sec. 1-97 (2) d
	2"	\$ 17,440.00	\$ 17,280.00	Sec. 1-97 (2) d
	3"	\$ 32,700.00	\$ 32,400.00	Sec. 1-97 (2) d
	4"	\$ 54,500.00	\$ 54,000.00	Sec. 1-97 (2) d
	6"	\$ 109,000.00	\$ 108,000.00	Sec. 1-97 (2) d
	8"	\$ 174,400.00	\$ 172,800.00	Sec. 1-97 (2) d
	10"	\$ 272,500.00	\$ 270,000.00	Sec. 1-97 (2) d
	Unmetered service (sewer only)	\$10/gallon projected flow	\$10/gallon projected flow	Sec. 1-97 (2) d
G. Grinder Pump Fees				
Residential grinder pump fee, monthly		\$15.00	\$15.00	
Developer grinder pump fee per platted lot		\$300.00	\$300.00	

		Rates and Fees Effective 12/08/21	Rates and Fees Effective 07/01/2022	Ordinance Reference
3 Wastewater Pretreatment				
A. Discharge Permit Applications and Annual Fees:				
Significant Industrial Users, Industrial Users flow > 15,000 gallons/day				
	Initial and Annual Permit	\$ 750.00	\$ 750.00	Sec. 5-58; Sec. 5-91 (b)
	Modification of Permit (each occurrence)	\$ 200.00	\$ 200.00	Sec. 5-58; Sec. 5-91 (b)
	Restoration of Revoked Permit (each occurrence)	\$ 1,500.00	\$ 1,500.00	Sec. 5-58; Sec. 5-91 (b)
	Monitoring Fee	Individually determined	Individually determined	Sec. 5-58
	Enforcement Cost Recovery	Individually determined	Individually determined	Sec. 1-97 (3) j; Sec. 5-58
B. Other Wastewater Permits				
	Flow Less than 1,000 gallons/day (initial and annual)	\$ 100.00	\$ 100.00	Sec. 5-58; Sec. 5-91 (a)
	Flow Between 1,000 and 7,500 gallons/day (initial and annual)	\$ 200.00	\$ 200.00	Sec. 5-58; Sec. 5-91 (a)
	Flow Between 7,501 and 15,000 gallons/day (initial and annual)	\$ 300.00	\$ 300.00	Sec. 5-58; Sec. 5-91 (a)
	Monitoring Fee	Individually determined	Individually determined	Sec. 5-58
	Food Service Establishment Permit and Annual Inspection Fee (per location)	\$ 100.00	\$ 100.00	Sec. 5-58; Sec. 5-91 (a)
	Grease Interceptor Pumping Variance (each occurrence)	\$ 220.00	\$ 220.00	Sec. 5-58
	Enforcement Cost Recovery	Individually determined	Individually determined	Sec. 1-97 (3) j; Sec. 5-58
	Restoration Fee of Revoked Other Wastewater Permit (each occurrence)	2x permit fee	2x permit fee	Sec. 1-97 (1) d; Sec. 5-58
	Residuals permit application fee (initial and renewals)	\$ 100.00	\$ 100.00	Sec. 5-58
C. Pretreatment Wastewater Treatment Surcharges		Monthly	Monthly	
	Surcharge for BOD (per 100 lbs; when BOD>200mg/L and COD < 3x BOD)****	\$ 36.00	\$ 36.00	Sec. 1-97 (1) d; Sec. 5-57
	Surcharge for COD (per 100 lbs; when COD>600mg/L and >=3xBOD)****	\$ 36.00	\$ 36.00	Sec. 1-97 (1) d; Sec. 5-57
	Surcharge for TSS (per 100 lbs; when TSS >200mg/l)	\$ 21.00	\$ 21.00	Sec. 1-97 (1) d; Sec. 5-57
	**** Surcharge is assessed for either BOD or COD, but not both.			
D. Charges for Septage Haulers		Monthly	Monthly	
	In-Service Area Rate (per gallon)	\$ 0.1378	\$ 0.1378	Sec. 1-97 (1) b; Sec. 5-33
	Out-of-Service Area Rate (per gallon)	\$ 0.1723	\$ 0.1723	Sec. 1-97 (1) b; Sec. 5-33
	Utility Deposit	\$ 500.00	\$ 500.00	Sec. 1-6
E. Charges for Miscellaneous Hauled Wastewater Fees (subject to applicable surcharges)				
Short-Term Permit		Monthly	Monthly	
	Per gallon Within Service Area	\$ 0.030	\$ 0.032	Sec. 1-97 (1) b; Sec. 5-33
	Per gallon Out-of-Service Area	\$ 0.060	\$ 0.064	Sec. 1-97 (1) b; Sec. 5-33
Long-Term Permit				
	One Time System Development Charge In accordance with Fee Schedule and specified in permit.			Sec. 1-97 (2) d; Sec. 5-58
	Long-Term Permit Monthly Consumption Charge (per 1,000 gallons)	\$ 4.63	\$ 4.63	Sec. 1-97 (1) c; Sec. 5-58
	Long-Term Permit Monthly Fixed Meter Charge by Meter Size/Flow:			
	5/8" (Flow between 0-28,800 gpd)	\$ 14.55	\$ 14.55	Sec. 1-97 (1) f; Sec. 5-58
	1" (Flow between 28,801-72,000 gpd)	\$ 36.38	\$ 36.38	Sec. 1-97 (1) f; Sec. 5-58
	1 1/2" (Flow between 72,001-144,000 gpd)	\$ 72.75	\$ 72.75	Sec. 1-97 (1) f; Sec. 5-58
	2" (Flow between 144,001-230,400 gpd)	\$ 116.40	\$ 116.40	Sec. 1-97 (1) f; Sec. 5-58
	3" (Flow between 230,401-460,800 gpd)	\$ 218.25	\$ 218.25	Sec. 1-97 (1) f; Sec. 5-58
	4" (Flow between 460,801-720,000 gpd)	\$ 363.75	\$ 363.75	Sec. 1-97 (1) f; Sec. 5-58
	6" (Flow between 720,001-1,440,000 gpd)	\$ 727.50	\$ 727.50	Sec. 1-97 (1) f; Sec. 5-58
	8" (Flow between 1,440,001-2,304,000 gpd)	\$ 1,164.00	\$ 1,164.00	Sec. 1-97 (1) f; Sec. 5-58
	10" (Flow between 2,304,001-3,312,000 gpd)	\$ 1,818.75	\$ 1,818.75	Sec. 1-97 (1) f; Sec. 5-58
	12" (Flow > 3,312,001 gpd)	\$ 2,182.50	\$ 2,182.50	Sec. 1-97 (1) f; Sec. 5-58
F. Processing Charge for Haulers of Non-Hazardous Wastewater Treatment Plant (WWTP) Residuals as delivered to a designated CFPWA WWTP (Per Pound Total Solids Dry Weight Basis as Delivered/Received)		Monthly	Monthly	
	Unstabilized/Less Than Class B Residuals In-Service Area Rate	\$ 0.8020	\$ 0.8020	Sec. 1-97 (1) b; Sec. 5-33
	Stabilized/Equal to or Better Than Class B Residuals In-Service Area Rate	\$ 0.6015	\$ 0.6015	Sec. 1-97 (1) b; Sec. 5-33
	Unstabilized/Less Than Class B Residuals Out-of-Service Area Rate	\$ 1.0025	\$ 1.0025	Sec. 1-97 (1) b; Sec. 5-33
	Stabilized/Equal to or Better Than Class B Residuals Out-of-Service Area Rate	\$ 0.7519	\$ 0.7519	Sec. 1-97 (1) b; Sec. 5-33
4 Penalties				
A. Tampering Violations				
	Unauthorized non-metered use of water (greater of 15,000 gallons consumption or the highest billed consumption in the past 24 months)	\$60.30	\$60.30	Sec. 1-97 (3) m; Sec. 1-166 (c)
	Unauthorized non-metered use of sewer (capped at 15,000 gallons consumption)	\$69.45	\$69.45	Sec. 1-97 (3) m; Sec. 1-166 (c)
	Cut Lock Fee	\$75.00	\$75.00	Sec. 1-97 (3) f; Sec. 1-166 (c)
	Unauthorized turn on or turn off water supplied by Authority	\$55.00	\$55.00	Sec. 1-9 (g); Sec. 1-9(h)
	Meter Obstruction Fee	\$55.00	\$55.00	Sec. 1-97 (3) q
	System Tampering Civil Action Violation, in accordance with N.C.G.S. 14-151(e)	Triple the amount of losses and damages sustained by the Authority or \$5,000, whichever is greater	Triple the amount of losses and damages sustained by the Authority or \$5,000, whichever is greater	Sec. 1-97 (3) r
	Violation of Cross Connection Control Ordinance	Up to \$1,000/day	Up to \$1,000/day	Sec. 2-10 (j)
B. Backflow Preventer Violations				

CAPE FEAR PUBLIC UTILITY AUTHORITY
RATES AND FEES SCHEDULE FY 22-23

Logan Rebuttal Ex. 1 (P. 4 of 171)

OFFICIAL COPY
Nov 16 2022

		Rates and Fees Effective 12/08/21	Rates and Fees Effective 07/01/2022	Ordinance Reference
	Commercial failure to submit required backflow preventer test report	\$200.00	\$200.00	Sec. 2-10 (d)
	Residential failure to submit required backflow preventer test report	\$100.00	\$100.00	Sec. 2-10 (d)
	Submission of falsified backflow preventer test report	\$200.00	\$200.00	Sec. 2-10 (d)
	First violation of backflow installation requirements	\$250.00	\$250.00	Sec. 2-10 (b)
	Subsequent violation of backflow installation requirements	\$1,000.00	\$1,000.00	Sec. 2-10 (b)
C. Pretreatment Violations				
	Violation of Wastewater Discharge Permit	Up to \$25,000	Up to \$25,000	Sec. 5-189
	Violation of Sewer Use Ordinance	Up to \$25,000	Up to \$25,000	Sec. 5-189
D. Water Emergency Management Ordinance				
	Violation of Water Emergency Management Regulations	Up to \$500/day	Up to \$500/day	Sec. 3-13 (d)
5 Miscellaneous and Other				
A. Service/repair costs				
	Contracted services at actual cost plus 10% administrative fee	Individually determined	Individually determined	Sec. 1-9 (e)
	CFPUA staff and equipment at FEMA reimbursable cost	Individually determined	Individually determined	Sec. 1-9 (e)
B. Other Fees				
	After Hours Fee	Individually determined	Individually determined	Sec. 1-97 (3) a
	Emergency Reconnect Fee	\$ 110.00	\$ 110.00	Sec. 1-97 (3) c
	Late Day Reconnect Fee	\$ 55.00	\$ 55.00	Sec. 1-97 (3) b
	Late Fee	5% of current charges	5% of current charges	Sec. 1-97 (3) h
	Loan Processing Fee/Deferral Fee	Actual Cost to File	Actual Cost to File	Sec. 1-97 (3) k
	Meter Test	\$ 55.00	\$ 55.00	Sec. 1-97 (3) i; Sec. 1-36; Sec. 1-161
	Large Meter Test (requested by Customer) (Meters 3" and larger)	\$ 150.00	\$ 150.00	Sec. 1-36; Sec. 1-161
	New Service Charge	\$ 55.00	\$ 55.00	Sec. 1-97 (3) d; Sec. 1-6 (a)
	Premise Visit Fee	\$ 55.00	\$ 55.00	Sec. 1-97 (3) p; Sec. 1-15
	Delinquency Fee	\$ 55.00	\$ 55.00	Sec. 1-97 (3)m; Sec. 1-166 (a)
	Reread Fee (requested by Customer)			
	Correct Read	\$ 55.00	\$ 55.00	Sec. 1-97 (3) o
	Incorrect Read (CFPUA error)	No Cost	No Cost	Sec. 1-97 (3) o
	Reconnection Fee (after disconnect)	\$ 55.00	\$ 55.00	Sec. 1-97 (3) n
	Utility Deposit Single-Family Residential (may be adjusted by Customer Service Director based on services provided and prior payment history)			Sec. 1-6
	Utility Deposit Commercial			Sec. 1-6
	Hydrant Meter Deposit for festivals (up to 1 1/2" meter size)	\$ 500.00	\$ 500.00	Sec. 1-97 (3) g
	Hydrant Meter Deposit for festivals (2" and higher meter size)	Actual Cost	Actual Cost	Sec. 1-97 (3) g
	Hydrant Meter Installation & Removal for festivals (per meter)	\$ 55.00	\$ 55.00	Sec. 1-97 (3) g
	Plan Review Fees:			
	Minor Subdivisions - no required NCDEQ water or sewer permits	\$ 120.00	\$ 120.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Commercial Plans (multi-family residential/commercial) - no required NCDEQ water and sewer permits	\$ 120.00	\$ 120.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Main Extensions/Utility relocation/ROW widening less than 500 Linear Feet	\$ 240.00	\$ 240.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Main Extensions/Utility relocation/ROW widening 500-999 Linear Feet	\$ 300.00	\$ 300.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Main Extensions/Utility relocation/ROW widening 1,000-4,999 linear feet	\$ 600.00	\$ 600.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Main Extensions/Utility relocation/ROW widening 5,000-9,999 linear feet	\$ 850.00	\$ 850.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Main Extensions/Utility relocation/ROW widening 10,000 linear feet and greater	\$ 1,400.00	\$ 1,400.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Pump Station Review (plus the main extensions fee above)	\$ 350.00	\$ 350.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Re-review Fee	\$ 50.00	\$ 50.00	Sec. 1-97 (3) i; Sec. 4-3 (a)
	Water/Sewer Line Acceptance Testing Reinspection	\$55/hour	\$55/hour	Sec. 4-3 (c)
	Water/Sewer Line Acceptance Testing Reinspection - After Hours Fee	\$75/hour	\$75/hour	Sec. 4-3 (c)
	Inspection Fee for Developer-Installed Main Lines (After hours - Minimum of 2 hours)	\$75/hour	\$75/hour	Sec. 1-97 (2) b; Sec. 1-6 (a)
	Demolition Inspection Fee	\$ 55.00	\$ 55.00	Sec. 1-97 (3) s; Sec. 1-6 (a)
	Violation of Extension Policy	\$100, \$200, \$500	\$100, \$200, \$500	Sec. 4-103
	Copy and Printing Fees, including Public Records Request	Actual cost	Actual cost	
	Tank Mounted Equipment Structural Analysis Review Fee	\$ 2,025.00	\$ 2,025.00	Sec. 1-97 (3) t
	Water Tower Lease	Individually determined; \$2,500 minimum	Individually determined; \$2,500 minimum	Set by contract
	Additional Antenna Fee - per antenna exceeding nine antennas	\$ 300.00	\$ 300.00	
	Ground Space Fee - Additional ground space above 400 square feet	\$5.92/square foot	\$5.92/square foot	
C. Miscellaneous Administrative Fees				
	Returned Check Fee (Per event; Closed Account, NSF, Stop Payment of Customer/Vendor issued Check)	\$ 25.00	\$ 25.00	Sec. 1-97 (3) j
	Convenience Fee per transaction; maximum payment amount up to \$300 per transaction.	\$ 3.00	\$ 3.00	
	Dishonored Bank Draft Fee (Per event; Closed Account, NSF, Stop Payment of Customer/Vendor Draft)	\$ 25.00	\$ 25.00	Sec. 1-97 (3) j
	Check Stop Payment Fee (Stop Payment of CFPUA issued Check requested by Customer/Vendor)	\$ 5.00	\$ 5.00	Sec. 1-97 (3) j
D. Development Capacity Fees				
	Chair Road Associates - Regional Lift Station (PS #157) Only	\$1.55 per gpd	\$1.61 per gpd	Per Contract
	CFPUA Cost Recovery - Northwest Forcemain Improvements Only	\$4.09 per gpd	\$3.87 per gpd	Sec. 4-4 (c)

CAPE FEAR PUBLIC UTILITY AUTHORITY
RATES AND FEES SCHEDULE FY 22-23

Logan Rebuttal Ex. 1 (P. 5 of 171)

			Rates and Fees Effective 12/08/21	Rates and Fees Effective 07/01/2022	Ordinance Reference
		CFPUA Cost Recovery - Pump Station 36 Improvements	\$2.31 per gpd	\$2.31 per gpd	Per Contract
		CFPUA Cost Recovery - Northern Water Main	\$2.13 per gpd	\$2.13 per gpd	Per Contract
		CFPUA Cost Recovery - Forest Creek Outfall	\$12.87 per gpd	\$12.87 per gpd	Per Contract
		CFPUA Cost Recovery - Chair Road Water Main	\$1.12 per gpd	\$1.12 per gpd	Per Contract

OFFICIAL COPY

Nov 16 2022

Grinder Pumps

FAQs for Homeowners

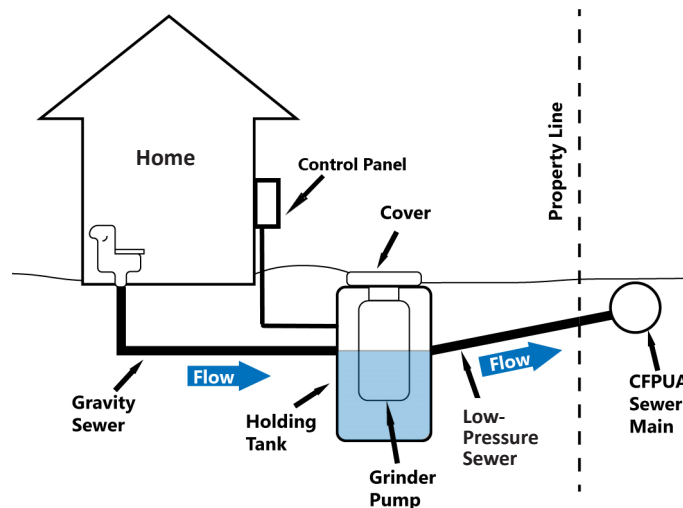


What is a grinder pump?

A grinder pump is a self-contained appliance that consists of a collection tank, a small pump, on-off controls, and a high-water alarm. The grinder pump system collects all the wastewater from a home, grinds it into a slurry, and pumps it through a small pipe to the sewer main in the street.

A grinder pump is a pumping system with many components – tank, pump assembly, level controls, piping, valves and electrical. A grinder pump will normally run for one to two minutes and automatically turn off when the wastewater in the tank pumps down to a preset level.

The pump is powered by electricity and is connected to a control panel mounted near the tank. The control panel is wired to an outside breaker box fed by a circuit breaker in the home's electrical panel. The grinder pump is not a septic system.



Why does my house have one?

Whenever possible, sewers are designed to use gravity to move wastewater from the home or business through the sewer system. Certain difficult terrain types make gravity sewers cost prohib-

itive or infeasible. In some cases, using a grinder pump is more practical for moving wastewater through a low-pressure sewer system.

How does it work?

A grinder pump is placed in a tank that is buried in a convenient outdoor location on your property. When water is used in the house, wastewater flows into the tank. When the wastewater in the tank reaches a preset level, the grinder pump automatically turns on, grinds the waste, and pumps it out of the tank via a pressure discharge line into the public sewer system.

What are my responsibilities?

As a homeowner, your primary responsibilities are described in your customer agreement. To summarize:

- Provide electricity to the pump,
- Protect your pump and underground lines,
- Notify CFPUA when the alarm goes off,
- Act responsibly during a power outage, and
- Provide access to the property for maintenance of the system.

How do I provide electricity to the pump?

The customer is responsible for paying for the electricity that powers the pump, keeping their home electrical system in proper repair, and allowing authorized CFPUA personnel or contractors to access a properly sized and maintained breaker box mounted outside the home near the pumping unit so that the electricity to the pump can be disconnected safely during maintenance.

How do I protect my underground lines?

It is not advisable to plant trees or large shrubs or place such items as fences, decorative pilings,

fishponds, etc., within the immediate area as damage to the pump, underground electrical, or piping systems may occur. Electrical power and alarm wires are buried near the control panel and the tank. A 2-inch diameter plastic low-pressure pipe runs between the tank and the property line. Before digging in these areas, you should call 811 to have a technician locate the lines.

What do I do when I go on vacation?

If you will be away for more than a week, leave the power to the pump on and take the following steps before you leave:

- Run water from an inside tap long enough for the grinder pump to start working.
- When the pump starts, turn the water off.
- The grinder pump will run until the tank is empty and then shut off. This process will clean the pump and leave the tank holding a small amount of this rinse water and minimize odor.

What do I do during a power outage?

Your grinder pump cannot operate without electrical power. The grinder pump storage tank has a limited amount of storage capacity, so it is imperative to keep water usage to a minimum during a power outage. Minimizing water usage (bathing, flushing the toilet, washing dishes, etc.) during a power outage may prevent the sewer from backing up into your home.

Your holding tank has a 360 gallon capacity, but if the system was already full and ready to pump just before the power is lost, even less storage will be available.

CFPUA will provide a pump-out service for your grinder pump if power is out for 48 hours or longer if the property is accessible and roads are not blocked by down trees, power lines, etc.

Call the CFPUA 24-hour emergency line at (910) 332-6565 to request a pump-out service due to a power outage.

What do I do when the alarm goes off?

Your grinder pump includes a light and sound alarm that will activate when the pump has failed or there is high water in the tank. A pump may fail for several reasons, such as power supply breaker tripping, loss of power, force main break, or a sensor-related malfunction. If the pump fails, the tank will fill with wastewater. If this happens:

- Stop using water to prevent overflows.
- Using a lot of water at once can cause the alarm to sound. This situation corrects itself after about 15 minutes. If the pump is operating correctly, the wastewater will automatically be pumped down and the alarm will turn off.

If the alarm light is still on after 15 minutes, call the CFPUA 24-hour emergency line at (910) 332-6565 to request maintenance and a pump-out service.

If you see an alarm occurring at a neighbor's home, notify the neighbor or contact CFPUA directly to report the alarm. CFPUA crews will respond and resolve the issue.

Who is responsible for routine grinder system maintenance?

Provided you meet your responsibilities described above, CFPUA crews will perform maintenance on the grinder system. This includes the

control panel, tank, pump, and the low-pressure pipe. CFPUA is not responsible for the plumbing lines inside the house. Repeated failure to meet these responsibilities will result in direct charge for maintenance due to negligence or disregard. Routine maintenance is covered by your bimonthly fees related to sewer service with a

Protect your Pump

NEVER put these materials into sinks, toilets, or drains:

- ⊘ Cooking fat, lard, oil, or grease
- ⊘ Degreasing solvents
- ⊘ Cigarette butts
- ⊘ Dental floss
- ⊘ Sanitary napkins or tampons
- ⊘ Diapers
- ⊘ Q-Tips and cotton balls
- ⊘ Disposable wipes
- ⊘ Hair clippings
- ⊘ Cat litter
- ⊘ Strong chemical, toxic, caustic, or poisonous substances
- ⊘ Explosive or flammable materials
- ⊘ Glass, metal, wood, eggshells, shells, coffee beans, aquarium rocks, or gravel
- ⊘ Plastic
- ⊘ Disposable gloves
- ⊘ Fireplace ashes

grinder pump system.

What are the costs?

In addition to normal CFPUA sewer rates, a fee will be added (per the current fee schedule) to your bill. This fee will be used for operation and maintenance of the grinder pump system.

The cost of electricity to operate the grinder pump is currently estimated to be between \$20 and \$30 per year. It is the customer's responsibility to pay for this electricity.



Cape Fear Public Utility Authority
910-332-6550
www.CFPUA.org



Adopted June 22, 2022

OFFICIAL COPY

Nov 16 2022

RATES & FEE SCHEDULE

FISCAL YEAR

2022-2023

Effective July 1, 2022

DEFINITIONS

EDU Definition

*An EDU or "Equivalent Dwelling Unit" is defined as one single-family residential household. It is the unit of measure by which the user is charged for water and sewer fees for services provided by H2GO. System Development Fees (SDF) from each user (e.g., single-family residential, multi-family residential, commercial) are calculated and imposed upon improved property served in accordance with H2GO Rules and Regulations based upon projected water usage by, and/or wastewater generated from, the user at a rate of 210 gallons per day (gpd) per EDU. Projected commercial water and wastewater flow rates submitted by Owner or Owner's Engineer or as allowed by North Carolina State standard (as defined in 15A NCAC 02T .0114) shall be approved by H2GO's Executive Director and will be used as the EDU basis for water and sewer connection fees.

Master Meters

Master-metered residential class includes all master-metered connections for apartments, condominiums, cooperatives, quadraplexes, triplexes, duplexes, manufactured housing, and mobile homes used for multi-family residential purposes. Each such master-metered dwelling unit will be billed a base fee per unit or authorized connection whichever is greatest. The total residential units for any such connection shall be based solely on the number of dwelling units approved for that connection. Connections in this class may not include usage for any other commercial, industrial, or institutional purpose. For purposes of this Schedule of Rates, "master-metered residential" and "multi-family residential" are synonymous. Multi-family residential properties that are individually metered by the District are single-family residential class customers.

Effective Dates

The FY 2022-2023 Rate and Fee Schedule remains in effect through June 30, 2023.

SYSTEM DEVELOPMENT FEES

Water System Development Fee (SDF), per EDU	\$3,200
Irrigation System Development Fee	\$2,320
Sewer System Development Fee (SDF), per EDU	\$5,200

Effective July 1, 2022**WATER RATES AND CHARGES****Residential Water Monthly Billing**

Base Fee (per connection)	
3/4" Meter	\$12.00
1" Meter	\$30.00
2" Meter	\$96.00
Master Meter residential	\$12.00 per unit
Usage (Per 1,000 gallons)	
0-3	\$3.50
3+	\$4.00

Commercial Water Monthly Billing

Base Fee (per connection)	
3/4" Meter	\$12.00
1" Meter	\$30.00
2" Meter	\$96.00
3" Meter	\$192.00
4" Meter	\$300.00
6" Meter	\$600.00
Usage (Per 1,000 gallons)	\$4.00

Irrigation Water Monthly Billing

Base Fee (per connection)	
3/4" Residential Meter	\$12.00
1" Residential Meter	\$30.00
2" Residential Meter	\$96.00
Usage (Per 1,000 gallons)	\$4.90

Water Tap Fees

To be installed by licensed and insured utilities contractor hired and paid directly by customer.
H2GO inspection fees will apply.

Cost + 10% if tap installation is performed or subcontracted by H2GO

Irrigation split-out Labor & Equipment Cost +10% plus cost of Meter and MXU

Irrigation stand-alone Labor & Equipment Cost +10% plus cost of Meter and MXU

Effective July 1, 2022**SEWER RATES AND CHARGES****Residential Sewer Monthly Billing**

Base Fee (per connection)	\$15.00
SDVGGS Tank Maintenance Fee	\$5.00 monthly per tank
Flat Rate Fee Sewer Only (Non-Metered)	\$35.00
Master Meter residential	\$15.00 per residential unit

Commercial Sewer Monthly Billing

Base Fee	
3/4" Meter	\$15.00
1" Meter	\$37.50
2" Meter	\$120.00
3" Meter	\$240.00
4" Meter	\$375.00
6" Meter	\$750.00

Sewer Usage (per 1,000 gallons)	\$5.55
--	---------------

Sewer Tap Fees

To be installed by licensed and insured utilities contractor hired and paid directly by customer.
H2GO inspection fees will apply.

Cost + 10% if tap installation is performed or subcontracted by H2GO

Grinder Pump Package Fee (Compass Pointe)	\$5,594
--	----------------

Grinder Pump Package Fee (Other Service Areas Outside CP)	\$6,833
--	----------------

OFFICIAL COPY**Nov 16 2022**

Effective July 1, 2022

ADMINISTRATIVE FEES AND CHARGES

Application Fee \$25 Non-Refundable (New Customers Only)

Security Deposit Water, Sewer & Irrigation (Separate Deposit for each service)

Residential Applicants \$50.00 per service

Commercial Applicants

1. Commercial applicant's deposit will be determined in the following manner:

A. Water and Irrigation Service - Based on Meter Size:

3/4" - 1"	\$ 75 per service
2" - 3"	\$150 per service
4"	\$300 per service
6"	\$400 per service

B. Sewer Service:

2" Force main	\$ 75
4" Gravity	\$ 75
6" Gravity	\$175

Return Check Charge \$25

3rd Party Collection Fee \$35% of Unpaid Account Balance

Credit Card Convenience Fee \$5.00 (by phone)

Adjustments in Sewer Bill for Water Leaks

Verify that there was a leak. Once leak has been determined, verify the repairs have been made. Customer must provide proof of repair in order to receive leak adjustment. Average usage for 12 months and charge regular rate for this amount. Once the amount is determined deduct the excess amount from the sewer bill only for up to a maximum of two consecutive months. **(Limit two adjustments per year)**

For pool adjustments, there will be a minimum of 6,000 gallons usage and this shall be limited to one time per calendar year deducted from sewer bill only.

Effective July 1, 2022

METER CHARGES**Meter Costs**

$\frac{3}{4}$ " Domestic	\$175.00
1" Domestic	\$300.00
2" Domestic	\$2000.00
Meter Box	\$Cost + 10%
2" Meter Box	\$Cost + 10%
Meter Yoke	
$\frac{3}{4}$ "	\$165.00
1"	\$330.00
2"	\$1,500.00
Golf Box	\$455.00
Golf Box Lid	\$45.00
Lock	\$25.00
Dual Port MXU	\$245.00
Single Port MXU	\$165.00

OFFICIAL COPY

Nov 16 2022

Effective July 1, 2022

PLAN REVIEW**Plan Review Fee**1st review - no fee to be charged with comments2nd and subsequent review of same project - \$50.00 per utility**Map Copies**

GIS/As-Builts 11x17	\$5.00 per Map
GIS/As-Builts 24x36	\$10.00 per Map
8 ½" x 11 Black & White	\$.65 for first page, \$.25 each additional

TESTING AND INSPECTIONS

Hydrant Flow Testing	\$200.00
-----------------------------	----------

Water Meter Testing

Meter Testing ¾" and 1"	\$50.00
Meter Testing 2" and larger	\$100.00

Temporary Hydrant Meter Rental

¾" Meter Deposit	\$200
Hookup Fee	\$50
Base Charge (Per Day)	\$5
Usage (Per 1,000 gallons)	\$4.00
2" and 3" Meter Deposit	\$1000
Hookup Fee	\$50
Base Charge (Per Day)	\$15
Usage (Per 1,000 gallons)	\$4.00

Please contact H2GO for extended rental rates and fees.

Inspection Fee

1 st Inspection	NO FEE
2 nd and subsequent inspections of same project – \$50.00 per utility connection	

Effective July 1, 2022

LABOR & EQUIPMENT CHARGES

<u>Personnel</u>	<u>Hourly</u>	
Director	\$90.00	
Assistant Director	\$75.00	
Utilities Director	\$75.00	
WW Plant Superintendent	\$50.00	
WW Plant ORC	\$55.00	
Collections Superintendent	\$50.00	
Back-up Collections Superintendent	\$45.00	
Inspector	\$45.00	
Maintenance Mechanic	\$40.00	
<u>Equipment</u>	<u>1st Hour</u>	<u>All After</u>
Backhoe/Mini Excavator	\$100.00	\$50.00
Vac-Truck	\$250.00	\$125.00
Dump Truck	\$70.00	\$35.00
Service Truck	\$60.00	\$30.00
Rented Equipment	Cost + 10%	
Parts & Supplies	Cost + 10%	
Meter Box Move, Labor	\$250.00	
Service Call	\$50 per hour	
	After business hours, \$100 per hour	

OFFICIAL COPY

Nov 16 2022

Effective July 1, 2022

PENALTIES AND FINES

Reconnect Fee Water	\$35
Reconnect Fee Sewer	\$100

Illegal or Unapproved Connection

1 st Offense	\$1,000 plus any state imposed fines.
2 nd Offense	\$2,500 plus any state imposed fines.
3 rd Offense	\$10,000 plus any state imposed fines.

(Fines will double after the third offense and continue to double as offenses occur plus any state-imposed fines.)

Meter Tampering Fee

1 st offense	\$100
2 nd offense	\$500
3 rd offense	\$1000

Irrigation Ban Fines

1 st Offense	WARNING
2 nd Offense	\$50.00
3 rd Offense	\$100.00
4 th Offense	\$250.00
5 th Offense	\$1000.00

Backflow Testing Fines \$100.00 plus Service Call IF NOT TESTED

(If irrigation service is disconnected due to lack of backflow test, there will be a \$35.00 reconnect fee and a \$50.00 service call to reconnect.)

Grease Trap Fines \$500.00 plus disposal cost if not regularly maintained

Damage to pressure sewer line or removal of Posted Warning Sign \$1,000

Effective July 1, 2022

Water Disruption Charge

When a water main is cut or otherwise damaged without having been located or the located line has been hit within three (3) feet of marking causing a major loss of potable water and or interruption of water service to residents a **\$1000.00 minimum plus clean up and repairs will be charged to the responsible party or parties.**

Sewage Disruption Charge

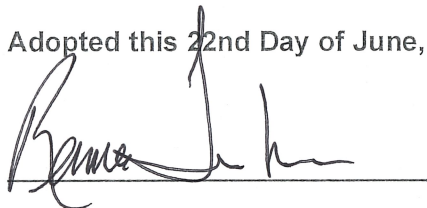
When a force main, gravity line or sewer service is cut or otherwise damaged without having been located or the located line has been hit within three (3) feet of marking a **\$1000.00 minimum plus all clean up, line repair costs and any fines imposed by NCDEQ will be charged to the responsible party or parties.**

Infiltration Treatment Charge

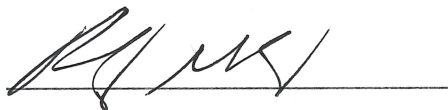
When a force main, gravity line or sewer service is cut or otherwise damaged and infiltration of water, sand or other debris occurs without having been located or the located line has been hit within three (3) feet of marking a **\$1000.00 minimum plus all required line, lift station and plant cleaning along with any fines imposed by NCDEQ will be charged to the responsible party or parties.**

NOTE: When both Sewage Disruption Charge and Infiltration Treatment Charge are imposed only one (1) \$1000.00 minimum shall apply.

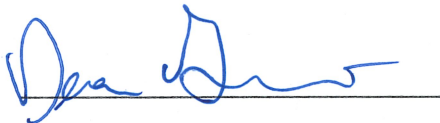
Adopted this 22nd Day of June, 2022



Ronnie Jenkins, Chairman



Rodney McCoy, Secretary



Deana Greiner, CMC, Clerk to the Board

OFFICIAL COPY

Nov 16 2022

Resolution #2015-03-001**Resolution to Revise the H2GO Grinder Pump Policy**

WHEREAS, pursuant to 15A NCAC 02T .0302(a)(4), “building sewer” means that part of the drainage system that extends from the end of the building drain and conveys the discharge from a single building to a public gravity sewer, private gravity sewer, individual sewage disposal system or other point of disposal; and

WHEREAS, Brunswick Regional Water & Sewer H2GO (“H2GO”) is not responsible for “building sewers,” nor is H2GO responsible for individual grinder pumps or other means of conveyance from the building to the public gravity sewer; and

WHEREAS, in accordance with 15A NCAC 02T .0304(c), for pressure sewers, vacuum sewers, septic tank effluent (STEP) systems and other alternative sewer systems discharging into a pressure sewer system, H2GO is ultimately responsible for all individual pumps, tanks, service laterals and mainlines as permitted, more specifically for correcting any environmental or public health problems with the system; and

WHEREAS, H2GO is not responsible for cost associated with maintenance of individual pumps, tanks, and control panels; and

WHEREAS, H2GO is not responsible for cost, maintenance, or repair of electrical connections to the pump system, telephone lines connected to any telemetry system, and generators connected to the pump power supply; and

WHEREAS, H2GO desires to set forth a comprehensive policy for installation, replacement and maintenance of grinder pumps, building sewers, customer-owned pump systems, or other related sewer system.

NOW, THEREFORE, BE IT RESOLVED by H2GO’s Board of Commissioners that:

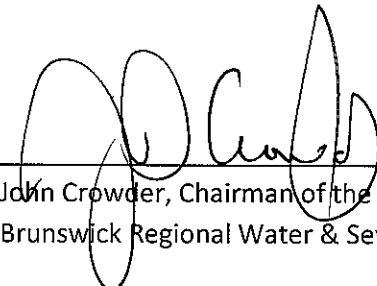
1. The provisions of this resolution and any resolution adopted pursuant hereto shall supersede any previous policy or resolution to the extent the same is in conflict herewith.
2. The provisions of this resolution will take effect upon adoption.
3. Customer-owned pump systems include the small diameter force main from the property/easement line to the pump basin, the pump, valves and valve boxes on the small diameter force main, wet well or interceptor tank, electrical panel, and associated appurtenances. The gravity service line from the building to the pump system, electrical connections to the pump system, telephone lines connected to any telemetry system, and generators connected to the pump power supply are also considered part of a customer-owned pump system.
4. The Rates and Fees Schedule will be amended to include the cost of the new grinder pump package for new service connections requiring the use of a grinder pump to convey wastewater from the building sewer to the public sewer system. This fee may be adjusted from time to time as the equipment costs to H2GO from the supplier may change from time to time.
5. As payment for the grinder pump package, account holder (owner/builder) accepts ownership of the complete grinder pump package. This includes, but is not limited to, the prepackaged fiberglass basin

complete with internal piping, valves, lid, vent, rails, lifting cable, and other appurtenances as standard; CSI standard simplex control panel with pressure bell level controls; and Zoeller grinder pump with 18' power cord.

6. Upon customer's payment of all applicable new service connection fees, including the grinder pump package fee, H2GO will deliver to the customer's project site address, the prepackaged fiberglass basin and control panel for owner/builder installation.
7. The applicable grinder pump (Zoeller E7011 grinder pump or Zoeller E7020 progressing cavity grinder pump) will be delivered to H2GO for proper storage until time of installation.
8. The new owner/builder will properly install the grinder pump basin within a maximum 8' horizontal distance from the control panel location to eliminate the need for power cord splices between the pump and control panel.
9. The new owner/builder will properly install the CSI control panel with proper voltage and circuit protection. A 2" conduit shall be provided and installed from the fiberglass basin to the control panel. Provide and install a visible 230 volt, 20 Amp, 2-Pole Circuit Breaker or Non-Fusible disconnect switch near the control panel location.
10. The new owner/builder will install a 1½" threaded S.S. pipe discharge connection to the female hub on the fiberglass basin as the discharge connection fitting.
11. Prior to pump installation, H2GO will inspect the owner/builder installation of the fiberglass basin and control panel: proper distance from basin to control panel; water-tightness of the building sewer influent hub; discharge connection to low-pressure sewer system; and control panel voltage and circuit protection. H2GO will not install the grinder pump until all owner/builder installation items are satisfactory, complete and ready for operation.
12. H2GO qualified personnel will properly install the grinder pump with lifting cable and terminate field connections of pump power cord directly to control panel. H2GO personnel will set the pressure bell level control system, perform start-up of pump system, and verify a complete and operational grinder pump system.
13. The pump manufacturer's representative will provide to the homeowner a 12 month factory warranty on the CSI control panel from the date of delivery. The control panel warranty does not cover lightning strikes.
14. The pump manufacturer's representative will provide to the homeowner a 24 month factory warranty on the grinder pump from the date of installation. This pump warranty does not cover lightning strikes.
15. H2GO will track delivery and installation dates and provide the same to the pump manufacturer's representative and to the homeowner for warranty purposes.
16. H2GO will provide pump warranty information and Owner's Manuals directly to homeowner.
17. H2GO will provide a FAQ information sheet about grinder pump systems to homeowner.

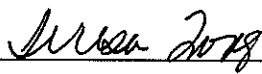
18. H2GO is not responsible for maintaining any customer-owned pump system that is connected to or discharges into any public gravity sewer, private gravity sewer, individual sewage disposal system or other point of disposal. H2GO may repair or maintain a customer-owned pump system that discharges into any public gravity sewer that has been installed pursuant to H2GO specification, and upon the request and cost to a customer.
19. Customers must grant an easement to H2GO for any property containing equipment that is to be maintained by H2GO. Should the Customer refuse to grant H2GO an access easement, the Customer shall be personally responsible for all maintenance responsibilities and shall further be responsible for any environmental or public health problems caused to the system by refusing access.
20. H2GO will maintain, at the customers' expense, all individual pumps, tanks, and control panels (that are installed in accordance with H2GO specifications) that connect to any alternative sewer system including pressure sewers, vacuum sewers, and STEP systems; with the exception of grinder pump systems that exist at the time of adoption of this Resolution at properties that exist within the existing properties identified in the Grinder Pump Maintenance Report attached hereto as "Exhibit A" and incorporated herein by reference. Those grinder pumps that are identified within the Grinder Pump Maintenance Report ("Exhibit A") will be maintained at the expense of H2GO, until ownership of the property is conveyed to another party.
21. H2GO must be notified of the conveyance of any of the properties identified within the Grinder Pump Maintenance Report ("Exhibit A").
22. Repair costs due to negligence or misuse of the pump system will not be covered under the warranty. Negligence or misuse includes violations of the H2GO Sewer Use Ordinance or disposing of sand, rock, gravel, metal, grease, feminine products or any other substance that cannot reasonably be expected to be pumped without damaging or rendering inoperable the customer-owned pump system.

PASSED AND APPROVED by the Board of Commissioners of Brunswick Regional Water and Sewer H2GO on this the 10th day March, 2015.



John Crowder, Chairman of the Board
Brunswick Regional Water & Sewer H2GO

Attest:



Teresa Long, CMC, Clerk to the Board

Connect With Us!



@BRWSH2GO



@H2GO_BRWS



Brunswick Regional
Water and Sewer H2GO



www.H2GOonline.com
News -> Mailing List



BRWS H2GO



Brunswick Regional
Water and Sewer H2GO



910-371-9949



www.H2GOonline.com



516 Village Rd
Leland, NC 28451

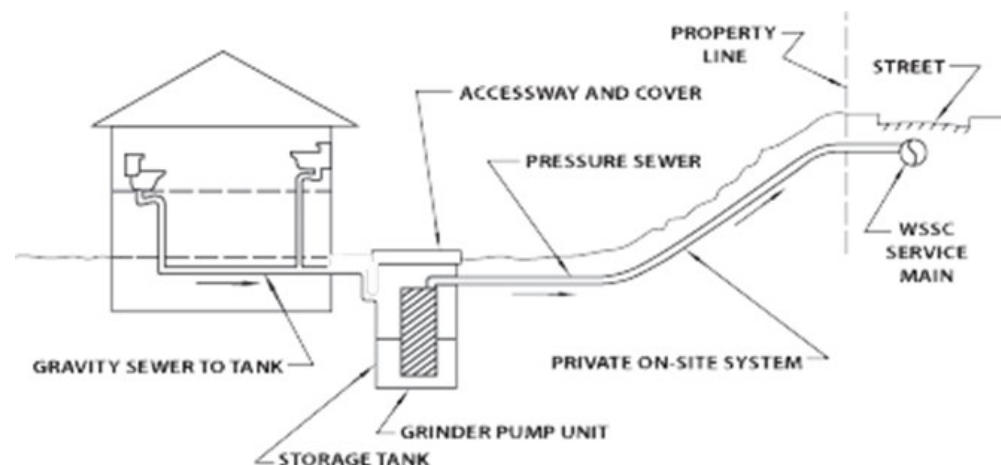
Mission Statement

H2GO is committed to assuring a quality of life for our valued customers by providing the highest levels of water and sanitary sewer services, from Source to Stream, in a safe and efficient manner.

As professional service providers, H2GO in cooperation with its community partners will comprehensively plan, develop, maintain and operate the District's utility systems in a customer service oriented and cost-effective manner.



Grinder Pumps: *Frequently Asked Questions*



OFFICIAL COPY

Nov 16 2022

Q: What is a Grinder Pump?

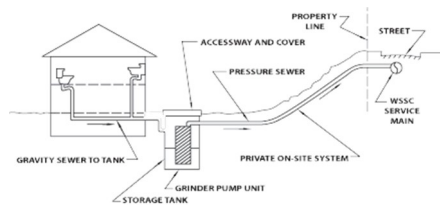
A: A grinder pump is a pump unit located in a fiberglass tank installed at a low point below your household plumbing. A grinder pump works much like a household garbage disposal, but on a larger scale. It grinds up wastewater generated in your home (i.e. toilet use, shower, washing machine, sink drains, etc.) and pumps it into the public sewer system.

Q: How does the grinder pump system work?

A: A grinder pump is placed in a tank that is buried in a convenient outdoor location on a homeowner's property. The tank provides wastewater holding storage capacity. When water is used in the house, wastewater flows into the tank. When the wastewater in the tank reaches a pre-set level, the grinder pump automatically turns on, grinds the waste, and pumps it out of the tank via the homeowner's on-site pressure sewer line and into the public sewer system. A grinder pump will normally run for about 15 minutes and automatically turn off when the tank is emptied. The pump is powered by electricity and is connected to a control panel installed near your grinder pump tank.

Q: Why do some homes need grinder pumps?

A: In most instances, wastewater flows by gravity from a building sewer (lateral connection) to a public sewer main. However, because of elevation, gravity sewers may not work in all instances. In situations where a home's sewer service line leaves the building at a lower elevation than the public sewer main, a grinder pump is sometimes used to grind and pump wastewater to the main. See below diagram.



Q: What is the size of the line from the grinder pump to H2GO's service main

A: The low-pressure sewer is typically 1½" diameter.

Q: What is the flow rate of the pump?

A: The grinder unit will pump about 10 gallons (+/-) per minute.

Q: What is the duration of pump operation per day?

A: Typical operation is about 15 minutes per day for typical residential houses. Depending on water usage, the pump may run once a day, twice a day, or once every other day.

Q: How noisy is the pump?

A: With an outdoor unit buried in the ground, you will probably not hear it at all if you are 10 feet away. If you're standing on top of the tank, it sounds like your washing machine when it's running – just a hum.

Q: Who is responsible for the grinder pump system?

A: The homeowner is responsible for the pump system from the house to the property line. Customer-owned grinder pump systems include the small diameter pressure sewer from the property line to the pump basin, the pump, valves and valve boxes on the small diameter force main, pump tank, electrical panel, and associated appurtenances. The gravity service line from the building to the pump tank, electrical connections to the pump system, and generators connected to the pump power supply are also considered part of the customer-owned pump system. H2GO's responsibility for sewer service begins after the property line in the public right-of-way.

Q: Who is responsible for maintenance on the grinder pump system?

A: Other than warranty issues, the homeowner is responsible for maintenance on the pump system. H2GO is not responsible for maintaining any customer-owned pump system that is connected to or discharges into any public sewer. Upon the request of the customer, H2GO may repair or maintain a customer-owned pump system that discharges into any public sewer that has been installed pursuant to H2GO specifications. All maintenance and repair costs are the customer's responsibility.

Q: What are the warranty periods for the grinder pumps and control panels?

A: For grinder pump units installed under the new grinder pump policy effective 3/10/2015, the pumps will carry a 24 month factory warranty from the date of installation. The control panel will carry a 12 month factory warranty from the date of delivery. These warranties do not cover lightning strikes. Repair costs due to negligence or misuse of the pump system will not be covered under the warranty. Negligence or misuse includes violations of the H2GO Sewer Use Rules and Regulations, and/or disposing of sand, rock, gravel, metal, grease, feminine products or any other substance that cannot reasonably be expected to be pumped without damaging or rendering inoperable the customer-owned pump system.

Q: What can I do to protect my grinder pump?

A: A properly maintained grinder pump should be able to handle wastewater from the kitchen, bathroom, laundry, etc. However, some chemicals and substances can adversely impact a grinder pump and may cause safety hazards. Please check the labels on all chemicals before using or disposing. Never put any of the following materials into sinks, toilets or drains as they can clog your home system and create unsafe conditions in your lines and tank:

Cooking fat, lard, oil or grease; Degreasing Solvents; Cigarette butts; Dental Floss; Sanitary napkins, tampons or diapers; Q-Tips; Sanitary wipes such as baby wipes or disposable floor wipes; Hair clippings; Cat litter; Strong chemical, toxic, caustic, or poisonous substance; Explosive or flammable materials; Glass, metal, wood, eggshells, seafood shells, coffee beans, aquarium rocks or gravel; Plastic Objects; Rubber gloves or other disposable gloves; Fireplace ashes.

It is not advisable to plant flowers or shrubs or place such items as fences, decorative pilings, fish ponds, etc. within the immediate area as damage to the pump, underground electrical or piping systems may occur. Electrical power and alarm wires are buried under the ground between the control panel and the tank. Before digging in the area, you should contact H2GO to have a technician locate the underground lines.

*****Never connect a sump pump to the grinder pump system. Doing so is a violation of H2GO's Sewer Use Rules and Regulations; it will reduce the sewer main flow capacity; and it will shorten the life of your grinder pump.*****

Q: How do I properly maintain my grinder pump?

A: In addition to the previously provided tips, please follow the manufacturer's Owner's Manual. In the event you have misplaced the Owner's Manual, only two types of grinder pumps are currently approved for use in the H2GO service area:

Compass Pointe Service Area – Zoeller E7020 Progressing Cavity Grinder Pump

H2GO Service Area outside of Compass Pointe – Zoeller E7011 Reversible Grinder Pump

Local manufacturer's representative – Shallotte Electric Stores, 4900 South Main Street, PO Box 2267, Shallotte, NC 28459.

[210-754-6000](tel:210-754-6000)

www.shallotteelectric.com

Q: What should I do if my grinder pump alarm goes off?

A: If there is too much flow going into your grinder pump unit or if the pump has failed to start, the high sewage level will automatically trigger an alarm horn and light to alert

you of the problem. *Logan Rebuttal Ex. 1 (P. 22 of 37)*

1. Immediately discontinue your water use to prevent an overflow.
2. Turn off the alarm by touching the alarm silence pad indicated on the side of the control panel. The alarm horn should silence but the light will remain on.
3. Wait fifteen minutes. A high level of water usage will sometimes cause the alarm to come on. This situation is self-correcting. If the pump is operating correctly, the tank will automatically be pumped down and the alarm light will turn off.
4. If the alarm light is still on after fifteen minutes, contact H2GO On-Call Emergency Services at [210-367-2084](tel:210-367-2084).
5. Never attempt to open the tank cover or the electrical panel box.

CAUTION: Electrical shock or damage to the system may occur

Q: What should I do if there is a power outage?

A: Your grinder pump is powered by electricity and will not function during a power outage. In order to prevent waste from backing up into the lowest sink, tub, or toilet in your home, severely limit the interior use of water until power is restored. This means do not shower or wash dishes and limit flushing the toilet. While your holding tank has a limited capacity, if the system was already full and ready to pump just before the power went out, there will be even less storage available.

Q: What should I do with my grinder pump when I go on vacation?

A: If you plan on being away for an extended period of time, replace the wastewater in the tank with clean water to help minimize odors. First run water from an inside faucet long enough for the grinder pump to start working. After the pump starts, turn the inside faucet off. The pump will run until the tank is empty and shut off automatically. This process will cleanse the pump and leave it filled with a minimum of clean water. Always leave the power to the pump on.

Q: Who should I contact with other questions or concerns?

A: Please contact:

Brunswick Regional Water & Sewer H2GO

Bob Walker, Executive Director

PO Box 2230

Leland, NC 28451

[210-371-9949](tel:210-371-9949)

bwalker@H2GOonline.com

H2GO Emergency On-Call Services

[210-367-2084](tel:210-367-2084)



POLICY NO. 94004
ADOPTION DATE: 11/21/94
REVISION NO. 011
REVISION DATE: 3/16/2020

**COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT**

WASTEWATER TREATMENT/PRETREATMENT

Sewer Use Ordinance (SUO)

OFFICIAL COPY

Nov 16 2022

SUO
TABLE OF CONTENTS

ARTICLE I - WASTEWATER DISCHARGE REQUIREMENTS

	Page #
SECTION 1 - GENERAL PROVISIONS	
1.1 Purpose and Policy	3
1.2 Definitions and Abbreviations	3
SECTION 2 - GENERAL SEWER USE REQUIREMENTS	
2.1 Prohibited Discharge Standards	10
2.2 National Categorical Pretreatment Standards	11
2.3 Local Limits	11
2.4 State Requirements	12
2.5 Right of Revision	12
2.6 Dilution	12
2.7 Pretreatment of Wastewater	12
2.8 Accidental Discharge/Slug Control Plans	13
2.9 Hauled Wastewater	13
SECTION 3 - FEES	
3.1 Purpose	14
3.2 User Charges	14
3.3 Surcharges	14
3.4 Pretreatment Program Administration Charges	14
SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE	
4.1 Wastewater Dischargers	15
4.2 Wastewater Permits	15
SECTION 5 - REPORTING REQUIREMENTS	
5.1 Baseline Monitoring Reports	19
5.2 Compliance Schedule Progress Reports	20
5.3 Reports on Compliance with Categorical Pretreatment Standard, Deadline	20
5.4 Periodic Compliance Reports	20
5.5 Reports of Changed Conditions	21
5.6 Reports of Potential Problems	21
5.7 Reports from Unpermitted Users	21
5.8 Notice of Violation/Repeat Sampling and Reporting	22
5.9 Notification of the Discharge of Hazardous Waste	22
5.10 Analytical Requirements	23
5.11 Grab and Composite Sample Collection	23
5.12 Timing	23
5.13 Record Keeping	23
5.14 Electronic Reporting	23
SECTION 6 - COMPLIANCE MONITORING	
6.1 Monitoring Facilities	24
6.2 Inspection and Sampling	24
6.3 Search Warrants	24
SECTION 7 - CONFIDENTIAL INFORMATION	24
SECTION 8 - ENFORCEMENT	
8.1 Administrative Remedies	25
8.2 Civil Penalties	26
8.3 Other Available Remedies	27
8.4 Remedies Nonexclusive	27
SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE	27
SECTION 10 - ADJUDICATORY HEARINGS	28

OFFICIAL COPY

Nov 16 2022

	Page #
SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS	
11.1 Upset	28
11.2 Prohibited Discharge Standards Defense	28
11.3 Bypass	28
SECTION 12- SEVERABILITY	29
SECTION 13- CONFLICT	29
SECTION 14- EFFECTIVE DATE	29
 ARTICLE II - CONNECTION FEES, POLICIES, REQUIREMENTS	
SECTION 1 - GENERAL PROVISIONS	
1.1 Administrative Authority	30
1.2 Intent of Regulation of Sewer Use	30
1.3 Applicability of Sewer Use Provisions	30
1.4 Special Agreements	30
SECTION 2 - USE OF PUBLIC SEWERS	
2.1 Requirement of Sewer Use	30
2.2 Prohibition of Septic Tanks, Privies	31
2.3 Discharge of Natural Outlets	31
2.4 Unsanitary Methods of Discharge	31
SECTION 3 - CONNECTIONS AND SERVICE LINES	
3.1 Connection Required – Proximity to County Utility Line	31
3.2 Connection Fees	32
3.3 Separate Connections Required	32
3.4 Methods of Sewer Connection	32
3.5 New Systems and Connections	32
3.6 Elevation of Sewer Connection	33
3.7 Backwater (Backflow) Device Requirement	33
3.8 Prohibited Connections	34
3.9 Service Line Construction – Public Hazard	34
3.10 Preliminary Treatment Devices	34
3.11 Unapproved Connections Prohibited	35
3.12 Connection to County Water System	35
SECTION 4 - REQUIRED CONNECTION	
4.1 Procedure	35
4.2 Sewer Construction Requirements	40
4.3 Acceptance Procedures for All Sewer Systems	42
4.4 Additional Acceptance Procedures for Sewer Extensions	43
4.5 Obtaining Building Permit Prior to Certification	44
SECTION 5 - FEE SCHEDULE	
5.1 Purpose	44
5.2 User Charges	44
5.3 Surcharges	44
5.4 Billing Procedures	45
5.5 One-Time Sewer Charges	46
5.6 Basic User Charges	46
5.7 Extra-Strength Wastewater Surcharges	47
5.8 Specific Fees	47
5.9 Pretreatment Program Administration Charges	48

ARTICLE I - WASTEWATER DISCHARGE REQUIREMENTS

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the **County of Brunswick**, hereafter referred to as the County and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants and wastewater discharges 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;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (f) To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

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

This Ordinance shall apply to all users of the municipal wastewater system, as authorized by N.C.G.S. 160A-312 and/or 153A-275. The County shall designate an administrator of the POTW or Publicly Owned Treatment Works and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other County personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the County limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder. This includes all Industrial Users discharging in the wastewater collection system owned by any satellite POTW.

1.2 Definitions and Abbreviations

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:
 - (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, *et seq.*
 - (2) Approval Authority. The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.
 - (3) Authorized Representative of the Industrial User.
 - (i) If the industrial user is a corporation, authorized representative shall mean:
 - (A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

- (B) the manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment RECOMMENDATIONS, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
 - (iii) 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.
 - (iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
 - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW Director prior to or together with any reports to be signed by an authorized representative.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
 - (6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.
 - (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (8) Control Authority. Refers to the POTW Organization if the POTW Organization's Pretreatment Program approval has not been withdrawn.
 - (9) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
 - (10) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
 - (11) Holding Tank Waste. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
 - (12) Indirect Discharge or Discharge. 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).
 - (13) Industrial User or User. Any person which is a source of indirect discharge.
 - (14) Interference. The inhibition, or disruption of the POTW collection system treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's NPDES collection system or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste

Disposal Act (SWDA)(42 U.S.C. §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.

- (15) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (16) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (18) New Source.
 - (i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:
 - (A) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (B) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (i)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (iii) For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - (A) Begun, or caused to begin, as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.
- (19) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (20) National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.

- (21) Non-discharge Permit. A permit issued by the State pursuant to G.S. 143.215.1 (d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the State.
- (22) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's (and/or the POTW's, if different from the Control Authority) NPDES collection system or Non-discharge Permit, or a downstream water quality standard even if not included in the permit.
- (23) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (24) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) Pollutant. Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).
- (26) POTW Director. The Brunswick County Public Utilities Director is designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.
- (27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (28) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (29) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the County in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (30) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (31) Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
- (32) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by Section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the County. 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 Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the County who are, by contract or agreement with the County, or in any other way, users of the POTW of the County.
- (33) Severe Property Damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (34) Significant Industrial User or SIU. Any industrial user that discharges wastewater into a Publicly Owned Treatment Works and that:
- (A.) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater; or
 - (B.) contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or
 - (C.) is required to meet a National categorical pretreatment standard, or
 - (D.) is found by the County, the Division of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
 - (E.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, [or for contributing to violations of the POTW's receiving stream standard,] or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
 - (F.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3 (v)(2) and thus is a Non-Significant Categorical Industrial User.
 - (G.) Subject to division approval under 15A NCAC 02H.0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12(e)(3).
- (35) Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in subparagraph (A) (35), Parts (C), (D), or (H) shall also be SNC.
- A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1);
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, fats, oil, and grease, 1.2 for all other pollutants except flow and pH);
 - C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3 (1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference, or pass through (including endangering the health of POTW personnel or the general public);
 - D. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health/welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8 (f) (1) (vi)(B) and Section 8.1 (e) of this SUO to halt or prevent such a discharge.

- E. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 - F. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day (90) compliance reports, and periodic compliance reports within thirty (30) days from the due date.
 - G. Failure to accurately report noncompliance.
 - H. Any other violation or group of violations that the control authority considers to be significant.
- (36) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in Section 2.1 of this Ordinance.
 - (37) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
 - (38) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
 - (39) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
 - (40) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.
 - (41) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
 - (42) Wastewater Permit. As set forth in Section 4.2 of this Ordinance.
 - (43) Waters of the State. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (b) This Ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.
 - (c) Shall is mandatory; may is permissive or discretionary.
 - (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
 - (e) The following abbreviations when used in this Ordinance, shall have the designated meanings:

(1)	BOD	Biochemical Oxygen Demand
(2)	CFR	Code of Federal Regulations
(3)	COD	Chemical Oxygen Demand
(4)	EPA	Environmental Protection Agency
(5)	gpd	Gallons per day
(6)	l	Liter
(7)	mg	Milligrams
(8)	mg/l	Milligrams per liter
(9)	N.C.G.S.	North Carolina General Statutes
(10)	NPDES	National Pollution Discharge Elimination System

(11)	O & M	Operation and Maintenance
(12)	POTW	Publicly Owned Treatment Works
(13)	RCRA	Resource Conservation and Recovery Act
(14)	SIC	Standard Industrial Classification
(15)	SWDA	Solid Waste Disposal Act
(16)	TSS	Total Suspended Solids
(17)	TKN	Total Kjeldahl Nitrogen
(18)	U.S.C	United States Code.

OFFICIAL COPY

Nov 16 2022

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 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, waste streams with a closed cup flashpoint of less than 140°F (60°C) 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 (1/2") in any dimension.
 - (3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or more than 12.0 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.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with Section 2.9 of this Ordinance.
 - (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
 - (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.
 - (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.
 - (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l unless authorized by the POTW Director.

- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (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 (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

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.

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

- 1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with Section 8.1; and
- 2) take appropriate actions in accordance with Section 4 for such user to protect the POTW from interference or pass through.

2.2. 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.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

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

BOD	250	mg/l
TSS	250	mg/l
NH ₃	25	mg/l
Arsenic	0.003	mg/l

Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	mg/l	
Cyanide	0.015	mg/l	
Lead	0.049	mg/l	
Mercury	0.0003	mg/l	
Nickel	0.021	mg/l	
Oil & Grease	100	mg/l	
Silver	0.005	mg/l	
Zinc	0.175	mg/l	

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW Director may impose mass based limits in addition to, or in place of concentration based limits.

2.4 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 Ordinance.

2.5 Right of Revision

The County reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance or the general and specific prohibitions in Section 2.1 of this Ordinance, as is allowed by 40 CFR 403.4.

2.6 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 County or State.

2.7 Pretreatment of Wastewater

(a) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and wastewater permits issued under Section 4.2 of this Ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations as specified by EPA, the State, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(b) Additional Pretreatment Measures

1. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
2. The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.8 Accidental Discharge/Slug Control Plans

- (a) At least once every two (2) years, the POTW Director shall evaluate whether each significant industrial user needs a plan to control and prevent slug discharges and accidental discharges as defined in Section 1.2(a)(36). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.
- (b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see Sections 5.5 and 5.6.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by Section 5.6 of this Ordinance; 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.

2.9 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the County. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the County for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW Director and approved by the County Board of Commissioners. A copy of these charges and fees will be made available from the POTW Director.

3.2 User Charges

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

- (a) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
- (b) Each user shall pay its proportionate cost based on volume of flow.
- (c) The Manager of the County 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 Council or Board serving the County for adjustments in the schedule of charges and fees as necessary.
- (d) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

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

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the County; or
 - (2) If required by the County or at the individual dischargers 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 County. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the County.
 - (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. 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.
- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his duly appointed representatives shall be binding as a basis for charges.

3.4 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the County may include charges and fees for:

- (a) reimbursement of costs of setting up and operating the Pretreatment Program;
- (b) monitoring, inspections and surveillance procedures;
- (c) reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (d) permitting;
- (e) other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

4.1 Wastewater Dischargers

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

4.2 Wastewater Permits

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

- (a) **Significant Industrial User Determination**
All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.
- (b) **Significant Industrial User Permit Application**
Users required to obtain a significant industrial user permit shall complete and file with the County, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in 4.2(a) above. The application shall include at a minimum:
 - (A) Name of Industrial User;
 - (B) Address of Industrial User;
 - (C) Standard Industrial Classification (SIC) code (s) or expected classification and industrial user category;
 - (D) wastewater flow;
 - (E) types and concentrations (or mass) of pollutants contained in the discharge;
 - (F) major products manufactured or services supplied;
 - (G) description of existing on-site pretreatment facilities and practices;
 - (H) locations of discharge points;
 - (I) raw materials used or stored at the site;
 - (J) flow diagram or sewer map for the industrial user;
 - (K) number of employees;
 - (L) operation and production schedules; and
 - (M) description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g).
- (c) **Application Signatories and Certification**
All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or Municipality as defined in Section 1.2(a)(3) 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.”

- (d) **Application Review and Evaluation**
The POTW Director will evaluate the data furnished by the user and may require additional information.
 - (1) The POTW Director is authorized to accept applications for the County and shall refer all applications to the POTW staff for review and evaluation.
 - (2) Within thirty (30) days of receipt the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (e) **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 Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) 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 Paragraphs (1) and (2) above and the general permit conditions of the County into a significant industrial user permit.
- (f) **Permit supporting documentation.** The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.
 - (1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
 - (2) The basis, or rationale for the pretreatment limitations, including the following:
 - (A) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - (B) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12 (e)(2).
- (g) **Final Action On Significant Industrial User Permit Applications**
 - (1) The POTW Director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
 - (2) The POTW Director is authorized to:
 - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this Ordinance and N.C.G.S. 143-215.1;
 - (ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (iii) modify any permit upon not less than sixty (60) days notice and pursuant to Section 4.2(i) of this Ordinance;

- (iv) revoke any permit pursuant to Section 8.1 of this Ordinance;
 - (v) suspend a permit pursuant to Section 8.1 of this Ordinance;
 - (vi) deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (h) Hearings: The local government may conduct hearings in accordance with its regular hearing procedure.
- (1) Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under Section 8.2, or one issued an administrative order under Section 8.1 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.
 - (i) 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.
 - (ii) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under Section 4.2(h)(1) above may be appealed, to the Commissioners serving the County upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Commissioners serving the County shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
 - (3) Official record. When a final decision is issued under Section 4.2(h)(2) above, Commissioners serving the County shall prepare an official record of the case that includes:
 - (i) All notices, motions, and other like pleadings;
 - (ii) A copy of all documentary evidence introduced;
 - (iii) 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.
 - (iv) A copy of the final decision of the Commissioners serving the County .
 - (4) Judicial Review. Any person against whom a final order or decision of the Commissioners serving the County is entered, pursuant to the hearing conducted under Section 4.2(h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Brunswick County along with a copy to the County. Within thirty (30) days after receipt of the copy of the petition of judicial review, the Commissioners serving the County shall transmit to the reviewing court the original or a certified copy of the official record.

(i) Permit Modification

- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance
 - (i) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (ii) a single modification of any compliance schedule not in excess of four (4) months,
 - (iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (2) Within nine (9) months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 4.2(b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National categorical pretreatment standard.
- (3) A request for a modification by the permittee shall constitute a waiver of the sixty-day (60) notice required by G.S. 143-215.1(b) for modifications.

(j) Permit Conditions

- (1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (i) a statement of duration (in no case more than five years);
 - (ii) a statement of non-transferability;
 - (iii) applicable effluent limits based on categorical standards or local limits or both;
 - (iv) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (v) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a)(36);
 - (vi) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2(a)(36), if determined by the POTW Director to be necessary for the User and,
 - (vii) requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 1.2(a)(36). Also see Sections 5.5 and 5.6;
 - (viii) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (2) In addition, permits may contain, but are not limited to, the following:
 - (i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (ii) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (iii) 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.
 - (iv) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (v) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (vi) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

- (vii) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - (viii) Compliance schedules for meeting pretreatment standards and requirements.
 - (ix) Requirements for submission of periodic self-monitoring or special notification reports.
 - (x) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 5.13 and affording the POTW Director, or his representatives, access thereto.
 - (xi) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - (xii) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (xiii) 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.
- (k) **Permit Duration**
Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (l) **Permit Transfer**
Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (m) **Permit Reissuance**
A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.2 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) **Identifying Information.** The name and address of the facility, including the name of the operator and owner.
 - (2) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
 - (3) **Description of Operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) **Measurement of Pollutants.**
 - (i) The categorical pretreatment standards applicable to each regulated process.

- (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.10 of this Ordinance.
- (iii) Sampling must be performed in accordance with procedures set out in Section 5.11 of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
- (6) Certification. A statement, reviewed by the user's current authorized representative as defined in Section 1.2(a)(3) 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 5.2 of this Ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 5.1(b)(7) of this Ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the POTW Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the POTW Director.

5.3 Reports on Compliance with Categorical Pretreatment Standard, Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in Section 5.1(b)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.4 Periodic Compliance Reports

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

- (a) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures

set out in Section 5.10 and 5.11 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

- (b) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in Section 5.10 and 5.11 of this Ordinance, the results of this monitoring shall be included in the report.

5.5 Reports of Changed Conditions

Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The Permittee shall not begin the changes until receiving written approval from the Control Authority and/or municipality. See Section 5.6(d) for other reporting requirements.

- (a) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.2 of this Ordinance.
- (b) The POTW Director may issue a wastewater discharge permit under Section 4.2 of this Ordinance or modify an existing wastewater discharge permit under Section 4.2 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. [increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority and/or municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- (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 paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36).

5.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require. All users classified as Non-Significant Categorical Industrial Users under Section [1.2(a) (34) (F)] shall provide appropriate reports to the [POTW Director] as the [POTW Director] may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

5.8 Notice of Violation/Repeat Sampling and Reporting

- (a) If sampling performed by a user indicates a violation, the user must notify the POTW Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within thirty (30) days after becoming aware of the violation. If allowed by the POTW Director, the user is not required to resample:
 - (i) if the POTW Director monitors at the user's facility at least once a month; or
 - (ii) if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the POTW Director has performed the sampling and analysis in lieu of the Industrial User and the POTW sampling of the user indicates a violation, the POTW Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:
 - (i) the POTW Director monitors at the user's facility at least once a month; or
 - (ii) the POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - (iii) the POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30 (thirty) day deadline of the POTW becoming aware of the violation.

5.9 Notification of the Discharge of Hazardous Waste

The County prohibits the discharge of any hazardous wastes without notification and approval of the POTW Director.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 5.5 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 5.1, 5.3, and 5.4 of this Ordinance.
- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (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 Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- (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 Ordinance, a permit issued thereunder, or any applicable Federal or State law.

5.10 Analytical Requirements

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

5.11 Grab and Composite Sample Collection

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and ninety (90) Day Compliance Reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

5.12 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.

5.13 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the user has been specifically notified of a longer retention period by the POTW Director.

5.14 Electronic Reporting

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this Ordinance. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Section 8 of this Ordinance.

SECTION 6 - COMPLIANCE MONITORING

6.1 Monitoring Facilities

The County 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 County 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.

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.

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

6.2 Inspection and Sampling

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

6.3 Search Warrants

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

SECTION 7 - CONFIDENTIAL INFORMATION

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

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 Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

SECTION 8 - ENFORCEMENT

8.1 Administrative Remedies

(a) Notification of Violation

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

(b) Consent Orders

The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to Section 8.1(d), below.

(c) Show Cause Hearing

The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this Ordinance or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

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

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 8.2 nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under Section 4.2(h).

(d) Administrative Orders

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

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

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (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 Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 8.1 of this Ordinance why the proposed action should not be taken.

8.2 Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this Ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000) per day per violation.
 - a. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - i. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this Ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) In determining the amount of the civil penalty, the POTW Director shall consider the following:
 - (i) 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;

- (ii) The duration and gravity of the violation;
- (iii) The effect on ground or surface water quantity or quality or on air quality;
- (iv) The cost of rectifying the damage;
- (v) The amount of money saved by noncompliance;
- (vi) Whether the violation was committed willfully or intentionally;
- (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
- (viii) The costs of enforcement to the County.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 4.2(h).

8.3 Other Available Remedies

Remedies, in addition to those previously mentioned in this Ordinance, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (a) Criminal Violations.
The District Attorney for the applicable Judicial District may, at the request of the County, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i).
- (b) Injunctive Relief
Whenever a user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (c) Water Supply Severance
Whenever an industrial user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (d) Public Nuisances
Any violation of the prohibitions or effluent limitations of this Ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate Ordinances of the County governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

8.4 Remedies Nonexclusive

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

SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the POTW Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, 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)(34), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

SECTION 10 - ADJUDICATORY HEARINGS

See Section 4.2 (h).

SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the POTW Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11.2 Prohibited Discharge Standards Defense

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 (a) of this Ordinance or the specific prohibitions in Sections 2.1(b)(2), (3), (5 - 7) and (9-23) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the 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.

11.3 Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.
- (b)

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (c)
- (1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The user submitted notices as required under paragraph (b) of this section.
 - (2) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

SECTION 12- SEVERABILITY

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

SECTION 13- CONFLICT

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

SECTION 14- EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

ARTICLE II – CONNECTION FEES, POLICIES, AND REQUIREMENTS

SECTION 1 – GENERAL PROVISIONS

1.1 Administrative Authority

The Director of Engineering Services (DES) is assigned the responsibility of administering all provisions of this Ordinance as related to construction of new utility infrastructure and shall exercise these responsibilities in accordance with the purpose and intent of this Ordinance in a fair and objective manner. The Public Utilities Director (PUD) is assigned the responsibility of administering all provisions of this Ordinance as related to the operation and maintenance of the County's utility systems and shall exercise these responsibilities in accordance with the purpose and intent of this Ordinance in a fair and objective manner. Both may exercise discretion when necessary to administer the provisions of this Ordinance fairly and responsibly.

1.2 Intent of Regulation of Sewer Use

- a. It is intended that this Ordinance include provisions for prohibiting the discharge by any wastewater customer into a public sanitary sewer of substances that may endanger the public health and safety or of unpolluted waters that do not require treatment and therefore reduce the effectiveness of the biological operations of the treatment facilities.
- b. It is further understood that the biological and chemical operations that can be designed for wastewater treatment do, by their scientific nature, limit the types of constituents in wastewater treatment that may be treated by facilities constructed and maintained within a reasonable cost to the public. Consequently, the County's treatment facilities into which the County system discharges are designed for the primary purpose of treating domestic wastewater in sufficient manner to protect public health. Certain industrial wastewater constituents and portable toilet waste can be treated without interference at the wastewater facilities, but only in a limited quantity or concentration. To ensure that discharges of industrial wastewater and portable toilet wastes into the public sanitary sewer are within such quantity and concentration limits, reasonable and adequate regulations are provided in this Ordinance.

1.3 Applicability of Sewer Use Provisions

All public sanitary sewer users shall comply with all applicable provisions of this Ordinance and shall further comply with applicable Federal, State, and local laws, Ordinances, and regulations, including EPA/DWQ pretreatment standards, which are at that time in effect. In the event of a conflict, the more stringent requirement or higher standard shall apply. Violations of this document shall be subject to penalties as provided throughout this Ordinance.

1.4 Special Agreements

No statement contained in this article shall be construed as preventing special agreement or special arrangement between the County and any customer or potential customer whereby an industrial waste of strength or character in excess of that defined as standard strength may be accepted by the County for treatment, subject to payment by the customer pursuant to the industrial waste treatment surcharge provisions of this article. However, no special agreement may be established except by authority of the Board of Commissioners, upon recommendation of the County Manager; and in no event shall any such agreement be entered into that would be in direct violation of any EPA/DWQ pretreatment standard.

SECTION 2 - USE OF PUBLIC SEWERS

2.1 Requirement of Sewer Use

- a. When the owner of a property under County jurisdiction, including an owner of a non-County sewer system, shall use such property in any manner that results in the generation of wastewater, such wastewater shall be discharged into a public sanitary sewer, subject to the provisions of Article I. The owner shall install at his expense a suitable building sewer or collecting sewer, as applicable, and shall install any other facilities necessary to connect the building sewer or collecting sewer to the public sewer at an access point provided by the County.
- b. Whenever a building sewer or collecting sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of

any building or premises through which the building sewer or collecting sewer collects wastewater shall, upon notification by the director, reconstruct, alter, clean, or repair the building sewer or collecting sewer as the condition of such may require within **ten (10) days** after receiving notification.

- c. The owner of real property shall, within **six (6) months** of date of notification, make application and connection to the public sanitary sewer in accordance with the provisions of this section and Section 4 of this Ordinance.

2.2. Prohibition of Septic Tanks, Privies

The construction or use of any facility other than the public sanitary sewer for the treatment and/or disposal of wastewater in the County shall be prohibited except when the facility is constructed and/or used under a condition set forth below:

- a. The construction and use of a septic tank, or similar facility as determined by the DES and/or PUD, or duly authorized representative, may be permitted when it has been determined that premises cannot, at the time the facility is considered, be connected to a public sanitary sewer, and that there is reasonable expectation that a septic tank can function effectively in compliance with the provisions of this section. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a septic tank permit from the County Health Department. The application for such permit shall be made on a form furnished by the Health Department, or duly authorized representative, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the County Health Department. A permit and inspection fee established by the County Health Department shall be paid at the time the application is filed. Approval for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the North Carolina Division of Health Services and the North Carolina Division of Water Quality, or equivalent. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities that do not comply with the *Laws and Rules for Ground Absorption Sewage Treatment and Disposal Systems, Section .1900 of the North Carolina Administrative Code*, or equivalent. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the County.
- b. At such time, in the judgment of the DES and/or PUD, or duly authorized representative, the public sewer becomes available to property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within six (6) months. Unusual or special circumstances, as determined by the Director, may result in a waiver of this requirement by the County.
- c. A facility for the treatment and/or disposal of non-domestic wastewater will be permitted when approved by EPA/DWQ, prior to any wastewater discharge, under the regulations and procedures of EPA/DWQ.

2.3 Discharge to Natural Outlets

It shall be unlawful to discharge to any natural outlet, including storm sewers, within the County or in any area under the jurisdiction of the County any wastewater or other polluted waters or solids except where suitable treatment has been provided in accordance with requirements of EPA/DWQ.

2.4. Unsanitary Methods of Discharge

It shall be unlawful for any person to place or discharge or to permit to be deposited in any unsanitary manner on public or private property within the County or in any area under the jurisdiction of the County, any human or animal excrement, solid waste, or other materials which is or may become hazardous, toxic, or injurious to public health or safety other than by methods approved by the County Health Department and/or the NCDENR.

SECTION 3 - CONNECTIONS AND SERVICE LINES

As stated in Section 2.1, the intent of the County's sanitary sewer system is to require each generator of wastewater to discharge into a public sanitary sewer as soon as a sewer becomes available for connection.

3.1 Connection Required - Proximity to County Utility Line

Connection shall be required, as described below, and shall apply to all developed and/or improved properties being within **two hundred (200) feet** of the road right-of-way, as defined in the *Utility Policy (AP-98001)* in Section 3.C, containing a water line or sewer collection line owned and/or operated by the County, and shall be provided for each and every single-family residential dwelling meeting the criteria described below, individually and separately (one connection for each single-family residential dwelling), unless applicable exceptions apply as described by this Ordinance.

3.2. Connection Fees

All costs and expenses incident to the installation of facilities to connect a privately owned service line to the public sanitary sewer at the property line shall be borne by the owner through sewer service connection fees, including but not limited to, tap fee, capital recovery fee, capacity fee levied by the County. Sewer service connection fees shall be paid upon application for connection to the public sanitary sewer or as specified in Section 5 of this Ordinance.

3.3. Separate Connections Required

A separate and independent service line shall be provided for every building; an exception, as described in Section 3.5.c, may be granted where one building stands at the rear of the same lot and it is not economically feasible for the County to construct a public sewer and access point to the rear of the building through an adjoining alley, court, yard, driveway or other access. In such event, the service line may be extended to the rear building and the whole considered as one (1) service line. However, separate wastewater service fees shall be charged to each building.

3.4. Methods of Sewer Connection

- a. All connections to the County sanitary sewer system shall be made in accordance with provisions and requirements of the plumbing code and the County's sewer construction standard specifications. All such connections shall be made at access points prescribed and provided by the County; the applicant is responsible for constructing the service line(s) in a manner necessary to ensure connection at such access point.
- b. If any connection exists between a service line and public sanitary sewer at a point other than the access point prescribed and provided by the County, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; and if service is disconnected, the owner may receive access to a public sanitary sewer only by applying for and paying all applicable connection fees.

3.5. New Systems and Connections

- a. New sewer connection applicants who discharge non-domestic waste shall be required to have an approved sampling point prior to connection.
- b. All connections for sewers on private property shall be inspected by the County's Building Inspections Department before the trench is backfilled, whether the pipes have been installed within the building or not. Sewer pipes or main drains are not to be raised, lowered, or otherwise changed except under the authorization of the Building Inspections Department.
- c. The plumbing system of each new building and of new work installed in any existing building on premises abutting a street in which there is a sanitary sewer shall be separate from and independent of that of any other buildings and every building shall have an independent connection with a sanitary sewer where available, except as provided below:
 - (1) *Exception.* When one (1) building stands in the rear of another building on a common interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole be considered as one (1) building sewer.
 - (a) *Exception.* A common sewer connection will be permitted to serve more than one (1) building in the following categories:

- (1) Apartments;

- (2) Townhouse developments;
 - (3) Condominium developments;
 - (4) Planned unit developments;
 - (5) Hotels, motels;
 - (6) Hospitals;
 - (7) Warehouses, industrial buildings engaged in only one (1) business,
 - (8) Schools;
 - (9) Mobile home parks;
 - (10) Shopping centers;
 - (11) Churches;
 - (12) Other buildings under common management.
- (b) A common sewer connection, including a private sewer collection system, will be permitted to serve the above categories of buildings meeting the following minimum requirements:
- (1) The building or buildings to be served are in compliance with the County's zoning and Subdivision Ordinances.
 - (2) The building permit and plat show a single owner or several owners with a common management agreement and indicates that the complex of buildings will be constructed on a single tract.
 - (3) All sewer construction with easements shall be in accordance with County, State, and Federal standards and specifications; and all other sewer construction shall be in accordance with the North Carolina plumbing code. Any construction that requires only cleanouts to be installed shall be performed by a North Carolina licensed master plumber or a North Carolina licensed utility contractor. All construction requiring manholes shall be performed by a North Carolina licensed utility contractor. The owner(s) or management of such complexes shall remain the owner of said private sanitary sewer systems and be responsible for the operation and maintenance.
 - (4) Should a building within such a complex be conveyed to a new owner without a common management contract, the County shall require a sewer connection from that building(s) to the County's sewer main.

3.6 Elevation of Sewer Connection

All service lines shall be brought to the building at an elevation below the lowest floor level having sanitary facilities or in conformance with the plumbing code, whichever is more stringent. In all buildings in which any building drain is below a point which will permit a minimum average slope of the service line of at least **one (1) foot per fifty (50) feet**, wastewater carried by such building sewer shall be lifted by pumping units or other approved means and discharged through a service line having that minimum average slope. Costs of the pumping units, piping, operation, maintenance, and power shall be borne by the owner.

3.7 Backwater (Backflow) Device Requirement

The building drain relief point of a public sewer is the location that wastewater from a particular building drain (service) will exit the public sewer when the downstream sewer is blocked. For gravity sewers this is the top of the manhole where the building drain (service) ties into the manhole, or in the case that the building drain ties directly into the gravity main using a saddle, the top of the next upstream manhole. For vacuum sewers, the building drain relief point is the top of the air intake connected to the building drain. For pressurized grinder pump systems, the building drain relief point is the top of the vent on the grinder

tank. Where plumbing fixtures are installed on a floor with a finished floor elevation below the building drain relief point of the public sewer, such fixtures shall be protected by a backwater (backflow) device installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures installed on a floor with a finished floor elevation above the public sewer building drain relief point shall not discharge through the *required* backwater (backflow) device and branch building drain serving plumbing fixtures on a floor with a finished floor elevation below the building drain relief point of the public sewer. In multifamily developments, each unit or portion thereof, with plumbing fixtures installed on a floor with a finished floor elevation below the building drain relief point of the public sewer shall have a separate building drain horizontal branch with a backwater (backflow) device. All multifamily developments shall have a cleanout installed on the building drain horizontal branch that is most distant from the public sewer. In accordance with the General Provisions of the Sewer Use Ordinance, the POTW Director authorizes and delegates the implementation and enforcement of this section to the Chief Building Code Official having jurisdiction of the area that the building is located within. The absence of a properly functioning backwater (backflow) device eliminates responsibility of the POTW for any wastewater backup into a structure that is required to have one in accordance with this ordinance.

3.8 Prohibited Connections

- a. No connections that will allow inflow to enter the County's wastewater collection system shall be permitted. Such prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains, or other sources of stormwater or groundwater to a service line that is connected directly or indirectly to a public sanitary sewer.
- b. If any connection exists between a service line and public sanitary sewer that allows inflow to enter to the County's wastewater collection system, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; the owner shall be responsible for removing all such connections, at their own expense, according to County specifications and may be subject to penalty.

3.9 Service Line Construction - Public Hazard

All excavations for service line installation within the public rights-of-way shall be performed by County personnel or by a North Carolina licensed utility contractor and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, plazas, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County subject to the terms and conditions as specified by the County.

3.10 Preliminary Treatment Devices

Where preliminary treatment, pretreatment, flow-equalizing facilities, or grease, oil, grit, and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

- a. Grease Removal. Grease and oil traps or other interceptors shall be provided at the user's expense when such user operates an establishment preparing, processing, or serving food and/or food products. Grease interceptors may also be required in other industrial or commercial establishments when they are necessary for the proper handling of liquid wastes containing oil and/or grease in amounts of excess of fifty (50) mg/l, or for any flammable wastes. All such traps, tanks, chambers, or other interceptors shall be of a type and capacity approved by the County and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of the waste content as required, as frequently as thirty (30) days or as long as ninety (90) days, at the discretion of the County, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer. The operation, maintenance, and repair of such equipment shall be at the sole expense of the owner. Failure to comply may result in the implementation of enforcement procedures.

- (1) Waste removed from grease interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

- (2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.
- b. Sand and Grit Removal. Sand and grit traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the County and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their solids contents as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of waste waters to the public sanitary sewer. The operation, maintenance and repair of such equipment shall be at the sole expense of the owner. Failure to comply may result in the implementation of enforcement procedures.
 - (1) Wastes removed from sand and grit interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.
 - (2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.

3.11. Unapproved Connections Prohibited

No person shall make connection to the County's sewer system without first submitting an application and obtaining approval in accordance with this Ordinance.

3.12. Connection to County Water System

- a. Connection to the County's water system shall be required for all persons, groups, or corporations desiring to connect to County-owned and operated wastewater collection systems, if said water system is available and accessible. If requester is not currently connected to the County's water system at the time of application for connection to the County's wastewater collection system, said requester shall connect to the County's water system, at his or her expense, when available and accessible. Requester shall be subject to all connection fees associated with connection to the County's water and sewer systems accordingly prior to initiation of said services.
- b. If water is not available or accessible, requester can be allowed to connect to the County's wastewater collection system. The requester shall be required to connect to the County's water system at the time it is available and accessible to the requester's property, subject to payment of all connection fees. The requester shall be required to pay rate (flat or otherwise) as approved by the Board of Commissioners.

SECTION 4 - REQUIRED CONNECTION

4.1 Procedure

- a. Notification by County. When a public sanitary sewer becomes available to a property served by a private wastewater disposal system, or when a public sanitary sewer becomes available to a non-County wastewater collection system, the County shall provide notification to the owner of such property. The notification shall include the following:
 - (1) A notice that the owner is required to make application and connection to the public sanitary sewer within twelve (12) months of the date of the notice, unless waiver is obtained pursuant to Section 2.2;
 - (2) A statement summarizing the applicable connection procedures as more fully described in Section 4.5 for private sewer systems, and subsection (c) of this section for all other owners;
 - (3) A statement summarizing the applicable one-time sewer charges and basic user charges, as more fully described in the fee schedule, which shall include a review of payment and billing options available to the owner;
 - (4) A statement summarizing the penalties for failure to comply with this section; and

- (5) A statement summarizing the application procedures, as specified in subsection (b) of this section, for obtaining the required connections discussed in this Ordinance.
- b. Application Procedures for New Connections. Upon notification by the County that the public sanitary sewer is available to a residential or non-residential property, the owner must obtain a permit for connection to the public sanitary sewer. To obtain a permit for connection, the owner of such property shall make application for connection to the public sanitary sewer within twelve (12) months of notification as follows:
- (1) If the owner of a residential or non-residential property is a resident of the County:
 - (a) The owner must apply to Brunswick County in Bolivia, NC.
 - (b) The owner must complete and sign all required documents and all required fees, as specified in Section G of this Ordinance, must be paid at the time application is made.
 - (c) All required fees must be paid prior to the issuance of any permits by the County's Building Inspections Department.
 - (2) If the owner of a residential or non-residential parcel resides outside the County, and/or a contractor, developer, or other party will be obtaining a permit on behalf of the owner, the following application procedures shall be required:
 - (a) Upon payment of all required fees, the contractor, developer, or other party may obtain a permit on behalf of the owner.
 - (b) The contractor, developer, or other party shall provide the mailing address of the owner so that all required documents may be mailed directly to the owner for completion. A service fee set from time to time may be charged to cover the cost of mailing the documents.
 - (c) The owner must complete, sign and have notarized all required documents and return the documents to Brunswick County in Bolivia, NC, within thirty (30) days from the date of notification by the County.
 - (d) At the time Building Inspections requires a clean-out inspection of the sewer system for the residential or non-residential property, in order to issue a Certificate of Occupancy (CO), the inspection will not be approved nor the Certificate of Occupancy (CO) issued until such time as the owner submits all documents and payment for all applicable fees and charges to Brunswick County.
 - (3) The owner shall be responsible for all fees until such time as notification of change in ownership of the property is made to the County. Upon notification of a change in ownership, a new application for service shall be made by the new owner in accordance with subsections b(1) and b(2) of this section.
 - (4) If a residential or non-residential property is located in a part of the County where the public sanitary sewer is not yet available to the property, all applicable fees associated with the treatment plant capacity, if applicable, must be paid prior to issuance of any permit by the Building Inspections Department. The owner's application is not required for payment of the treatment plant capacity fee; however, the owner's application will be required when the public sanitary sewer is available to the property and all other fees become due.
- c. Application Procedures for Changes in Service. The owner must notify the County of the following:
- (1) Change in ownership;
 - (2) Request for change in billing methods;
 - (3) Transfer of ownership between properties within the County; and
 - (4) Request for termination of service.

The owner may notify the County in person or by telephone of any changes in service. If notification is made by telephone, the County will mail all required documents to the owner for completion and required signatures. If applicable, an administrative fee set from time to time will be applied to the owner's account. If fees, other than the administrative fee, are required in accordance with Section 5 of this Ordinance, the owner must complete and sign all required documents and all required fees paid as specified in subsection (b) of this section.

- d. Installation of the connection. Most connections to the public sanitary sewer will require the construction and addition of a service line, a connection (tap) and a cleanout. The responsibilities for provision of these elements are separately discussed below and further requirements are stated in Section C of this Ordinance.
 - (1) Service line. The owner is solely responsible for constructing the service line that connects each building to the public sanitary sewer.
 - (2) Connection (tap). Upon the owner's payment of a sewer service connection fee pursuant to the fee schedule, the County will provide a tap that will provide the owner's service line access to the sewer lateral.
 - (3) Water Connection. Connection to County water system, when available, shall be required prior to obtaining sewer service. Whenever the Director determines that the County or other public water service provider is available to a property requesting a sewer service, connection to the applicable water system shall be required prior to approval of sewer connection.
 - (4) Water Meter. Except in cases where the owner is eligible for flat rate billing (if available), a meter must be installed to measure the owner's water usage. For owners of residential property, except residential property classified as new development, electing the metered option, the County shall furnish and install one (1) meter per property. If a meter is provided by another utility service (i.e. water) the County shall read the existing meter for billing purposes. Owners of residential property classified as new development electing the metered option, all commercial and industrial properties, and all other owners shall pay the cost of meter installation specified in Section 5. The County will neither install, read, nor bill for individual meters in a townhouse subdivision, multifamily project or other collection of attached dwelling units, which are not individually owned and individually metered by the utility providing other service (i.e. water). However, any owner may install one or more master meters for sewer billing purposes. The type, location, method of installation, and brand of meters must be approved by the County prior to installation.
 - (5) Sewage Meter. In certain cases the County may require the owner to install and pay for a sewage meter in lieu of a water meter; such installation shall be in accordance with plans and specifications approved by the County.
 - (6) Metal Cleanout Boxes Required. All sewer cleanouts on public and/or private property shall be protected with a cast iron cleanout box for commercial and industrial sewer customers, when applicable. The cleanout stack shall include threaded cleanout cap, or other approved device, under the cast iron cleanout box; however, in lieu of a metal cleanout box, a twelve (12) inch, square concrete pad around the cleanout, with a recessed plug, may be used.
- e. Voluntary requests for connections to the County's sewer system may arise in several situations: request for County acceptance of a previously constructed sewer system in the County; request for County approval and acceptance of a newly created sewer system in the County; or a developer's construction in the County's sewer jurisdiction of an extension connecting his system to the County's system. The first two cases involve situations in which the private system is presumably adjacent to the County's existing system; the last case anticipates an applicant's desire to extend sewer service to an area covered by the County's Master Plan in advance of the County's construction time frame. In all cases, however, the application procedures for County acceptance of a private sewer system remain the same. Consequently, acceptance procedures for all sewer systems are described in Section 4.1, while specific additional requirements for extensions are described in Section 4.4.

Development located outside the proximity of the County's sewer system, as described in **Appendix I**, may desire to connect to the County's sewer transmission/collection system. Such extensions can be

approved by the County on a voluntary basis and shall be installed in accordance with the County's construction standard specifications and details.

- f. Tracts of land adjacent to or spanning the limits of the active construction phase of the County sewer plan may receive service through the County provided adequate capacity in the County system and treatment facility is available. Such connection required to provide the service will be temporary. The proposed collection system will be designed to permanently tie into the County system at a future date. All costs of the proposed collection systems and connections to the County systems will be at the expense of the developer. "Adjacent" is defined as a parcel or tract of land within the distance described in **Appendix 1** and shall be within the distance described to a right-of-way containing sewer collection/transmission system owned and operated, or operated on behalf of, the County.

If the proposed development is within the proximity of the County's sewer transmission/collection system, as described in **Appendix 1**, and a County-owned and operated sewer transmission and/or collection main is scheduled to be constructed within a three (3) year period, the developer may post a performance bond with the County in an amount necessary to engineer and construct the system required to connect the development with the County's sewer system in accordance with the County's sewer construction standard specifications and details, in lieu of constructing said connection prior to the County's sewer system being available.

- g. Reimbursement Agreement for Developers requesting to extend sewer transmission mains to be connected to the County's sewer system can be approved by the Board of Commissioners. A developer of land within the prescribed distance of a County sewer/wastewater collection system outlined in **Appendix 1** shall be responsible for all engineering and construction costs associated with the transmission line installation from the development site to the closest point of connection to the County's system. The closest point of connection to the County's system shall be determined by the Public Utilities Director. Upon completion of construction of the line, said line shall be dedicated to the County for operation and maintenance. The developer or a coalition of developers that incur the costs for the construction of the transmission shall be eligible for reimbursement up to but not exceeding one hundred percent (100%) of the costs associated with construction of the line for a period of twenty-five (25) years in the following manner:

- (1) The County's minimum standard pipe size for sewer transmission lines shall be eight (8) inches. Whenever the County's minimum requirement for an eight-inch transmission line exceeds the size line required to serve the applicant's specific property, the applicant/developer shall construct the size line designated on the County's Wastewater Master Plan. In cases in which a sewer transmission line is not designated on the Master Plan, the size shall be determined by an engineering study prepared by the developer, or as required and approved by the Public Utilities Director. When sound engineering demonstrates the proposed new development(s) or project(s) requires a sewer transmission line greater than eight (8) inches (nominal diameter) then that size becomes the minimum pipe size by which the agreement is based unless a larger size is required by the County Public Utilities Director.
- (2) The developer's engineer shall designate on the development engineering plans the sewer transmission line to be constructed through the reimbursement policy.
- (3) All transmission line reimbursement agreements must be submitted to and approved by the Board of Commissioners prior to the construction of the improvements. To initiate a sewer transmission line reimbursement agreement the developer shall complete the **Application for Sewer Transmission Line Agreement** form (**Appendix 2**).
- (4) The developer or his designee shall comply with all applicable provisions of the North Carolina General Statutes regulating public contracts. Primarily, this involves the North Carolina General Statute 143-129 "Formal Bidding Procedure" or NCGS 143-131 "Informal Bidding Procedure" whichever shall apply based upon the total cost of the sewer transmission line constructed as part of a Reimbursement Agreement.
- (5) The bid shall include unit prices for the actual line size to be constructed as a part of the reimbursement. The developer or his designee shall provide copies of all bid proposals received, a copy of the executed contract between the developer and the selected contractor, and a bid tabulation which is signed and sealed by a professional engineer registered in the State of North Carolina certifying the bids received and the award of the contract in accordance with this

- policy. The County Public Utilities Director and/or the County Manager will determine if the bid is reasonable and acceptable.
- (6) The selected contractor shall be properly licensed to perform the water or sewer line construction. The County Public Utilities Director or the County Manager will determine if the bid is reasonable and acceptable.
 - (7) The developer or his designee shall submit an **Application for Sewer Transmission Line Reimbursement (Appendix 3)**, including the construction quantities. The Application shall be signed and sealed by a professional engineer registered in the State of North Carolina and shall designate to whom the reimbursement should be payable including the applicable address.
 - (8) The developer or his designee shall provide a Certified Tax Statement from the contractor for the sewer transmission line as part of the reimbursement request.
 - (9) The Application for Reimbursement shall be submitted to the County Engineering Department for review prior to being approved by the Board of Commissioners.
 - (10) All sewer transmission lines extended under the provisions of this policy shall be installed and constructed in accordance with the approved plans, specifications, and other requirements of the County. Upon completion of the construction of main by the developer and acceptance of the sewer force main by Brunswick County, the sewer force main shall become the property of Brunswick County.
 - (11) The maximum term of the reimbursement contract shall not exceed twenty-five (25) years from the date of the agreement. No reimbursement shall be made after the ten-year term or after the developer or coalition of developers has recovered all eligible reimbursement cost of the sewer transmission line extension, whichever occurs first. The term of any reimbursement agreement shall run from the execution of the agreement by all parties until the County's obligation for reimbursement has been met. The agreement may be terminated (at any time) by unanimous consent of all parties.
 - (12) Costs eligible for reimbursement under this policy shall include the construction of all off-site sewer transmission lines of a regional nature as determined by the Public Utilities Director and/or the County Manager. No costs associated with engineering design, permitting, bidding, or construction oversight shall be eligible for reimbursement.
 - (13) All reimbursement agreements shall be two-party agreements between Brunswick County and a developer or coalition of developers and shall be approved by the Board of Commissioners prior to construction of the wastewater facilities.
 - (14) There is hereby established a Sewer Transmission Capital Recovery Fee that shall be \$1,000.00 per REU. The Sewer Transmission Capital Recovery Fee may be amended from time to time by the Board of Commissioners. Said fee shall be collected by the County from developers that connect to a sewer transmission line constructed by another developer or a transmission line constructed by the County. The Sewer Transmission Capital Recovery Fee must be paid by the developer or property owner at the time of application for sewer service and shall be based on Residential Equivalent Units (REU's). Individual property owners connecting directly to the transmission line will also be subject to the Sewer Transmission Capital Recovery Fee. Individuals shall pay the Sewer Transmission Capital Recovery Fee when they apply for sewer service. Said fee shall be in addition to the Sewer Capital Recovery Fee, Sewer Tap Fee, and any other fees associated with connection to the County's sewer system.
 - (15) Reimbursements paid to the developer would come from the Sewer Transmission Capital Recovery Fees paid by other subsequent developing properties within the service area benefiting from the transmission line to include individuals or individual properties. Sewer Transmission Capital Recovery Fees collected by the County that exceed the documented initial construction cost of a particular transmission line shall be retained by the County and used for sewer system upgrades, expansions, and payment of debt service. Reimbursements paid to the developer shall not exceed the total amount of Sewer Transmission Capital Recovery Fees collected for that project.
 - (16) A developer that is required to construct a sewer transmission line to serve a development must pay the Sewer Transmission Capital Recovery Fee.

- (17) The reimbursement payments shall be made annually on or before 31 January of each year (not to exceed twenty-five (25) years from the time of approval by the Board of Commissioners) from the Sewer Transmission Capital Recovery Fees collected from developers and individuals for connection to a particular transmission line.
- (18) Transmission Pump Station Agreements may be requested by developer of property adjacent to force mains where all of the transmission capacity has been allocated but actual transmission capacity is available in the force main due to other properties not fully utilizing their allocated capacity. Under the terms of the agreement, the County would let the developer connect to the force main without having to construct facilities that would increase the transmission system capacity in the transmission system. The developer would pay a Contribution in Lieu of Construction amount to the County to offset the cost of constructing the facilities needed to provide the additional transmission capacity in the future. The Contribution in Lieu of Construction Amount would be based upon the estimated cost of constructing the facilities needed to increase the capacity in the transmission system. The basis for this calculation shall be as follows:
 - (a) $\text{Cost of Transmission System Improvements} / (\text{Total Expanded Transmission System Capacity} - \text{Total Current Transmission System Capacity}) = \text{Cost Per Gallon of Additional Capacity}$
 - (b) The Developer would make application for a Transmission Pump Station Agreement using the Sewer Transmission Pump Station Agreement Application shown as Appendix 4.
 - (c) The developer would receive reimbursement of the Contribution in Lieu of Construction based upon the payment of Transmission Fees within the development outlined in the Transmission Pump Station Agreement Application. The reimbursement amount would be limited to the amount paid as the Contribution in Lieu of Construction. Reimbursement to the developer will be made in accordance with Article II Section 4.1 g (11), (13), and (17).
- h. Expansion of the County's sewer transmission/collection system shall be done in accordance with the County's Master Plan and/or 201 Facilities Plan and shall be contingent upon available funding. The requirement to extend a sewer transmission line to connect a new development project, commercial or residential to the County's sewer system shall not be avoided or circumvented by one or more property owners by subdividing a tract of land or change in ownership. A tract or parcel of land shall be evaluated based on the total development potential of the tract using a conservative factor of 2.7 units per acre as it existed on **December 1, 2003**. The total acreage of a tract as of **December 1, 2003** will be used to determine the requirement to extend the transmission line in accordance with Appendix 1. (Example: If the owner of a 100-acre tract of land subdivides the tract into five 20 acre tracts and sells the subdivided parcels to five different developers to develop smaller residential subdivisions, the developer of the first 20-acre tract would be required to extend the sewer transmission line based on the size of the tract before being subdivided) the total acreage shall not be adjusted for delineated wetlands existing on a tract. The approval of a development project site plan to be constructed in multiple phases shall not eliminate the obligation or requirement of the owner/developer of a tract of land to construct a transmission line to connect a proposed development to the County's sewer system.

4.2 Sewer Construction Requirements

- a. Required Sewer Improvements in Subdivisions
 - (1) All subdivisions in the County that receive approval after September 1, 2002, shall be required to install a sewage collection system that shall be designed and built in accordance with the provisions of Article I, EPA/DWQ requirements as stated in Section 2.2.c, shall meet or exceed the County construction standard specifications and such provisions of the Brunswick County Subdivision Ordinance as may be applicable.
 - (2) A subdivision may be granted an exemption upon the review and approval of the Director of Engineering Services provided the following conditions are met:

The subdivision is neither in an existing sewer area nor in an area planned to be sewer in accordance with the County's Master Plan.

- (3) Extensions to County's Sewer System. All extensions to connect to the County's sewer system shall be designed with maximum use of gravity flow pipeline facilities wherever feasible. In any case where sewer service is required and a choice exists for pumped service versus gravity service, then gravity service shall be constructed unless proven otherwise infeasible by the developer/owner or the developer/owner's engineer to the satisfaction of the County.

All pump stations installed to serve one (1) or two (2) individual, single-family units or one (1) single, individual commercial or industrial sewer customer shall be constructed, operated and maintained by that sewer customer. All pumped systems shall require an agreement with the property owners (i.e., property owner's association or individually) for a private contractor to operate and maintain the individual pumping facilities providing each lot or unit sewer service. The County shall not own or operate these types of facilities.

- (4) Dry Sewer Requirement. All new development and/or projects proposed in areas where County sewer is not currently available but is scheduled to be installed within three (3) years of completion of the development and/or project shall be required to install "dry" sewer infrastructure. The sewer infrastructure, including, but not limited to, mains, service taps, clean-outs, pumping stations, manholes, etc., shall be constructed in accordance with the County's sewer construction standard specifications and shall be approved by the County and the State prior to construction.

- (5) Reuse Requirement. All new golf course developments requiring the use of water to maintain their property or existing golf course developments constructing a wastewater collection system to be connected to the County's wastewater collection/transmission system shall be required to install a reuse system (also referred to as "purple pipe" or "gray water lines") for disposal of treated wastewater effluent on the golf course(s) meeting or exceeding State and Federal requirements for such use. The requirement shall be subject to the following criteria:

- (a) The availability of County reuse water distribution/transmission lines in the area of the development and/or project.
- (b) Availability of sufficient open space for disposal of treated effluent on the golf course or other allowable uses within the development.
- (c) The use of groundwater shall be prohibited for golf courses if the County's reuse system is available.

- (6) Calculation of Sewer Usage. The County shall use and require others to use the "**Wastewater Flow Rate**" table found in **15A NCAC 2H .0200 – Waste Not Discharged to Surface Waters**, or an equivalent document approved for use by the State of North Carolina, for calculating and estimating the sewer requirement for all applicable facilities and/or developments.

- b. Non-County Sewers; Interim Arrangements. If the private sewer system operator uses a package treatment plant to provide interim treatment, the plant will be operated and maintained by the County. The developer/owner shall provide a five (5) year performance bond set from time to time to ensure proper operation and maintenance. The County shall have the right to use the bond funds to operate, repair, and/or maintain the system if the County determines that the plant requires additional repair and maintenance as a result of poor plant performance or incorrect plant design. When the County system is available, the collection system will be separated from the plant and the plant will be removed according to the agreement between the County and the developer/owner within six (6) months of the County's written notification. This part is only applicable if the development or project is located within the County's current Master Planning area or 201 Facilities Planning area.
- c. Use of Septic Systems; Interim Arrangements. If County sewer is not available to the development or project, but is scheduled to be available according to the County's Master Plan, the developer may choose to use septic tanks or some approved variation thereof. These systems shall be approved and constructed in accordance with the County Health Department and all other applicable regulatory agencies. The owner/developer shall connect all septic tank systems to the public sewer system, at his expense, once public sewer is made available by the County.

4.3 Acceptance Procedures for All Sewer Systems

- a. Written application shall be made to the County by the owner who intends to construct sewer improvements in the County's sewer jurisdiction after **September 1, 2002**; offer previously constructed sewer improvements in the district for county acceptance; or construct an extension in the district connecting his sewer system to the County system. All such applications and all such sewer improvements constructed and connected to the County's sewer system shall be subject to the following requirements:
 - (1) All sewer systems shall be designed and constructed in conformance with the County construction standard specifications.
 - (2) The applicant shall employ a North Carolina registered engineer at its expense to prepare plans for the proposed sewer improvements.
 - (3) The completed plans and specifications shall be submitted to the County for review and approval prior to submittal to other agencies. Approval of plans and specifications by the County does not relieve the applicant from obtaining any and all approvals necessary for the construction of the sewer project.
 - (4) The County shall have the authority to release plans and specifications approved by the Engineering Services Department to the State of North Carolina (DWQ) for approval. By the adoption of this section, the County authorizes the Director of Engineering Services to approve final, record drawings ("as-built") and accept sewer systems, utility easements, rights-of-way, and other elements as offered. Applications to other agencies shall be submitted in the name of the Brunswick County. All application fees and other applicable fees shall be paid by the applicant.
 - (5) The applicant shall engage a North Carolina licensed utility contractor, acceptable to the County, to construct the proposed sewer mains and appurtenances.
 - (6) The County shall, from time to time, observe the installation and construction of sewer mains and associated appurtenances as required. Prior to placing sewer infrastructure and related equipment in service, the applicant shall satisfy the County that the sewer mains and appurtenances were built in accordance with the approved plans and specifications. The applicant's engineer shall certify, in writing, that inflow and infiltration rates are within the limitations required in the specifications.
 - (7) The applicant's engineer shall modify the original approved drawings as necessary to provide accurate reproducible record drawings ("as-built") to the County upon completion of construction of the sewer lines.
 - (8) Through appropriate legal documents such as deeds, lien waivers, and recorded plats, the applicant shall offer to dedicate to the County all sewer infrastructure and related equipment and all easements, rights-of-way, or fee simple parcels on which the sewer infrastructure and related equipment may be located. When applicable, encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be twenty (20) feet unless the Director of Engineering Services determines that exceptional topographic characteristics justify a greater width.
 - (9) If any sewer improvements have been constructed within one (1) year of application, the applicant shall provide the County a notarized certification of payment of all contractors.
 - (10) The applicant shall indemnify the County for any damages or injury to property by reason of the sewer system or its construction, maintenance, or repair.
 - (11) No construction of any sewer improvements shall be initiated until approvals have been granted by the County and all other appropriate agencies.
 - (12) Any developments to which or in which the sewer system is to be extended must be approved by the County and by the State of North Carolina.

- (13) The County must have sufficient treatment capacity, without affecting prior commitments, in the treatment plant that will receive the wastewater.
- (14) The minimum size gravity collection sewer line will be eight (8) inches inside diameter, unless deemed otherwise by the Director of Engineering Services.
- (15) If the applicant is seeking to connect a private collection system which existed prior to the County's sewer collection system, subsections (a)(1), (2), (3), (5), (6) and (7) of this section shall apply only in respect to the construction of the connection from the applicant's system to the County's system. All other requirements of this section shall apply in their entirety, and the following additional information shall be submitted:
 - (a) Reproducible original plans depicting the "as-built" system.
 - (b) Dates of construction.
 - (c) Construction materials.
 - (d) Total value of assets.
- b. No provisions in this section shall be construed to obligate the County to accept any system or parts of a system. The County may reject any system or parts of a system that fails to comply with the requirements of this section and/or with the County's construction standard specifications.

4.4 Additional Acceptance Procedures for Sewer Extensions

In addition to satisfying the requirements of Section 3.5 for its sewer system, an applicant for sewer extensions shall be subject to the following additional provisions:

- a. At the request of the applicant, and as time allows, the County shall provide manpower to acquire rights-of-way at all of the applicant's sewer line locations that coincide with the County sewer jurisdiction and Master Plan. Prior to purchase of the rights-of-way, the applicant shall pay all costs associated with the acquisition, including personnel, legal, and property owner compensation costs, etc.
- b. The applicant shall pay all costs involved in constructing the extension, including but not limited to trunk sewer lines, force mains, sewer laterals, and right-of-way acquisitions.
- c. When sufficient County funds are available, the County may require the applicant to construct a proposed trunk extension, sewer laterals, force main extension, pump station, outfall extension, treatment plant, or other improvement at a size greater than otherwise required by County minimum requirements. In such cases, the County shall reimburse the applicant for the installation cost difference between the facilities required by the County and the otherwise applicable minimum requirements. County reimbursement shall be by one (1) of the following methods, at the option of the County:
 - (1) Cash payment to the applicant, with payment occurring on the date that the improvement was scheduled to be constructed by the County; or
 - (2) In the case of outfall extensions, or collection lines with excess capacity, assignment by the County to the applicant of the County's rights to future sewer connection fees from adjoining property owners served by applicant's oversized sewer improvements.
- d. Upon request by the applicant and where practical and legal, an extension may be included in the County's construction as a change order. In such cases, the applicant shall pay the County for all acquisition, design, and construction costs prior to the commencement of construction.
- e. The County will design and construct sewer lines as part of the Master Plan for all habitable structures which are occupied on the date that the design field survey is completed in that particular area; provided that the Director of Engineering Services may waive service to some structures as provided by Section 2.2.

- f. Service lines for structures occupied after the date described in Section 2 shall be constructed at the applicant's cost in accordance with Section 3.2.
- g. The applicant shall submit any required special agreements for sewer extensions to the County Attorney for approval. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated in the permit.

4.5. Obtaining Building Permit Prior to Certification

- a. If a developer or builder desires to obtain a building permit prior to certification of the sewer system by the Engineer, he must furnish a surety bond set from time to time, cash deposit or letter of credit for each unit. Upon furnishing bond, application for sewer service may be obtained not more than sixty (60) days prior to certification of sewer system.
- b. If multiple units are being constructed, however, the total bond may be reduced by either of the following means:
 - (1) If a developer or builder desires to obtain building permits for more than five (5) units prior to certification of the sewer, the developer or builder need submit no more than a surety bond, cash deposit, or letter of credit.
 - (2) If the developer or builder has already posted a bond for construction of the sewer system with a new subdivision, and if that bond also includes language satisfactory to the County to cover the sewer certification bonding requirement for all developers or builders seeking building permits within that subdivision as allowed by this section, separate sewer certification bonds shall not be required by the County for that subdivision

SECTION 5 - FEE SCHEDULE

5.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the County's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the County's schedule of charges and fees.

5.2. User Charges

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

- a. The user charge shall reflect at least the cost of debt service, operation, and maintenance (including replacement) of the POTW.
- b. Each user shall pay its proportionate cost based on volume of flow.
- c. The County Manager, or duly authorized representative, 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 County Commissioners for adjustments in the schedule of charges and fees as necessary.
- d. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

5.3 Surcharges

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

BOD	250	mg/l
TSS	250	mg/l
NH3-N	30	mg/l
Oil & Grease	100	mg/l

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

- a. The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the County; or
 - (2) If required by the County or at the individual dischargers option, other flow monitoring devices that 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 County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
 - (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.
- b. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. 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**.
- c. The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director/Superintendent or his duly appointed representatives shall be binding as a basis for charges.

5.4 Billing Procedures

- a. Owner of Property to be Customer of County. Notwithstanding any language to the contrary appearing elsewhere in this Ordinance, the owner of real property being served by the public sanitary sewer shall be the customer of the County for the purpose of billing the basic user charges for such service. If the owner resides within the County, the account shall be placed in the owner's name and mailed to the owner's primary residence. If the owner resides outside the County, the account may be mailed to the property being served.
- b. Billing Periods. The County shall bill the basic user charges for sewer service either monthly or bimonthly. While the number of days in a billing period may vary, there shall only be six (6) or twelve (12) billings per calendar year.
- c. Billing Start Date for New Development. A customer's billing period begins on the date of the issuance of the Certificate of Occupancy by the Building Inspections Department of the County.
- d. Change of Ownership. The owner, as customer, of property served by the public sanitary sewer is responsible for all basic user charges incurred on their account until the County is notified of a change in ownership. Upon notification, the new owner of the property becomes the customer of the County and is responsible for all basic user charges incurred as of the later of the closing date of the sale or the date of notification by the owners.
- e. Multifamily Parcels. Each unit of a multifamily parcel, when each dwelling unit comprising the multifamily parcel is individually owned, will be treated as a single-family unit; and each unit will be responsible for all applicable charges, fees, and penalties pursuant to Section 5.2.
- f. Notification of Rate Changes. All sewer customers shall be notified of changes in the sewer rate schedule either by direct mail or by printing said changes on the monthly or bimonthly billing notice, or both.

5.5 One-Time Sewer Charges

- a. Sewer Service Connection Fees (tap fees). Sewer service connection fees (tap fees) shall be charged to cover the cost of providing a tap to the sewer lateral. Tap fees shall be in the amounts as established by the Board of Commissioners:
 - (1) An owner may have tap installed by a North Carolina licensed utility contractor, provided he:
 - (a) Requests approval at the time of making application for connection to the public sanitary sewer.
 - (b) Gives five (5) days notice to the County of the date the tap is to be made.
 - (c) Constructs the tap with materials specified by the County and installed by a North Carolina licensed utility contractor.
 - (d) Arranges for the presence of a County representative when the tap is made.
 - (e) Pays the tap fee according to the fee schedule, with the understanding that the County will refund the tap fee, less an administration/inspection fee, upon the owner's completion of the tap in an improved manner.
 - (2) During construction of the public sanitary sewer, the owner of an undeveloped residential or non-residential property may obtain a tap at the same rate as developed residential and non-residential property provided the following conditions are met:
 - (a) The property must be adjacent and contiguous to or must front upon a proposed County sewer line.
 - (b) The property owner must request in writing that a tap be placed on the undeveloped property.
 - (3) If a developer, as owner, installs the tap to the public sanitary sewer for the development, the developer or subsequent owner of each property in the development will only incur applicable fees.
 - (4) Rental property or property on the market for sale may be connected to the public sanitary sewer at the cleanout only by a licensed plumber.
- b. Capital Recovery Fee. All new development and non-residential development obtaining a certificate of occupancy shall pay this fee specified in Section 5.8, based on average daily flow. Swimming pools will be exempt from the treatment plant capacity fee. Average daily flow for the purposes of these fees shall be determined as follows:
 - (1) Residential Unit. For a residential unit, see Section 5.8.
 - (2) Non-Residential Unit. For a non-residential unit, flow criteria as recommended by the North Carolina Division of Water Quality, or equivalent, for sewer system requirements. If a flow is not specified by the NC Division of Water Quality, or equivalent, for a particular usage, the flow shall be based on water usage of similar facilities as determined by the County.
 - (3) Non-Residential Unit (industrial wastewater). Industries that generate industrial wastewater, have a National Pollutant Discharge Elimination System (NPDES) permit, and maintain a wastewater treatment facility with capacity sufficient to cover the average daily wastewater flow may be exempted from this fee by the Board of Commissioners based on these and other criteria. This section does not exempt any non-process domestic wastewater. When the County's wastewater system becomes available to a non-residential unit having industrial wastewater, this fee shall be paid prior to connection.

5.6 Basic User Charges

- (a) Established. Basic user charges (user fees) shall be as established in Section 5.8. The charges and fees developed in accordance with the provisions of this section.

- (b) Flat Rate Option for Residential Property. The owner of residential property occupied with only one (1) structure served by a sewer line, that does not have access or is not available to a public water supply, may pay a flat monthly or bimonthly (whichever may be in affect) rate in lieu of metered rates. If the owner initially chooses a flat rate, the owner may change to a metered rate at any time; however, the owner is allowed to change one and only one time from the initial application. The owner must pay an administration/inspection fee set from time to time and the cost of installation of meters, if applicable per Section 5. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, the County may remove the meter and charge the flat rate.
- (c) Metered Rate Option for All Other Property. All residential property owners not eligible for the flat rate option, all commercial and industrial properties, and all other properties shall be charged based on metered rates. Metered rates shall be either residential or non-residential rates. The owner shall pay an administration/inspection fee set from time to time. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, the County may remove the meter and charge the flat rate.

5.7 Extra-Strength Wastewater Surcharges

- (a) Standard-strength wastewater shall be defined as that wastewater having a maximum BOD⁵, COD, suspended solids and ammonia nitrogen concentration as referenced in the rate schedule currently in force.
- (b) Industrial wastewater surcharges shall be assessed to any industrial users discharging wastewater, including constituents, at a concentration exceeding any of the limits established in this Ordinance. The surcharge rate shall be as set forth in Section 5.

5.8 Specific Fees

- a. Sewer Service Connection Fees (tap fees).
 - (1) Whenever the County constructs sewer collection lines into a new service area, all development is required to connect to the sewer within twelve (12) months of the initial availability of the sewer system. During the twelve (12) month period the residential and non-residential tap fees shall be as follows for a lot on which is situated a structure requiring waste disposal:
 - (a) For four (4) inch and six (6) inch taps, installation cost shall be as set from time to time and contained in the County's fee schedule as adopted by the Board of Commissioners.

 Provided, however, a vacant lot for which a sewer tap is installed shall pay the above-referenced tap fees regardless whether application is made within the initial twelve (12) months of sewer availability.
 - (b) For eight (8) inch and larger, installation cost shall be estimated by the County and paid at time of application. Taps for eight-inch and larger only include the actual connection to the collection system.
 - (2) All development shall pay tap fees set from time to time as adopted by the Board of Commissioners, except development that complies with either subsection a(1) in this section or Section 5.
- b. Basic User Charges (user fees). User fees consist of the sum of a fixed fee plus gallonage rate as set from time to time and adopted by the Board of Commissioners contained in a schedule of rates and fees.
- c. Availability of Service Fee (AV). This fee shall be charged to all customers available and accessible to the County's sewer collection system. For collection systems installed in developments where dwelling structures existed prior to the construction of the sewer system, this fee shall be charged to all applicable properties deemed accessible and available to the County's sewer collection system twelve (12) months from the date the sewer system is made available for use, or upon initiation of service, whichever is less.

- d. Cost of Installation of Meters. The cost of installation of meters shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees .
- e. Capital Recovery Fee. This fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. This fee will be determined as specified in Section G.2b; however, the minimum fee will not apply in the following circumstances:
 - (1) Building permits for new development where there is no plumbing in the entire structure. If plumbing is added later, the fee for new development will apply.
- f. Other Charges.
 - (1) Administration/Inspection Fees. An administration/inspection fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. The fee is applicable in the following specific situations (not all inclusive):
 - (a) Change in billing options (i.e. flat rate or metered rate).
 - (b) Installation of tap by owner as described in Section 5.
 - (c) Service call to test meter accuracy and meter is found to be accurate.
 - (d) Discontinue service as described in Section 4.
 - (2) Industrial application fee. The industrial application fee shall be the current County fee.
 - (3) Cancellation penalty. The cancellation penalty shall be twenty percent (20%) of all applicable fees paid, with a minimum penalty set from time to time by the Board of Commissioners and contained in a schedule of rates and fees.

5.9 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the County may include charges and fees for:

- a. Reimbursement of costs of setting up and operating the Pretreatment Program;
- b. Monitoring, inspections, and surveillance procedures;
- c. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- d. Permitting;
- e. Other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

APPENDIX 1

**COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT**

EXTENSION REQUIREMENT DETERMINATION TABLE

8" Pipe			12" Pipe		
No. of Lots	Median Lot No.	Extension Distance Required	No. of Lots	Median Lot No.	Extension Distance Required
6 - 30	20	1500 ft.	6 - 30	20	500 ft.
30 - 50	40	0.5 mi.	30 - 50	40	0.5 mi.
50 - 150	100	2 mi.	50 - 150	100	1 mi.
150 - 250	200	4 mi.	150 - 250	200	3 mi.
250 - 350	300	7 mi.	250 - 350	300	4 mi.
350 - 400	375	8 mi.	350 - 400	375	5 mi.
400 - 500	450	10 mi.	400 - 500	450	7 mi.
500 - 600	550	10 mi.	500 - 600	550	8 mi.
600 - 700	650	10 mi.	600 - 700	650	10 mi.
700 - 800	750	10 mi.	700 - 800	750	10 mi.
800 - 900	850	10 mi.	800 - 900	850	10 mi.
900 - 1000	950	10 mi.	900 - 1000	950	10 mi.
>1000		10 mi.	>1000		10 mi.

16" Pipe			24" Pipe		
No. of Lots	Median Lot No.	Extension Distance Required	No. of Lots	Median Lot No.	Extension Distance Required
6 - 30	20	500 ft.	400 - 500	450	2 mi.
30 - 50	40	1500 ft.	500 - 600	550	3 mi.
50 - 150	100	0.5 mi.	600 - 700	650	4 mi.
150 - 250	200	1 mi.	700 - 800	750	4 mi.
250 - 350	300	2 mi.	800 - 900	850	5 mi.
350 - 400	375	3 mi.	900 - 1000	950	6 mi.
400 - 500	450	4 mi.	1000 - 2000	1500	9 mi.
500 - 600	550	5 mi.	>2000		10 mi.
600 - 700	650	6 mi.			
700 - 800	750	7 mi.			
800 - 900	850	8 mi.			
900 - 1000	950	9 mi.			
>1000		10 mi.			

Pipe cost estimated per inch-foot of pipe as follows:

Pipe Size	Cost / In.-Ft.
8" - 12"	\$2.50
16" - 24"	\$3.00

8"	\$20 per linear ft.
12"	\$30 per linear ft.
16"	\$48 per linear ft.
24"	\$72 per linear ft.

APPENDIX 2
COUNTY OF BRUNSWICK
APPLICATION FOR SEWER TRANSMISSION LINE AGREEMENT
(Please print or type)

The undersigned hereby applies for a Sewer Transmission Line Agreement with Brunswick County. The Sewer Transmission Line Reimbursement is for the construction of an approved sewer transmission line to serve the subject project. The transmission line must be designated on the Master Wastewater Plan or approved by the Engineering Department during plan approval. The following information is required prior to processing the application and drafting an Agreement to be presented to the Board of Commissioners.

Size of transmission line installed_____

Total acreage to be developed_____

Size of utility required to serve project_____

Total number of residential equivalent units included in project_____

Project Name_____

Location_____

Date of County Approval of Project_____

Developer/Owner_____
(Name of Person designated to receive reimbursement payment)

Company Name Address*_____

City, State, Zip_____

Phone Number () _____ Fax Number () _____

Project Consultant/Engineer_____

Contact Person_____ Phone Number () _____

*Note: This address will be used for all correspondence and payments. It is the responsibility of the owner to notify the Brunswick County of any changes.

APPENDIX 3

COUNTY OF BRUNSWICK
APPLICATION FOR SEWER TRANSMISSION LINE REIMBURSEMENT
(Please print or type)

The undersigned hereby applies for a Sewer Transmission Line Reimbursement with Brunswick County. The Sewer Transmission Line Reimbursement is for the construction of an approved sewer transmission line to serve the subject project. The transmission line must be designated on the Master Wastewater Plan or approved by the Engineering Department during plan approval. The following information is required prior to processing the reimbursement request.

Size of transmission line installed _____

Size of utility required to serve project _____

Project _____

Location _____

Date of County Approval of Project _____

Developer/Owner _____

(Name of Person designated to receive reimbursement payment)

Company Name Address* _____

City, State, Zip _____

Phone Number () _____ Fax Number () _____

Has the project been publicly bid in accordance with North Carolina General Statute 143-129 or NCGS 143-131? Yes No

If no, when do you anticipate accepting public bids? _____

Project Consultant/Engineer _____

Contact Person _____ Phone Number () _____

*Note: This address will be used for all correspondence and payments. It is the responsibility of the owner to notify the Brunswick County of any changes.

The following information must be submitted with this application in order to receive approval of this reimbursement. If the answer to any of the following questions is "NO," the request is incomplete and will not be processed.

- _____ 1. Has the project been accepted for maintenance by the Brunswick County?
- _____ 2. Has an estimate of eligible reimbursable costs with linear footage of utility, number of valves and linear footage of bore and jack, signed and sealed by a professional engineer registered in the State of North Carolina been submitted with this application?
- _____ 3. Has documentation of public bid including certified bid tab statement by a professional engineer or architect registered in the State of North Carolina been submitted with this application?
- _____ 4. Has a copy of the executed contract between the developer and the selected contractor been submitted with this application?
- _____ 5. Has a Certified Sales Tax Statement from the contractor for the materials used as a part of the reimbursement been submitted with this application?
- _____ 6. Has a copy of the final payment to the contractor, including final invoice, been submitted with this application?

I acknowledge that the above information is accurate. I also recognize that, dependent upon the amount of the reimbursement request as well as the number of other reimbursement requests received by the Brunswick County during the fiscal year, the reimbursement shall be paid over multiple years up to a maximum of ten (10) years.

By _____
(Print Name)

Signature _____
(Developer/Owner)

Date _____

BRUNSWICK COUNTY STAFF USE ONLY

Approved by _____

Date _____

APPENDIX 4

COUNTY OF BRUNSWICK
APPLICATION FOR SEWER TRANSMISSION PUMP STATION REIMBURSEMENT
(Please print or type)

The undersigned hereby applies for a Sewer Transmission Pump Station Reimbursement with Brunswick County. The Sewer Transmission Line Reimbursement is for the construction of an approved sewer transmission line to serve the subject project. The transmission line must be designated on the Master Wastewater Plan or approved by the Engineering Department during plan approval. The following information is required prior to processing the reimbursement request.

Project _____

Location _____

Developer/Owner _____
(Name of Person designated to receive reimbursement payment)

Company Name Address* _____

City, State, Zip _____

Phone Number (____) _____ Fax Number (____) _____

Project Consultant/Engineer _____

Contact Person _____ Phone Number (____) _____

Requested Amount of Transmission System Capacity _____ gpd
(Based upon NC DENR Authorization to Construct Permit Application)

*Note: This address will be used for all correspondence and payments. It is the responsibility of the owner to notify the Brunswick County of any changes.

I acknowledge that the above information is accurate. I also recognize that, dependent upon the amount of the reimbursement request as well as the number of other reimbursement requests received by the Brunswick County during the fiscal year, the reimbursement shall be paid over multiple years up to a maximum of ten (10) years.

By _____
(Print Name)

Signature _____
(Developer/Owner)

Date _____

BRUNSWICK COUNTY STAFF USE ONLY

Approved by _____

Date _____

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT
 Wastewater Treatment Division
 Pretreatment Section



P. O. Box 249
 Bolivia, NC 28422
 (910) 383-2811
 (910) 383-0355 FAX

ENFORCEMENT RESPONSE PLAN (ERP)

A. Introduction.

It is the responsibility of Brunswick County to enforce all applicable Federal, State, and local pretreatment regulations. These regulations are outlined in the local Sewer Use Ordinance (SUO). This Enforcement Response Plan, hereafter referred to as "ERP", has been established as an element of the POTW's pretreatment program. The purpose of the ERP is to provide for fair and equitable treatment of all Users for anticipated enforcement situations. In general, enforcement actions will be taken in accordance with this ERP. However, the enforcement actions available are not exclusive as discussed in ***SUO Section 8 - Enforcement***. Therefore, any combination of the enforcement actions can be taken against a noncompliant User.

B. Enforcement Actions Available to the County.

The Director/Superintendent of the POTW is empowered through *North Carolina General Statute* and the local SUO to take a wide variety of enforcement actions. The following is a list of those actions and the corresponding section of the local SUO that describes each.

<u>List of Actions</u>	<u>Local SUO Section</u>
Notice of Violation (NOV)	8.1 (a)
Consent Orders	8.1 (b)
Show Cause Hearing	8.1 (c)
Administrative Orders	8.1 (d)
Emergency Suspensions	8.1 (e)
Termination of Permit	8.1 (f)
Civil Penalties	8.2
Injunctive Relief	8.3 (b)
Water Supply Severance	8.3 (c)

In addition to the actions listed above, a User who violates the provisions may be referred by the Director/Superintendent to the District Attorney for possible criminal prosecution.

Superintendent shall consider the following factors :

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

C. Investigation of Noncompliance.

The staff of the POTW will generally investigate User compliance with permits or the provisions of the SUO in three (3) ways:

1. On-site inspections of the User to include scheduled and unscheduled visits;
2. Scheduled and unscheduled sampling of the Users' effluent;
3. Review of self-monitoring data, if required, from the User.

The compliance status of Significant Industrial Users (SIU) will be evaluated at a minimum once every six (6) months.

D. Types of Violations.

The following is a list of different types of violations, by category. This list is not inclusive, but serves as a general list of anticipated types of noncompliance. The User's permit, local SUO, and State and Federal regulations serve as additional references for pretreatment requirements.

Unpermitted Discharges. Users are responsible for obtaining and renewing permits, if required.

Permit Limits. Users are responsible for maintaining compliance with all effluent limits. The POTW will evaluate the extent of the limits violation(s). In determining the extent of violation(s), Significant Noncompliance (SNC) as defined by State and EPA regulations will be determined.

required in the permit, including monitoring frequencies and sampling methods specified, is in violation. This includes a User who does not resample per their permit when a limit violation occurs.

Reporting Violations. A User who fails to provide information (e.g., self-monitoring reports) required in their permit or the SUO in the required time frame is in violation. Late or incomplete reports will also be considered violations. An SIU who submits a report more than thirty (30) days late is considered in SNC.

Permit Conditions. Failure to apply or reapply for a permit is considered a violation. Users who violate the general or other conditions (e.g., slug loading, dilution prohibition) outlined in their permits or the SUO shall be considered to be in violation.

Enforcement Orders. Failure to meet the requirements of an order (e.g., interim limits, milestone dates), whether the order was entered into voluntarily or mandated by the POTW, shall be considered a violation. Missing a scheduled compliance milestone by more than ninety (90) days is considered SNC.

E. Responses: Time Frames. Responsible Officials. Escalated Actions.

The attached chart further outlines types of violations and specifies POTW actions (initial and escalated), time frames, and the officials responsible for completing the actions. This chart shall be considered a part of the Enforcement Response Plan (ERP).

Responses to violations affecting the operation of the POTW, resulting in POTW NPDES violations, or resulting in environmental harm or endangerment to human health will be taken immediately or as soon as possible following discovery.

A User may be sent a Notice of Violation (NOV) or Notice of Noncompliance (NNC) for each individual violation. Alternatively, the violations may be summarized over a period of time not to exceed six (6) months. In general, NOV's in response to violations of permit limits will be taken within thirty (30) days of discovery of the violations. Users found to be in SNC for two (2) consecutive six- (6) month periods will be issued an enforceable order to return to compliance. In all cases, escalated or continuing enforcement action will be taken against Users who do not return to compliance in a timely manner.

Cases of falsifying reports, tampering with monitoring or sampling equipment, or otherwise preventing the collection of representative data may be referred to the District Attorney for possible criminal investigation. Show cause hearings may be held at the Director/ Superintendent's discretion prior to taking enforcement actions.

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

ENFORCEMENT RESPONSE PLAN
ENFORCEMENT CHART

UNPERMITTED DISCHARGES					
Type of Violation	POTW Action	Time Frame	Responsible Official	Expected Action from User	Escalated Action If Needed
Unpermitted Discharge – Unaware of Requirement	Notice of Violation	Within 14 Days of Discovery of Discharge	Pretreatment Coordinator	File Permit Application	Suspend Service Until Permit is Issued
Unpermitted Discharge – Unaware of Requirement	Notice of Violation with Penalty Assessed	Within 30 Days of Discovery of Discharge	Superintendent	File Permit Application	Suspend Service Until Permit is Issued
Unpermitted Discharge Results in NPDES Violation	Order to Cease Process Causing Violation Notice of Violation with Recommended Minimum of \$1,000 and Up to \$25,000/Day Per Violation Penalty	Order to Cease Immediately Notice of Violation within 7 Days	Superintendent	File Permit Application Steps Taken to Avoid Violation	Suspend Service Until Permit is Issued
Unpermitted Discharge Results in Endangerment	Suspend Service Notice of Violation with Recommended Minimum of \$1,000 and Up to \$25,000/Day Per Violation Penalty	Suspend Service Immediately Notice of Violation within 7 Days	Superintendent	File Permit Application Steps Taken to Avoid Future Endangerment	

Items in **BOLD** are Absolute MinimumsREVISED
7/10/03**APPENDIX A**

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

ENFORCEMENT RESPONSE PLAN

ENFORCEMENT CHART

PERMIT LIMITS VIOLATIONS					
Type of Violation	POTW Action	Time Frame	Responsible Official	Expected Action from User	Escalated Action If Needed
Permit Limits Violation Minor Single Event Minor	Notice of Noncompliance or Notice of Violation with Up to \$25,000 Penalty	Within 14 Days of Receiving Data (Once in Each 6-Month Period)	Pretreatment Coordinator	Conduct Additional Monitoring and Return to Compliance	Notice of Violation with Penalty
Permit Limits Violation Technical Review Criteria (TRC)	Notice of Violation with Up to \$25,000 Penalty	Within 14 Days of Receiving Data (Once in Each 6-Month Period)	Pretreatment Coordinator	Conduct Additional Monitoring and Return to Compliance	Second Notice of Violation with Increased Penalty
Permit Limits Violation Significant Non- Compliance (SNC)	Notice of Violation With Up to \$25,000 Penalty	Within 30 Days of Receiving All the Data	Pretreatment Coordinator	Report Cause of Noncompliance and Steps Taken to Prevent Violation	Enforceable Schedule (AO) If Not Received By the End of 2nd 6-Month Period
Permit Limits Violation Causes NPDES Violation	Order to Cease Process Causing Violation Notice of Violation with Recommended Minimum \$1,000 and Up to \$25,000/Day Per Violation Penalty	Order to Cease Immediately Notice of Violation Within 7 Days of Discovering Violation (Once in Each 6-Month Period)	Superintendent	Report Cause of Noncompliance and Steps Taken to Prevent Violation	Suspend Service Until Resolved Enforceable Schedule (AO) If Not Resolved By the End of 2nd 6-Month Period
Permit Limits Violation Causes Endangerment	Suspend Service Notice of Violation with Recommended Minimum \$1,000 and Up to \$25,000/Day Per Violation Penalty	Suspend Service Immediately Notice of Violation within 7 Days	Superintendent	File for Reissuance of Permit	

Items in **BOLD** are Absolute Minimums

REVISED

7/10/03

APPENDIX B

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT
ENFORCEMENT RESPONSE PLAN
ENFORCEMENT CHART

OTHER VIOLATIONS					
Type of Violation	POTW Action	Time Frame	Responsible Official	Expected Action from User	Escalated Action If Needed
Self-Monitoring Violations	Notice of Violation with a Recommended Minimum Penalty Equal or Greater Than Cost of Missed Testing	Within 14 Days of Discovery (Once in Each 6-Month Period)	Pretreatment Coordinator	Conduct Missing Sampling	Second Notice of Violation with Penalty Equal to Twice Cost of Missed Testing
Reporting Violations Late Report	Notice of Noncompliance	Within 14 Days of the Report Due Date (Once in Each 6-Month Period)	Pretreatment Coordinator	Submit Report	Notice of Violation Penalty Assessed Possible SNC if Over 30 Days
Reporting Violations Incomplete or Inaccurate Reports	Notice of Noncompliance	Within 30 Days of Report Submission (Once in Each 6-Month Period)	Pretreatment Coordinator	Submit Revised Report	Notice of Violation Penalty Assessed
Reporting Violations Intentional Falsification	Refer to District Attorney	As Soon as Suspected	Superintendent		
Violation of Permit Conditions	Notice of Violation With Penalty Up to \$25,000/Day Per Violation	Within 30 Days of Discovery (Once in Each 6-Month Period)	Pretreatment Coordinator or Superintendent	Varies	Second Notice of Violation with Increase Penalty
Violation of Permit Conditions (Endangerment)	Suspend Service Notice of Violation with Up to \$25,000/Day Per Violation Penalty	Suspend Service Immediately Notice of Violation within 7 Days	Superintendent	Steps Taken to Avoid Reoccurrence	

Items in **BOLD** are Absolute MinimumsREVISED
7/10/03

APPENDIX C

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT
ENFORCEMENT RESPONSE PLAN
ENFORCEMENT CHART

DENTAL DISCHARGERS SUBJECT TO 40 CFR 441
Enforcement actions taken in response to the requirements of 40 CFR Part 441 not listed below will be taken on a case-by-case basis.

Type of Violation	POTW Action	Time Frame	Responsible Official	Expected Action from User	Escalated Action If Needed
Failure to submit one-time compliance report	Reminder via phone, email, or letter.	Within 60 days of deadline (10/12/2020)	Pretreatment Coordinator	Submit report within 45 days	NOV; require report within 30 days
Continued failure to submit one-time compliance report	2 nd NOV with Notice of Intent (to issue penalty-recommended certified mail)	Within 30 days of most recent due date	Pretreatment Coordinator	Submit report within 10 days	Issue penalty up to an amount equal to the cost of installing an amalgam separator
Continued failure to submit report or pay penalty	Turn over to POTW attorney for collection		Pretreatment Coordinator		

Items in **BOLD** are Absolute Minimums

APPENDIX D



Water and Sewer Ordinance

PENDER COUNTY, NC

Adopted: June 16, 2008

Amended: June 21, 2010

SUO Amended: March 31, 2017

CHAPTER 13 WATER AND SEWER ORDINANCE

State law references: Public enterprises, G.S. § 160A-311 et seq.

ARTICLE I. IN GENERAL

Section 13.1. Definitions. The following words as used in this Ordinance shall have the following meanings. Additional terms are defined herein.

“Board” shall mean the Board of Directors of the Pender County Water and Sewer Districts.

“Building Sewer” shall mean the private plumbing pipes or any other plumbing facilities of an Owner pursuant to which wastewater is discharged from the Owner’s premises to County Utility Facilities.

“Bulk Meter” shall mean a meter serving a customer who resells water.

“Capacity Fee” also called an Impact or Facility Fee shall mean a charge or assessment imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development.

“Commercial Meter” shall mean a meter serving multiple units under one ownership or any person in commerce or manufacturing.

“County Utility Facilities” shall mean all parts of the six (6) Pender County Water and Sewer District’s water and sewer utility system and generally includes water lines, sewer lines, treatment facilities, pump stations, hydrants, water meters, meter boxes, cut-off valves, manholes, clean-outs, and other facilities related to providing water and wastewater utility service but excluding any Owner Service Facilities as defined below.

“Department” shall mean the Pender County Utilities Department.

“Director” shall mean the Pender County Utilities Director.

“District” shall mean one of the six (6) Water and Sewer Districts established by the Pender County Board of Commissioners to provide utility services County-wide.

“District Manager” shall mean the Pender County Manager or their designee who has Pender County Water and Sewer District Board to interpret, adjust, modify, and implement Pender County Utility Policies and Procedures.

“Master Meter” shall mean a meter serving a user to whom the District sells water for resale or a meter serving condominiums.

“Owner” shall mean the fee simple owner of real property whose premises is or can be provided utility service by the Pender County Water and Sewer District.

“Owner Service Facilities” shall mean (i) the water service facilities owned by an Owner and commencing at the connection on the Owner’s side of the District’s meter and servicing the premises of such Owner, including pipe, private cut-off valves, Backflow Prevention Device, pressure reducing valve and other components and (ii) the Building Sewer running from the Owner’s premises to the sewer tap provided by the District to which an Owner connects private plumbing.

“Person” shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

“Rates and Fee Schedule” shall mean the Rates and Fee Schedule adopted by the Board from time to time setting forth the rates and charges imposed by the Districts. The type of rates and charges which the Districts currently imposes are defined in Article IV hereof.

Section 13.2. Administrative Pender County Water and Sewer District Board. The Pender County Utilities Director is responsible for administering, implementing and enforcing all provisions of this Ordinance and shall exercise these responsibilities in accordance with the purpose and intent expressed herein in a fair and objective manner under the directive of the District Manager. The Director may exercise discretion when necessary to administer these provisions fairly and responsibly.

Section 13.3. Application for New Service. Any Owner desiring new water and/or sewer service must make a written application to the Pender County Utilities Department upon forms to be supplied by the Department, setting forth the type of service requested, the location of the property to be served, and such other information as the Department may require. The application must be accompanied with a copy of a valid building permit or certificate of occupancy for the premises to be served issued by Pender County having jurisdiction to issue such documents; provided, however, that such documents shall not be required for existing structures which are legally occupied. The Department may require additional information when a customer intends to use water for other than household purposes or to discharge other than domestic strength (household) wastewater or when the Department deems such additional information necessary for the proper operation of its utility systems.

Section 13.4. Initial Fees. An application for new utility service shall be accompanied by any applicable Application Fee, Security Deposit, Tap Fee, Capacity Fee, Inspection Fee and other required fees and charges.

Section 13.5. Rejection of Application. The Department may reject an application for utility service if (i) the application seeks service not within the classifications of utility service offered by the District, (ii) the providing of utility service involves excessive service costs or is otherwise not feasible, (iii) the provision of utility service may adversely affect the quality and quantity of utility service the District is able to provide to its existing customers, (iv) the application is from a prospective customer who intends to resell water, (v) the applicant is delinquent in payment of bills incurred for service previously supplied at the location for which utility service is sought or at any other location, or (vi) for any other good and sufficient reason. **An application for Irrigation Service may be rejected for any reason.**

Section 13.6. Transfer of Existing Service. Before transferring existing utility service from one customer to another, the Department may require that any outstanding utility bills of the new customer at another location be paid before making the transfer.

Section 13.7. Control and Maintenance of District Equipment/Damage.

(a) The County Utility Facilities shall be under its exclusive control, and no Person, other than authorized employees, agents, and contractors of the Department or authorized licensed plumbers, shall install, tap into, repair, change, tamper or interfere with them in any way. The Department will specify the location, size, kind and quality of all materials constituting the County Utility Facilities. IT IS UNLAWFUL (i) FOR ANY PERSON TO ALTER, TAMPER WITH OR BYPASS A WATER METER OR TO KNOWINGLY USE WATER PASSING THROUGH SUCH A TAMPERED METER OR WATER BYPASSING A METER, (ii) FOR ANY UNAUTHORIZED PERSON TO RECONNECT WATER CONNECTIONS OR

OTHERWISE TURN ON WATER THAT HAS BEEN DISCONNECTED OR TURNED OFF BY THE DEPARTMENT, AND (iii) FOR ANY PERSON TO CONTAMINATE A PUBLIC WATER SYSTEM OR TO DAMAGE OR TAMPER WITH PUBLIC UTILITY FACILITIES WITH THE INTENT TO IMPAIR THE ABILITY OF THE FACILITIES TO PROVIDE UTILITY SERVICE.

(b) The cost of repairing any damage to any meter or County Utility Facilities by an Owner's operations, negligence or carelessness or that of any Person occupying the premises of the Owner being served by the District, shall be paid by the Owner. Such damages shall include but not be limited to the costs of investigation; expert fees, tests and analyses; labor and materials, reimbursement for lost revenues due to water loss and reasonable attorney's fees. The cost of repairs (including lost water) shall be added to the first utility bill rendered after the amount of the cost of the repairs is ascertained by the Department. The cost of such repairs shall be determined by the actual cost of repairs invoiced to the Department. The Owner of the premises being served shall be responsible for the amount billed notwithstanding that such bill is rendered to a customer at the premises other than the Owner.

(c) No Person shall plant shrubs, bushes, trees or other vegetation, erect any fence or other structure, or maintain any pet in a fashion that will hinder or prohibit access of the Department to its meter box or other County Utility Facilities or otherwise endanger Department personnel. No new permanent structure or pond shall be constructed over or within 10' of water mains or located within water or sewer easements. The Owner of premises served by the District is responsible for keeping the meter box free of sand, trash and other debris and keeping the cap on sanitary sewer cleanouts.

(d) No Person except as authorized by the Department shall turn on or turn off water supplied by the District.

Section 13.8. Owner Service Facilities. No Person shall connect Owner Service Facilities or discharge to the County Utility Facilities without first obtaining the permission of the District. In certain instances a Person may be required to obtain a wastewater discharge permit from the District before connecting and discharging. Owner Service Facilities shall be installed and maintained in good order and repaired at no cost and expense to the District, but shall be subject to inspection and approval by the Department before service is connected. Owner Service Facilities shall be installed in accordance with the District standards and specifications, and applicable governmental building/plumbing codes. The Department does not assume responsibility for inspecting Owner Service Facilities or for any defects therein.

Section 13.9. Access. The Department, its agents, contractors and employees shall have access at all times to premises receiving utility service for the purpose of operating and maintaining the District's utility systems.

Section 13.10. Liability of the Department. The Department shall have no liability on account of interruptions in utility service, erroneous shut-offs, failure to deliver water, failure to deliver water at any particular (high or low) pressure or quality, or damage to persons or property from turn-on or use of water at any premises.

Section 13.11. Water Turn-On. It is highly recommended that a responsible person be present at the premises when a turn-on of water is scheduled. If at the time water is turned on, no one is present at the premises and it is determined by Department personnel that water is running at the premises, the Department personnel will turn off the flow of water and lock the meter. The Department personnel will then return to turn on water only when a responsible person is present and customer will be charged a Service Call Fee.

ARTICLE II. WATER SERVICE

Section 13.12. Water Service Metered. Each separate residential or commercial unit shall be supplied through a separate meter. However, in some cases, a unit may be supplied at the option of the Department through a Commercial or Master Meter, such as in the case of apartments and condominiums.

Section 13.13. Backflow. Owner Service Facilities connected with County Utility Facilities shall not be connected with pipes or fixtures supplied with water from any other source and shall include a Backflow Prevention Device(s). Backflow Prevention Devices to be used shall comply with applicable State of North Carolina building codes and shall be approved by the Department. Upon the discovery of a cross-connection or the absence of a proper Backflow Prevention Device, water service shall be terminated until the violation is remedied. The provisions of the Pender County Water and Sewer District's "Cross Connection Control Program" are defined in Article XI of this Ordinance.

Section 13.14. Tests. The Department may at any time remove any meter for routine tests, repairs or replacement. The Department shall upon request of a customer, test the accuracy of the meter in use, provided the meter has not been tested by the Department within a period of three (3) months previous of such request, and that the customer will agree to abide by the results of such test in the adjustment of disputed charges. If the meter is shown to have an error as defined in this Article, the Department will replace or correct the meter at no charge. If the meter has no such error, the customer will pay the full direct cost invoiced to the Department for testing the meter.

Section 13.15. Error. Whenever a test of a meter reveals it to have an average error of more than two percent (2%), the Department shall render a bill for or make a refund of, as the case may be, such percentage of the amount reflected on bills covering the consumption indicated by the meter for the previous three (3) months, as the meter was found to be in error at the time of test, unless it can be shown to the satisfaction of the Department that the error found had existed for a greater or lesser period, in which case the adjustment shall cover such actual period.

Section 13.16. Irrigation Service. Water supplied for Irrigation Service only may not be used for potable, domestic, or any other use. No pipes or other Owner Service Facilities intended for potable domestic water service shall be connected to any meter dedicated only for Irrigation Service.

Section 13.17. Waste. An Owner shall not willfully or indifferently waste water delivered to it by the Department.

Section 13.18. Conservation. Water service shall be subject to the terms of the Pender County Water and Sewer District's "Water Conservation and Shortage Plan" included in this Ordinance under Article X.

Section 13.19. System Expansions. The construction of Pender County Water and Sewer District Service Facilities by developers or others for new utility service shall be controlled by and subject to "Pender County Water and Sewer District's Utility System Expansion and Cost Recovery Policy" included in this Ordinance under Article XII.

ARTICLE III WASTEWATER SERVICE

Section 13.20. Method of Connection. Connections of Building Sewers to Pender County Water and Sewer District Utility Facilities will be made in accordance with the following requirements:

- (a) All connections shall be made in accordance with the provisions of the State of North Carolina Building Code Volume II, Plumbing, current edition;
- (b) A separate and independent Building Sewer shall be provided for every building. An exception may be granted where one building on an interior lot stands at the rear of another and it is not economically feasible for the Department to provide a tap to the rear building. In such event, the Building Sewer may be extended to the tap for the front building and the whole considered as one (1) Building Sewer. However, separate Rates, Fees and Charges shall be charged to each building.
- (c) All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will permit a minimum average slope of the Building Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum average slope. Costs of the pumping units, piping and power shall be borne by the Owner.
- (d) No connections that will allow inflow to enter the Pender County Water and Sewer District's system shall be permitted. Such prohibited connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- (e) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sand traps or other interceptors as required by the Sewer Use Ordinance as defined in Article XIV.
- (f) Connections to Pender County Water and Sewer District Utility Facilities will be made at the tap provided for the structure to be served.

Section 13.21. Maintenance of Building Sewer/Damages. Whenever a Building Sewer connected to Pender County Water and Sewer District Utility Facilities becomes clogged, broken, out of order or detrimental to the use of Pender County Water and Sewer District Utility Facilities, or the public health and welfare, the Owner of any building or premises through which the Building Sewer collects wastewater shall, upon notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification.

Section 13.22. Interceptors. The provisions of the Pender County Water and Sewer District's "Grease, Fat, and Oil Control" requirements are included in this Ordinance under Article XIII.

Section 13.23. Basis for Billing Sewer Use. Sewer usage will be billed based on the Fixed Facility Fee (Availability and Debt Service Recovery Charges) hereinafter defined plus volumetric flow determined by the flow of the Pender County Water and Sewer District's water meter at the premises being billed. If sewer is provided to premises to which the Pender County Water and Sewer District does not provide water, billing will be based at the option of the Pender County Water and Sewer District on one of the following:

(i) from water meter readings at the premises for water supplied by another water provider or meter readings from a meter attached to any private well supplying the premises, which meter shall be provided and installed at the Owner's expense or (ii) a Flat Rate.

Section 13.24. System Expansions. The construction of Pender County Water and Sewer District Service Facilities by developers or others for new utility service shall be controlled by and subject to "Pender County Water and Sewer District's Utility System Expansion and Cost Recovery Policy" included in this Ordinance under Article XII.

ARTICLE IV RATES, FEES, AND CHARGES

Section 13.25. General. The Pender County Water and Sewer District's Board shall annually, or more frequently if financial or other conditions dictate, establish rates and charges so that revenues of the Pender County Water and Sewer District, will be sufficient at all times to pay the cost of maintaining, repairing, and operating the Pender County Water and Sewer District Utility Facilities, including reserves for such purposes, debt service on bonds and other debt obligations issued by the Pender County Water and Sewer Districts and debt service reserves, the cost of utility system development and growth, and the cost of such other matters as the Pender County Water and Sewer District's Board deems appropriate. The Pender County Water and Sewer Districts may set different rates for the different Districts (service areas) or different types of utility service (such as for Bulk or Master Meter service) where a basis of distinction exists to establish such differentiated rates.

Section 13.26. Specific Fees and Charges. The Pender County Water and Sewer District's Board may from time to time adopt and impose the following fees and charges, the amounts of which shall be set forth in the Rates and Fee Schedule:

A. Customary Monthly Charges:

(i) Fixed Facility Fee (also known as an Availability and/or Debt Service Recovery) – a monthly charge for water and/or sewer for making utility service available the amount of which for each customer shall be based on the size of the customer's water meter. Payment of an Availability Charge does not entitle a customer to any minimum usage allowance.

(ii) Bulk Rate – a fee for water sold to others for re-sale or for service through a Master Meter.

(iii) Flat Rate – a monthly charge for wastewater service where the Pender County Water and Sewer District has no ability to or elects not to determine the volumetric usage of a customer. The Flat Rate shall include but not be limited to the estimated Availability and Debt Service Recovery Charges that would be applicable if a meter was in place.

(iv) Usage Charge – a charge based on volumetric utility usage determined from meter readings

or other method acceptable to the Pender County Water and Sewer Districts whereas the amount of which increases as volumetric usage increases.

(v) Volunteer Fire and Rescue Rate – a combination of flat and volumetric rate to be charged to volunteer rescue squads and fire departments.

B. Charges Related to New Utility Service:

(i) Capacity (Impact Fee) – a fee to recover the past or future capital cost of Pender County Water and Sewer District Utility Facilities that have a system wide benefit in the amount of which shall be based on meter size or estimated gallons of demand based on North Carolina Administrative Code *T15A: 02H .0200* . Capacity Fees shall be paid at the time of application for new utility service. Persons who are required to pay Capacity Fees shall include, but not be limited to (a) any Person undertaking any initial connection to the Pender County Water and Sewer District Utility Facilities for water or sewer service without a signed Water Users Agreement on record at the Department and payment on record at the Department of the \$120 tap fee deposit available at the time of initial signup or (b) "development" (defined below) to be connected to the Pender County Water and Sewer District Utility Facilities. If a meter size on which the fee is based is not described in the Rates and Fee Schedule or if there is no meter, the amount of the Capacity Fee shall be determined by the Department based upon the anticipated water use and sewage generation rates for sizes in question. "Development" for purposes of this paragraph shall mean any construction activity requiring the issuance of a building permit under the North Carolina State Building Code. Such activity shall include, but not be limited to, (c) new construction on vacant land, and (d) redevelopment activities and additions to existing structures on previously developed land where new utility service or an increased meter size is required; provided, however, that where an existing meter is being upgraded, the Pender County Water and Sewer District shall give a credit against the Capacity Fee due in an amount equal to the Capacity Fee that would have been due for the meter being replaced.

(ii) Inspection Fee – a fee to cover the cost to the Department of inspecting and approving the work of a contractor engaged by an applicant to connect the applicant's Owner Service Facilities to Pender County Water and Sewer District Utility Facilities and the verification of the Owner's water well line being cut and capped.

(iii) Meter Fee – a charge to cover the cost of the water meter when the tap is being made by a licensed Utility contractor and not the Department.

(iv) Tap Fee – a one time charge to cover the cost to the Department of installing a new service line and meters and other portions of Pender County Water and Sewer District Utility Facilities which benefit only the consumer being served. Tap Fees shall be paid at the time of application for new utility service.

C. Other Fees and Charges:

(i) After Hour Fee – a fee for service calls which the consumer requests to be made after 2pm weekdays and on weekends or holidays for a leak or line break and the line or break is to the Owner's Service Facilities or to Pender County Water and Sewer District Utility Facilities resulting from the negligence of the customer at the premises or the customer's guests or agents.

(ii) Backflow Service Restoration Fees – fees to cover the cost of restoring utility service for non-compliance with the Backflow Cross Connection Control portion of this Ordinance.

- (iii) Civil Penalty – a penalty for violation of the Ordinance.
- (iv) Cut Lock Fee – a fee to cover the cost of replacing padlocks which have been removed from Pender County Water and Sewer District water meters without the Pender County Water and Sewer District's consent.
- (v) Credit Letter Fee – a fee for preparation of letters regarding a customer's credit history with the Pender County Water and Sewer District.
- (vi) Hydrant Rate – a volumetric charge for the special use of water, such as withdrawal from a fire hydrant through a hydrant meter.
- (vii) Late Fee – a fee added to delinquent utility bills.
- (viii) Meter Testing Charge - a charge for testing meters measuring utility service.
- (ix) Miscellaneous Administrative Fees – fees for such matters as returned checks, copying, customer lists, debit bill payment by phone and such other categories as the Director deems appropriate. The amount of Miscellaneous Administrative Fees shall be set by the Director.
- (x) Re-connect Fee – a fee for reconnection of service that has been suspended or terminated for failure to pay bills or for violation of the Ordinance.
- (xi) Service Call Fee – a service call fee will be charged to the customer's account for the following:
 - (1) Check a leak at the request of a customer (and the leak is on the customer's side)
 - (2) Customer wants meter re-read because of high water usage
 - (3) Customer needs angle stop/yoke turned off to make repair (Service call will include going back out and turning the meter back on)
 - (4) Checking pressure (problem is on customer's side)
 - (5) New service tap scheduled for installation but remains un-flagged when tap crew arrives (requiring rescheduling).
- (xii) Tampering Charge – a charge for tampering with any Pender County Water and Sewer District Utility Facilities.
- (xiii) Turn-on or Transfer Fee – a one time fee due when new utility is connected to Pender County Water and Sewer District's Utility Facilities, or existing service is transferred from one consumer to another.

Section 13.27. Security Deposit. Each tenant (rental property) customer shall make a Security Deposit at the time of applying for service in the amount set forth in the Rates and Fee Schedule. Security Deposits shall be used upon termination of utility service or at any other times the Pender County Water and Sewer District elects to cover a customer's delinquent utility bill. Making a Security Deposit does not relieve a customer of the obligation to pay a bill when due nor prevent the Department from terminating service for non-payment of bills.

Section 13.28. Rates and Fee Schedule. The Rate and Fee Schedule is available at the Department's main office.

ARTICLE V BILLING AND COLLECTION

Section 13.29. Bills. Bills shall be sent monthly. Bills to premises shall be calculated based on the applicable Debt Service Recovery Charge, Availability Charge and the volumetric utility usage determined by meter readings. The amounts of such rates and charges are set forth in the Rates and Fee Schedule. Where premises are served by a Commercial Meter, bills shall be

rendered to the Owner and shall consist of one Availability and Debt Service Recovery Charge for water and one for sewer based on the actual meter size, the incremental charges for total volumetric usage and any other applicable charges. Where units are served by a Master Meter, bills shall be rendered to the owners' association and shall consist of the applicable Availability and Debt Service Recovery Charges for each unit based on a $\frac{3}{4}$ inch meter, the applicable fixed charge for the total volumetric usage and any other applicable charges. Where premises are served by a Bulk Meter, bills shall be rendered to the Owner and shall consist of the applicable Availability and Debt Service Recovery Charge based on the actual meter size, the applicable fixed charge for the total volumetric usage and any other applicable charges. In certain cases when metering is not available, the Pender County Water and Sewer District may with the customer's consent, bill for services at a Flat Rate. All bills shall be sent to the street address for the premises being served unless the Pender County Water and Sewer District is notified in writing of some other address to which bills are to be mailed. Failure to receive bills will not be considered justification for nonpayment of amounts due or permit an extension of the date when the account would be considered delinquent.

Section 13.30. Payment. Utility bills are due when rendered. A utility bill for any billing period shall be considered delinquent if not paid on or before the 15th day of the month following billing. If a bill is not paid in full within 45 days of the statement date, utility service will be terminated on the Tuesday following the 15th of each month at which time a Reconnect Fee will be added. Water service terminated for non-payment will be restored only after the account balance and all fees are paid in full. If reconnection is requested after office hours, an additional \$25.00 fee will apply and must be paid prior to service being restored. At any time after a second bad check has been presented for the payment of utility bills to a customer, the Department may require that payment be made only in cash, by money order, or by certified check.

Section 13.31. Broken Seals/Padlocks, Meter Failures. If a meter seal or padlock is removed other than by Department personnel or if a meter fails to register correctly or is stopped for any cause, the applicable utility bill shall be based on the average water usage for the immediately preceding 12-month period, or such shorter period of actual use.

Section 13.32. Adjustments for Leaks. Any customer requesting an adjustment for a leak shall notify the Department of the existence of the leak and provide evidence of its repair. Upon determining that the leak existed and the duration of the period of the leak, the Department will, to the extent that during the period of the leak the usage in any month was twice as high as any monthly usage for the past 12 months, give a credit for one half of the amount of the highest bill rendered during the period of the leak; provided, however, the amount of the adjusted bill shall not be less than the minimum Availability and Debt Service Recovery Charges for both water and sewer, and, provided further, there shall be no adjustment for sewer billed at a flat rate. No more than one adjustment shall be made in any 12month period. Notwithstanding the foregoing, the Department reserves the right (i) to require that a licensed plumber at the customer's expense verify the existence of a leak and (ii) to deny any adjustment without the approval of the Pender County Water and Sewer District's Board of Directors.

ARTICLE VI REDUCTIONS, INTERRUPTIONS, AND DISCONTINUANCES

Section 13.33. Temporary Interruptions. The Department may at any time shut off or cease utility service in case of an accident or for the purpose of making connections, alterations, repairs, changes or for any other lawful reasons. It is not the obligation of the Department to protect Owner Service Facilities connected to Pender County Water and Sewer District Utility Facilities from damage in the event utility service is shut off. Notwithstanding any language in this Ordinance or the Service Agreement or any representations made by any person, the Pender County Water and Sewer Districts, and their respective Board, officers, employees, and agents, shall not be liable for any damages, claims, or causes of action resulting directly from an interruption of service, fluctuation in pressure or any other cause related to the provision of service, including installation or maintenance of any components of the Pender County Water and Sewer Districts.

Section 13.34. Shut Off for Default. If a utility bill is not paid within 45 days of the statement date, utility service may without notice be suspended by the Department. The Department may also discontinue service after 30 days notice when a customer violates any Article of this Ordinance or of these Rules and Regulations and fails to remedy or cure such violation within the 30-day notice period.

Section 13.35. Other Interruptions. In addition to other rights and remedies afforded to the Department herein, the Department may without notice discontinue or curtail service to prevent fraud or abuse, to protect the public health, legal process, direction of public authorities, or for strike, riot, fire, flood, accident or any other unavoidable cause.

Section 13.36. Irrigation Service. The Pender County Water and Sewer Districts may curtail or terminate any Irrigation Service at anytime for any reason.

Section 13.37. Restoration of Service. When utility service has been suspended for nonpayment of utility bills, utility service will be restored upon payment in full of all delinquent bills, any current bill which is due but not delinquent, and the payment of a Turn On and other applicable fees. Reconnections will be made at reasonable times and as rapidly as conditions permit..

Section 13.38. Voluntary Termination of Service. The Department will terminate utility service within 5 days of receiving a request to terminate.

ARTICLE VII REQUESTS FOR ADJUSTMENT

Section 13.39. Owner Requests. A customer considering his utility bill in error shall, before the bill becomes delinquent, deliver to the Department's office a written statement of the reasons he considers the bill to be in error. Upon receiving such notice, the Department will hold the disputed bill in abeyance until the matter is resolved by the Director. The Owner shall pay the bill in full within 10 days after the Director makes the final decision concerning the matter.

Section 13.40. Late Notice. If a customer presents to the Department a written notice required by Section 13.39 above after the bill has become delinquent but before service is discontinued for nonpayment of the bill, the matter may nevertheless be considered provided that the bill in

question is paid in full at the time of giving the notice. If the Director makes an adjustment in the bill, a refund or account credit will be made within 10 days after the Director's final decision.

ARTICLE VIII REMEDIES

In addition to any other remedies provided for herein, the following remedies shall be available to the Pender County Water and Sewer Districts for the violation of this Ordinance or the Rules and Regulations, any wastewater discharge permit issued hereunder, any pretreatment standard or other requirement hereof:

A Civil Penalty of not more than \$1,000 per violation. The amounts of Civil Penalties for various violations are set forth in the Rates and Fee Schedule. Each day's continuing violation shall constitute and be a separate and distinct offence. Any Person against whom a Civil Penalty is assessed shall be notified of the Civil Penalty and the reasons therefore by registered or certified mail. If the Person does not pay the Civil Penalty within 45 days of receipt of the notice, the Pender County Water and Sewer District's Board may institute a civil action to recover the amount due. The issuance of appropriate equitable relief by a court of competent jurisdiction.

ARTICLE IX MISCELLANEOUS

Section 13.41 Severability. If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall, not be affected and shall continue in full force and effect.

Section 13.42 Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE X WATER SHORTAGE RESPONSE PLAN

Introduction

Pender County Water and Sewer Districts in its mission to provide Pender County Customers potable quality water has developed the following Water Shortage Response Plan per North Carolina Drought Management Rules and Guidelines. This plan has been developed to ensure and preserve one of our most precious natural resources. The Plan addresses water shortage responses to include voluntary conservation and mandatory conservation, water loss and accountability and the responsibilities of Pender County Water and Sewer Districts, the consumer, contractors and volunteer fire departments in the effort to conserve water.

I. Authorization

The Rocky Point - Topsail WSD Director shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his/her absence, the Utilities Director will assume this role.

County Manger
Rocky Point - Topsail WSD Director
Phone: (910) 259-1200

Mr. Michael Mack
 Rocky Point - Topsail WSD, Utilities Director
 Phone: (910) 259-1570
 E-mail: mmack@pendercountync.gov

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Pender Post*, the *Topsail Voice*, PSA announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through the County's Connect – CTY (reverse 911) system.

III. Levels of Response

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

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

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

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

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

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

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

III. Triggers

Rocky Point/-Topsail WSD is provided water solely by purchase from the Town of Wallace. When Wallace declares a water shortage, Rocky Point/Topsail WSD is required to do so as well. During this time Rocky Point/Topsail WSD Utilities Director will stay in close contact with the Town of Wallace and follow their triggers.

IV. Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Rocky Point/Topsail WSD personnel. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

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

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

VI. Variance Protocols

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

VII. Effectiveness

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

VIII. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements of the plan to the Rocky Point/Topsail WSD's Board. The Rocky Point/Topsail WSD Utilities Director is responsible for initiating all subsequent revisions.

ARTICLE XI CROSS CONNECTION CONTROL PROGRAM

These regulations are enacted in accordance with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C), and the North Carolina State Plumbing Code (Volume II) as they pertain to cross connections with the public water supply.

A. Objectives of Program

The specific objectives of the Cross-Connection Control Program for Pender County Water and Sewer Districts are as follows:

- a. To eliminate all cross connections within the Pender County Water and Sewer District's public potable water supply.
- b. To protect the public potable water supply of the Pender County Water and Sewer Districts against actual or potential contamination by isolating within each consumer's water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- c. To eliminate or control existing cross connections, actual or potential, between the potable water system(s) of consumers and non-potable or industrial piping system(s).
- d. To enforce a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

B. Responsibilities

- 1) State of North Carolina
The North Carolina Department of Environment, and Natural Resources (NCDENR) Division of Environmental Health has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross Connection Control Program.
- 2) The N.C. Division of Environmental Health
Has the primary responsibility of insuring the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. They have the further responsibility of insuring that the Pender County Water and Sewer Districts provide an approved water supply at the service connection to the consumer's water system and, further require the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.
- 3) The Pender County Utilities Department
Except as otherwise provided herein, the Pender County Utilities Department's responsibility is to ensure a safe water supply beginning at the source and continuing throughout all of the public water distribution system, including the service connections, and ending at the point of delivery to the water system(s) of consumers. In addition, the Department shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure proper precautions are taken, the Department is required to determine the degree of hazard or potential hazard to the public potable water system, to determine the degree of protection required, and to ensure proper containment protection through an on-going inspection program. When it is determined that a backflow prevention assembly is required for the protection of the

public system, the Department shall require the consumer, at the consumers expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency determined by the Department, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

4) Pender County Plumbing Inspections

The code enforcement department of Pender County has the responsibility to not only review building plans and inspect plumbing as it is installed, but also to prevent cross connections from being designed and built into plumbing systems. Where the review of building plans suggests or detects the potential for cross connection being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Plumbing Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the N.C. Building Code. The plumbing inspector's responsibility begins at the point of delivery or where the service line approaches private property and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Plumbing Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Pender County Utilities Department, the North Carolina Plumbing Code, and the NCDENR.

5) Consumer

Each consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system(s) and the Pender County Water and Sewer District's public potable water system. The responsibility of each consumers starts at the point of delivery to the consumer from the public potable water system and includes all of the consumer's water system(s). Each consumer, at the consumer's own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Pender County Utilities Department. Each consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three (3) years. The records shall be on forms approved by the Pender County Utilities Department and shall include the list of materials or replacement parts used, and the dates of all tests and repairs and the identity of the contractor, if such work is not performed by the consumer. Following any repair, overhaul, re-piping, or relocation of a consumer's backflow prevention assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

6) Certified Backflow Prevention Assembly Tester

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Pender County Utilities Department. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance without prior approval of the Pender County Utilities Department. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Pender County Utilities Department within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the Pender County Utilities Department. All test equipment shall be registered with the Pender County Utilities Department and checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Pender County Utilities Department as to such calibration, employing an accuracy/calibration method acceptable to the Department. All backflow prevention assembly testers must become certified or re-certified every two (2) years through a North Carolina AWWA/WEA approved backflow prevention certification program.

C. Definitions

1. Air Gap Separation - shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap separation" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel- in no case less than 1 inch (2.54 cm).
2. Approved - used in reference to water supply shall mean a water supply that has been approved by the NCDENR and by the Pender County Water and Sewer Districts.
3. Backflow - shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.
4. Backflow Prevention Assembly Approved - shall mean an assembly used for containment and/or isolation purposes that has been investigated and approved by the Pender County Utilities Department and has been shown to meet the design and performance standards of the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California. The Pender County Utilities Department will provide a list of such Assemblies upon request.
5. Backflow Prevention Device Approved - shall mean a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the AWWA. The types are:
 - a) Hose Bibb Atmospheric Vacuum Breaker (HBVB).

- b) Atmospheric Vacuum Breaker (AVB).
6. Backflow Prevention Assembly Unapproved - shall mean an assembly that has been investigated by the Pender County Utilities Department and has been determined to be unacceptable for installation within the Pender County Water and Sewer District's water system. Consideration for disapproval and removal from the approved list shall be based on, but not limited to, the following criteria: a) poor performance standards; b) lack of or unavailability of repair parts; and/or c) poor service or response from assembly's factory representative.
 7. Backflow Prevention Assembly Type - shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The types are:
 - a. Double Check Valve Assembly (DCVA)
 - b. Double Check Detector Assembly (Fire System)(DCDA)
 - c. Pressure Vacuum Breaker (PVB)
 - d. Reduced Pressure Principle Assembly (RP)
 - e. Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA)
 8. Backflow Prevention Assembly Tester Certified - shall mean a person who has proven their competency to the satisfaction of the Pender County Utilities Department. Each person who is certified to make competent test, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the Pender County Utilities Department, and must hold a certificate of completion from a North Carolina AWWA/WEA approved training program. Only a licensed plumber or licensed utility contractor may install or replace backflow prevention assemblies.
 9. Back-Pressure Backflow - shall mean an elevation in the consumer water system above the supply pressure at the point of delivery which would cause – or tend to cause a reversal of the normal direction of flow.
 10. Back Siphonage Backflow - shall mean a reversal of the normal direction of flow in the pipeline due to negative pressure being created in the supply line with the backflow source subject to atmospheric pressure.
 11. Check Valve Approved - shall mean a check valve that is drip tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet pressure is zero. The closure element shall be internally loaded to promote rapid and positive closure.
 12. Consumer - shall mean any person, firm, or corporation using or receiving water from the Pender County Water and Sewer District's water system.
 13. Consumer's Water System - shall include any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.
 14. Consumer's Potable Water System - shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/ or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

15. Containment - shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.
16. Contamination - shall mean an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.
17. Cross Connection - shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with the system is supplied. By-pass arrangements, jumper connections, removable sections, swivels or change over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.
18. Double Check Valve Assembly - shall mean an assembly composed of two (2) independently acting approved check valves, including tightly closing shut off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall be used to protect against a non-health hazard.
19. Double Check Detector Assembly - shall mean a specifically designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. This assembly shall only be used to protect against a non-health hazard.
20. Enclosure - Any structure to prevent a backflow preventer from freezing and is ASSE 1060 approved.
21. Hazard-Degree Of - shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such degree or intensity that there would be a danger to health.
22. Hazard-Health - shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.
23. Hazard-Non Health - shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health.
24. Hazard-Pollutional - shall mean an actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
25. Health Agency - the term "health agency" shall mean the NCDEHNR Section of Health Services.
26. Industrial Fluids - the term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, cases; etc.
27. Industrial Piping System – Consumer's - the term "consumer's industrial piping system" shall mean any system used by the consumer for transmission of or to confine or store

any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey or store substances, which are or may be polluted or contaminated.

28. Isolation - is the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer; Pender County Water and Sewer Districts may make recommendations, upon facility inspection, as to the usage's of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.
29. Point Of Delivery - "Point of delivery" shall generally be at the property line of the customer, adjacent to the public street where the Pender County Water and Sewer District's mains are located or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the point of delivery.
30. Pollution - the term "pollution" shall mean an impairment of the quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.
31. Potable Water - shall mean water from any source which has been investigated by the NCDENR Division of Health Services and which has been approved for human consumption.
32. Public Potable Water System - shall mean any publicly or privately owned water system operated as a public utility, under a current NCDENR permit, to supply water for public consumption or use. To include all sources, facilities, and appurtenances, between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.
33. Reduced Pressure Principle Backflow Prevention Assembly - shall mean an assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly is designed to protect against a health hazard.
34. Reduced Pressure Principle Detector Assembly - shall mean a specially designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. This assembly shall be used to protect against health hazard.
35. Service Connections - shall mean the terminal end of a service connection from the public potable water system, where Pender County Water and Sewer Districts loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.
36. Vacuum Breaker Atmospheric Type - shall mean a device containing a float check, a check seat, and an air inlet port. An atmospheric vacuum breaker is designed to protect against a non-health hazard under a back siphonage condition only.
37. Vacuum Breaker Pressure Type - shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is designed to protect against a health hazard under a back siphonage condition only.

38. Water Purveyor - shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.
39. Water Supply-Approved - shall mean any public potable water supply which has been investigated and approved by the NCDENR. The system must be operating under a valid health permit.
40. Water Supply-Auxiliary - shall mean any water supply on or available to the premises other than the purveyor's approved public potable water supply.
41. Water Supply-Unapproved - shall mean a water supply, which has not been approved, for human consumption by the NCDENR.
42. Water-Used - shall mean any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

D. Right of Entry

Authorized representatives from the Pender County Utilities Department shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by these regulations. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make all necessary arrangements with the security guards so that upon presentation of suitable identification, Pender County Utilities Department employees will be permitted to enter, without delay, for the purposes of performing their specific duties. Refusal to allow entry for these purposes may result in the obtaining of an administrative warrant to do an inspection and possible discontinuance of water service if a violation of this Ordinance is found. On request, the consumer shall furnish Pender County Utilities Department employees any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

E. Elimination of Cross Connections: Degree of Hazard

When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the Pender County Utilities Department. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

- a. Cross Connections with private wells or other auxiliary water supplies – immediate disconnection.
- b. All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
- c. All industrial and commercial facilities not identified as a “health hazard” shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

- d. If, in the judgment of Pender County Utilities Department, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
- e. Based upon the recommendation from Pender County Utilities Department, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (air gap, pressure vacuum breakers, reduced principle backflow prevention assemblies, double check valve assembly).
- f. Water mains served by Pender County Water and Sewer Districts but not maintained by Pender County Utilities Department should be considered cross connections, with the degree of hazard to be determined by Pender County Utilities Department. The degree of protection shall be based upon the degree of hazard, as determined by Pender County Utilities Department.
- g. In the event that a Pender County Water and Sewer District's Cross Connection Control Inspector does not have sufficient access to every portion of a private water system to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- h. No person shall fill special tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.
- i. All backflow assemblies that are not installed to the specifications set forth in the installation specifications shall be brought to code upon notification. Assemblies previously installed below ground without the proper drain size shall be considered cross connections and should be brought to date with present standards. (Drain sizes shall be two times the fire service supply or two times the fire service connection. Drain shall follow by gravity to sunlight.)
- j. All services outlined by this regulation that do not have containment assemblies installed shall install assemblies by the restrictions outlined.
- k. THERE ARE NO GRANDFATHER CLAUSES THAT EXIST FOR BACKFLOW ASSEMBLY INSTALLATIONS.

F. Approved Backflow Prevention Assemblies

(The guidelines listed below should be considered prior to installation of any backflow prevention assembly. Local plumbing laws and regulations shall be followed.)

1. Pender County Utilities Department should be contacted for the assistance in selection an assembly due to the different pressure zones in the country.
2. For a list of approved backflow assemblies please refer to the latest edition of the Southern California's Foundation for Cross Connection Control and Hydraulic Research list of approved backflow assemblies or contact Pender County Utilities Department.
3. Pender County Utilities Department reserves the right to add or remove from the approved list any Reduced pressure principle assembly, double check valve assembly, or pressure vacuum breaker.
4. It is a requirement that all backflow prevention assemblies be tested immediately after installation and at least once a year thereafter by a certified backflow tester authorized by Pender County Utilities Department.

5. Pender County Utilities Department will conduct random testing of backflow prevention assemblies to ensure that the assemblies are operating properly. The owner will be given adequate notice prior to the test date.
6. When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by Pender County Utilities Department. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water system.

Maximum time limits are as follows:

- a. Cross connections with private wells or other unapproved source require immediate disconnection.
- b. Cross connection requiring correction through 1) elimination; 2) air gap separation; 3) reduced Pressure Principle assembly, double check valve assembly, or pressure vacuum breaker for sizes ¾" through 2" up to ninety days.
- c. Cross connections requiring correction through Reduced Pressure Principle assembly or double check valve assembly for sizes 2 ½" and larger up to ninety days.

G. Installation of Assemblies

1. All backflow prevention assemblies shall be installed in accordance with the specifications furnished by Pender County Utilities Department and/or the manufacturer's installation instructions and /or in the latest edition of the North Carolina Building Code, whichever is most restrictive.
2. All backflow installations will require a plumbing permit within the inspections and/or code enforcement jurisdiction of Pender County. A copy of this permit will be required by the Pender County Inspections/Code Enforcement Department and Pender County Utilities Department before the installation process is started.
3. All new construction plans and specifications, when required by the North Carolina Building Code and the NCDENR shall be made available to Pender County Utilities Department for review and approval, and to determine the degree of hazard.
4. Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
5. The backflow preventer must be installed a maximum distance of five (5) feet from the meter service or before any wyes, tees, or bypasses. Installation of backflow preventers within the NCDOT right-of-way will not be accepted, it must be installed on the customers property.
6. Bypass piping is not permitted unless the by-pass piping is equipped with an approved backflow prevention assembly of the same type and brand as the main line assembly. In many instances it will be necessary to install two approved backflow prevention assemblies to ensure continuous water service.
7. All "testable" backflow preventers must be installed above ground including double check valves except in single-family residential applications. Backflow preventers installed inside must be a minimum of twelve (12) inches above the floor, and no higher than four (4) feet above floor. Customer must maintain adequate clearance around the assembly for testing, and/or repair of the assembly. Wherever a reduced pressure principle backflow preventer is installed inside a building, an air gap drain of adequate size must be installed.
8. Backflow prevention assemblies installed outside must be protected with an ASSE 1060 approved enclosure. The assembly must maintain a minimum distance of twelve (12") inches

and a maximum of distance of thirty (30") inches above ground. Landscaping is allowed around any assembly provided it does not interfere with the testing and/or repairing of the assembly.

9. Protective enclosures must be used to prevent from freezing or vandalism for backflow prevention assemblies installed outside above ground. Freeze proof enclosures that meet or exceed North Carolina Plumbing Code Standards are acceptable provided the insulation is at least 7.05 R factor, and have the 1060 ASSE approval plate. Adequate drainage shall be provided by hinged door drain or ports along the bottom walls of the protective enclosure. The enclosure will require to be mounted to the ground or existing grade. If the structure is not removable it must be accessible by doors large enough for entrance and repair.
10. Backflow prevention assemblies two and one half (2 ½") inches or larger must be supported to allow for the weight of the backflow prevention assembly. Support construction can consist of cinder block, brick or steel. Supports must have proper footing to rest on. Supports should be spaced so they do not cause interference with the testing and/or repair of the assemblies.
11. All piping must be of ductile iron, cast iron, steel, or other approved equal.
12. In order to prevent obstruction during the testing or repair of the assembly, additional piping and/or valves shall not be located within and/or under the enclosure.
13. All backflow prevention assembly installations shall be inspected by Pender County Utilities Department prior to initial connection to the potable water system.
14. Before installation of any backflow preventer, contact Pender County Utilities Department at (910) 259-1570 to assist in the proper selection and installation.
15. All Reduced pressure (RP) principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited). Double check valve assemblies may be installed in a vertical position with prior approval from Pender County Utilities Department provided the flow of water is in an upward direction or assembly has been approved by the Southern California's Foundation for Cross Connection Control and Hydraulic Research approval for this intended use.
 - a) All existing commercial or high hazard commercial water services that are renewed shall have containment assemblies installed at the service connection raised above ground in a freeze proof enclosure.
 - b) All facilities that change the intended use of the water supply shall install containment assemblies.
 - c) All existing facilities that change the name or are sold to new owners, are required to install a containment backflow assembly at the service connection on existing water services.
 - d) All outdoor above ground backflow assemblies are required to have an ASSE 1060 approved protective enclosure. (In accordance with NC State plumbing code section 608.14.1)
16. All assemblies below ground that fail the annual test and are considered a nuisance installation and are considered probable cause of a potential cross connection shall be raised above ground and placed in a freeze proof enclosure.
17. Assembly owners are responsible for the environment where assemblies are installed. Assembly owners are responsible for supplemental heat when assemblies are endangered of freezing.

18. Installation drawings shall be submitted to the Pender County Utilities Department, before installation for upgrades to be approved by the Department.
19. Assemblies below ground installed, that do not have working gravity drains and drains that are not two times the supply size of the water service supplying assemblies shall be raised and placed in a freeze proof enclosure.
20. The installation of a backflow prevention assembly, which is not approved, must be replaced with an approved backflow prevention assembly.
21. The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Pender County Utilities Department within fifteen (15) days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
 - a) Service address where assembly is located
 - b) Owner's name and mailing address
 - c) Description of assembly's location
 - d) Date of installation
 - e) Installer information (including name, company, license number, and project permit number)
 - f) Type of assembly, size of assembly
 - g) Manufacturer, model number and serial number
 - h) Test results/report
22. When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. Pender County Utilities Department will not accept an unapproved bypass around a backflow prevention device when the assembly is in need of testing, repair, or replacement.
23. The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:
 - a) Health hazard----- 60 days
 - b) Non-health Hazard-----90 days
24. Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester that is registered with the Pender County Utilities Department within ten (10) days.

H. Testing and Repair of Assemblies

1. Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by Pender County Water and Sewer District regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Pender County Utilities Department within ten (10) business days after the completion of any testing or repair work.
2. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Pender County Utilities Department, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
 - a. Health Hazard Facilities – 14 days

- b. Non-Health Hazard Facilities – 21 days
3. All backflow prevention assemblies with test cocks are required to be tested annually or as frequently required by the Pender County Utilities Department. Testing requires water shut down usually lasting five (5) to twenty (20) minutes. For facilities, that requires an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
4. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by Pender County Utilities Department. All test equipment shall be registered with the Department and will be checked annually for accuracy. All test equipment shall be checked for accuracy annually, calibrated, if necessary, and certified to the Department as to such accuracy/calibration, employing a calibration method acceptable to the Department.
5. It shall be unlawful for any customer or certified tester to submit any record to the Department which is false or incomplete in material in any respect. It shall be unlawful for any customer or certified tester to fail to submit to the Department any record, which is required by this program. Such violations may result in any of the enforcement actions outlined in Section L of this program in its entirety.

I. Facilities Requiring Protection

Approved backflow prevention assemblies shall be installed on the service line to any premises that the Pender County Utilities Department has identified as a potential for backflow. The types of facilities or services listed below have been identified by the Department as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Department. As a minimum requirement, all residential and commercial services will be required to install a Double Check Valve Assembly unless otherwise listed below.

DCVA= Double Check Valve Assembly
 RP= Reduced Pressure Principle Assembly
 DCDA= Double Check Detector Assembly
 RPDA= Reduced Pressure Detector Assembly
 AG= Air Gap
 PVB= Pressure Vacuum Breaker

1. Aircraft and Missile Plants: RP
2. Automotive Services Stations, Dealerships, etc.
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
3. Automotive Plants: RP
4. Auxiliary Water Systems:
 - a. Approved Public/Private Water Supply: DCVA
 - b. Unapproved Public/Private Water Supply: AG
 - c. Used Water and Industrial Fluids: RP

5. Bakeries:
 - a. No Health Hazards: DCVA
 - b. Health Hazard: RP
6. Beauty Shops/Barber Shops:
 - a. No Health Hazards: DCVA
 - b. Health Hazards: RP
7. Beverage Bottling Plants: RP
8. Breweries: RP
9. Buildings- Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections:
 - a. (Under five stories) NO Health hazards: DCVA
 - b. (Under five stories) Health Hazards: RP
 - c. (Over five stories) All: RP
10. Canneries, packing houses, and rendering plants: RP
11. Chemical plants- Manufacturing, processing, compounding or treatment: RP
12. Chemically contaminated water systems: RP
13. Commercial car wash facilities: RP
14. Commercial greenhouses: RP
15. Commercial sales establishments (department stores, malls, etc.)
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
16. Concrete/asphalt plants: RP
17. Dairies and cold storage plants: RP
18. Dye works: RP
19. Farms: RP
20. Film laboratories: RP
21. Fire Systems:
 - a. Systems $\frac{3}{4}$ "(inch) to 2" (inch)
 - 1.) No health hazard: DCVA
 - 2.) Health Hazard: (Booster pumps, foam, antifreeze solution, etc.): RP
 - b. Systems 2 $\frac{1}{2}$ " (inch) to 10" (inch) or larger
 - 1.) No health hazard: DCDA
 - 2.) Health hazard: (Booster pumps, foam, antifreeze solution, etc.): RPDA
22. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
23. Industrial facilities:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
24. Laundries:
 - a. No health hazard: DCVA
 - b. Health hazard: (i.e., Dry cleaners): RP
24. Lawn irrigation systems: RP
25. Metal Manufacturing, cleaning, processing, and fabricating plants: RP
26. Mobile Home Parks:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
27. Oil and Gas production, storage, or transmission properties: RP

- 28. Paper and paper products: RP
- 29. Pest control: RP
- 30. Plating plants: RP
- 31. Power plants: RP
- 32. Radioactive materials or substances: RP
- 33. Restaurants:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- 34. Restricted, classified, or other closed facilities: RP
- 35. Rubber plants: RP
- 36. Sand and gravel plants: RP
- 37. Schools and colleges: RP
- 38. Sewage and storm drain facilities: RP
- 39. Swimming pools: RP
- 40. Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by the Pender County Utilities Department.

J. Connections with Unapproved Sources of Supply

No person shall connect or cause to be connected any supply of water not approved by the NCDENR to the water system supplied by Pender County Water and Sewer Districts. Any such connections allowed by the Pender County Water and Sewer Districts must be in conformance with the backflow prevention requirements of this program. In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify Pender County Utilities Department immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

K. Fire Protection Systems

1. All connections for fire protection systems connected with the public water system, two (2) inches or smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.
2. All existing backflow prevention assemblies two and one-half (2 1/2) inches and larger installed on fire protection systems in operation at the time these regulations become effective shall be allowed to remain on the premises, as long as they are being properly maintained, tested, and repaired as required by this program. If, however, the existing assembly must be replaced, or in the event of proven water theft through an un-metered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.
3. All backflow preventers for fire protection should also meet the requirements of the building and fire codes of Pender County Code Enforcement.

L. Enforcement

1. The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this program shall be notified in writing with regard to the corrective action (s) to be taken. The time for compliance shall be in accordance with Section E.
2. The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in Section E shall be considered in violation of these regulations, and may be issued a civil citation by Pender County Utilities Department. Said citation shall specify the nature of the violation and the provisions of this program violated, and further notify the offender that the civil penalty for said violation is as set forth in paragraph (3) below and is to be paid to Pender County Utilities Department within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, Pender County Utilities Department may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.
3. Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this program shall occur or continue shall constitute a separate and distinct offense.
4. If, in the judgment of Pender County Utilities Department, any owner, manager, supervisor, or person in charge of any installation found to be in non-compliance with the provisions of this program, neglects their responsibility to correct any violation, a discontinuance of water service may be directed until compliance is achieved.
5. Failure of a customer or certified tester to submit any record required by this program, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to Pender County Utilities Department, the Department shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one (1) year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty (as stated herein).
6. Enforcement of this program shall be administered by the Pender County Utilities Department Director on behalf of the Pender County Water and Sewer Districts.
7. Request for extension of time shall be made in writing to the Pender County Utilities Department Director. All other appeals shall be made in accordance with the following procedure:
 - a. Hearings: A customer assessed a civil penalty under this section shall have the right to a hearing before the Pender County Water and Sewer District's District Manager upon making written demand, identifying the specific issues to be contended, to the Pender County Manager within thirty (30) days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding.
 - b. Official Record: When a final decision is issued under Section (a) above, Pender County shall prepare an official record of the case that includes:

All notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript of all testimony taken if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken; and a copy of the final decision of the Pender County Water and Sewer District's District Manager.

- d. Any consumer against whom a final decision of Pender County Water and Sewer District's District Manager is entered, pursuant to the hearing procedure under Section (a) above, may appeal the order or decision by filing a written petition for judicial review within thirty (30) days after receipt of notice by certified mail of the order or decision to the General Court of Justice of Pender County or the county where the order or decision is effective, along with a copy to Pender County Manager's Office. Within thirty (30) days, after receipt of the copy of the petition of judicial review, Pender County shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in Section (c) above.

ARTICLE XII UTILITY SYSTEM EXTENSION AND COST RECOVERY

I. Mandatory Connection (New Development)

1. *New Construction (Single Lots)*: All new construction requiring a Building Permit will be required to connect to the Pender County Utilities (PCU) water and/or sewer system if there is "service availability" and a PCU owned main is within the distances listed in Table 1.
2. *New Development* in all zoning districts (unless exempted) is required to connect to the respective Pender County Utilities (PCU) Water & Sewer District serving the area if there is "service availability" and a PCU owned main is within the distances listed in Table 1.

Table 1

Required Connection to the Pender County Utility System For all New Development occurring within a Minimum Distance of a County-Owned Water or Sewer Main	
Number of Proposed Lots	Distance from Closest Property Line to County Mains
1-2	Abutting the property (usually in a Rights-of-Way or Easement)
3-9	400 feet
10-49	800 feet
50-99	1,500 feet
100 +	2,000 feet

* Note: One water meter will be required for each structure, unless otherwise determined by PCU.

** Development planning to utilize PCU sewer must also connect to PCU water.

3. **Mandatory Connection Exemptions**

- a. Existing Structures as of July 1, 2010
- b. Pender County Utilities determines that service is not available. "Service Availability" shall be dependent upon factors including, but not limited to, established service requirements as defined in Pender County Utilities' policies and specifications, and availability of water and/or sewer capacity, however, said factors shall not be exclusive criteria for such determinations.
- c. Development in Environmental Conservation (EC) District.
- d. Individual Parcels greater than 10 acres.
- e. Family Subdivision of up to three parcels.
- f. Special purpose lots (i.e., Uses not needing water supply such as cemeteries, storage buildings, etc.)
- g. An easement for extending utility service to a single lot is not available or cannot be obtained. Documentation of good faith effort to secure an easement will be required prior to qualifying for this exemption.
- h. Expansion of an existing structure that already has water or sewer service through means other than Pender County Utilities.
- i. Proposed development within the service area of a private utility company.

II. **Service Availability Determination**

1. For all new construction or development, at the time of plan submittal to the Pender County Planning and Community Development Department (Rezoning Request, Master Plan, Preliminary Plan, Construction Drawings, Major Site Development Plan, Minor Subdivision Plan, etc.), Pender County Utilities will review the project to determine "service availability". A determination will be provided by PCU in writing within 30 days of the applicant submittal to the Planning Department. If it is determined that service is available, connection will be required. If it is determined that service is not available, the Applicant will be required to determine alternative sources for utility service.
2. **If connection is required or requested:**
 - a. **Single service line** – If a water service line will be 2 inches in diameter or greater, refer to Water/Sewer Main Extension section below.

For water service lines less than 2 inches in diameter:

- i. The applicant will be required to pay all applicable PCU fees according to the current Rate Schedule prior to issuance of a Building Permit.
- ii. PCU will install the water service line and sewer service lateral.
- iii. Water Service from the main line to the water meter will be set at the property line.
- iv. Sewer Service from the main line to the service valve (forcemain) or cleanout (gravity) will be set at the property line.

- v. The applicant will be responsible for hiring a North Carolina Licensed Plumber to connect the plumbing from the structure to the water meter and/or sewer service (valve or cleanout).
 - vi. The applicant will be responsible for coordinating and scheduling an inspection of the plumbing with Pender County Utilities.
 - vii. Once all of these steps have been completed, PCU will install the water meter and authorize commencement of water and/or sewer service. A Certificate of Occupancy cannot be obtained without such authorization.
- b. **Water/Sewer Main Extensions** - The applicant shall employ at applicant's expense a Professional Engineer registered in the State of North Carolina to prepare plans for the project. In conjunction with such approval, the applicant shall submit to Pender County Utilities the following:
- i. Four copies of an application for **capacity allocation** on forms supplied by Pender County Utilities with a check made payable to Pender County Utilities for the current Fees.
 - ii. Four copies of the plans, specifications, calculations, and engineer's report for the proposed work shall be prepared in compliance with Pender County Water and Sewer Standard Specifications and shall bear the seal of a Professional Engineer registered to practice in North Carolina in accordance with NCGS 89C. If the applicant is a corporation, partnership, etc., the name, address and telephone number of the applicant's project manager or other representative responsible for the project shall be included. If plans are submitted on multiple sheets, an overall site plan of the proposed work must be included. If the project is being built in phases or sections, the submission of a master plan will be required by Pender County Utilities. Approval of plans and specifications by Pender County Utilities does not relieve the applicant from obtaining any and all other approvals necessary for the construction of the project. However, applications to other agencies shall be submitted in the name of the applicable Pender County Water and Sewer District. All application fees will be paid by the applicant.
 - ii. Any other documentation required by the appropriate regulatory agency (NCDENR, NCDEH, NCDOT, USACOE, etc.)

Pender County Utilities will review the foregoing documentation. Any corrections to the documents required by PCU will be made by the Applicant. The revised documents shall be resubmitted to PCU. Upon approval of the documents by PCU, PCU will sign the application and return written concurrence that PCU takes no exception to the documents.

3. **Construction.** The applicant shall engage a North Carolina licensed Utility contractor acceptable to and approved by Pender County Utilities to construct the project. Prior to commencing construction, Pender County Utilities shall be furnished the name, address and phone number of the contractor along with a copy of the contractor's current North Carolina utility contracting license. Pender County Utilities shall be given a minimum 48 hours notice before any work is commenced by the contractor. No Persons other than the contractor (or the contractor's sub-contractors) shall make a tap or connection into any Pender County Water and Sewer District's owned infrastructure or perform any other

portion of the work. All communications concerning the work, both oral and in writing, shall be directed to the applicant's engineer.

4. **Inspections.** Pender County Utilities shall inspect materials prior to construction as well as make periodical inspections while the project is under construction. Materials not conforming to Pender County Specifications and/or the approved documentation shall be rejected. All thrust blocking and rodding must be inspected prior to filling trench excavation. Pender County Utilities must witness road borings, pressure and allowable leakage tests, initial and residual chlorinating tests, and withdrawal of bacteriological samples. Pender County Utilities shall be notified at least 24 hours in advance of such tests. Permission from Pender County Utilities is required for the operation of any valves located on the water system. North Carolina Administrative Code Title 15A, Department of Environmental Health Subchapter 18C, Sections .0100 through .2000 titled Rules Governing Public Water Supplies sets forth provisions intended to protect public water supplies such as that of Pender County Utilities.
5. **Project Completion.** Upon completion of construction, the applicant shall provide from a Professional Engineer licensed in the State of North Carolina (i) a certification in writing to the PWS, with copy to Pender County Utilities, that construction has been completed according to plans and specifications previously submitted and approved by the State and (ii) As-built drawings of the project in the form of hard-copy, reproducible Mylar(s) sealed by the engineer, and digital format (ACADR14.dwg or .dxf).
6. **Commencement of Utility Service.** Prior to the issuance of a Building Permit for a structure that is part of a large development (e.g., subdivision, business park, etc.) requiring the extension of a water and/or sewer main(s) to PCU infrastructure in accordance with the approved plans, PCU must authorize commencement of potable water and/or sewer service. Pender County Utilities will authorize commencement of potable water and/or sewer service when the work has been completed according to the approved plans and specifications, the Engineer's Certification has been received by PCU, the Applicant Certification has been completed, the appropriate regulatory authorities have provided Final Approval for use, and the following requirements have been met:
 - a) Submission to Pender County Utilities of two copies of the recorded subdivision final plat for the property, if applicable, and such Deeds of Dedication, bills of sale including the Final Payment Request of the Utility Contractors, easements, lien waivers and other documents as are necessary in Pender County's sole opinion to transfer title to Pender County free of liens and encumbrances of all utility facilities to become a part of the Pender County Water and Sewer District's utility system.
 - b) Submission by Owner of a 12-month warranty in form satisfactory to Pender County Utilities of material and workmanship against defects plus an indemnify agreement indemnifying the Pender County Water and Sewer District from any damages or injury to persons or property by reason the construction of the project.
 - c) All applicable fees and charges for the entire project or phase have been received.

7. **Obtaining Building Permit Prior to Certification.** If a developer, builder, or owner desires to obtain a building permit prior to certification and approval of the public water and/or sewer system by the Engineer and the State of North Carolina (DENR – PWSS and/or DWQ), s/he must furnish a Performance Guarantee Agreement (Irrevocable Letter of Credit, Performance Bond or Escrow Agreement) in favor of Pender County, in a format approved by Pender County and the Pender County Attorney and in the amount required by Article 6 of the Pender County Unified Development Ordinance.

If the developer, builder, or owner has already posted an approved Performance Guarantee Agreement for construction of the potable water and/or sewer system within a new development, and if that Guarantee also includes language satisfactory to the County to cover the potable water and/or sewer improvements for all developers, builders, or owners seeking building permits within that subdivision as allowed by this section, separate guarantees shall not be required by the County for that development.

Upon furnishing an approved Performance Guarantee Agreement, the developer or builder must also sign an affidavit with the Planning Administrator acknowledging that a Certificate of Occupancy will not be issued until a domestic water supply or public sanitary sewer becomes available in accordance with the Commencement of Utility Service requirements in Section 6 above.

III. Cost Recovery For Water And/Or Sewer

As used herein “Cost Recovery Facilities” shall mean the water supply works, storage, water supply and trunk (generally 12" and larger) water mains, trunk and interceptor (generally 12" and larger) sewer mains, sewage pumping stations having a capacity greater than 250 gpm, and wastewater treatment facilities.

To promote orderly and systematic growth of its utility systems, Pender County Water and Sewer Districts may require an applicant to construct Cost Recovery Facilities of a size greater than that needed only to serve the applicant's needs. In such case, the applicant shall be entitled to recover a portion of the cost and the Cost Recovery Facilities based on the following formula:

$$\text{COST REIMBURSEMENT TO OWNER} = \frac{\text{CONSTRUCTION COST}}{\text{COST}} \times \frac{(\text{ADF} \times \text{PF})}{\text{FC}}$$

CONSTRUCTION COST = actual construction cost excluding design and permit fees.

ADF (AVERAGE DAILY FLOW) = Average day flow rate for the project or as determined from a minimum of 12 months of actual water consumption data.

PF (PEAK FACTOR) = Peak Factor shall be equal to 2.5 unless substantiating evidence is submitted indicating otherwise.

FC (FACILITY CAPACITY) = Total design capacity based upon an engineering analysis of the facility for which recovery applies.

The amount that the applicant is entitled to recover based on the foregoing formula shall be paid, at the option of the Pender County Water and Sewer District by assignment of the Pender County Water and Sewer District to the applicant of a portion of the Pender County Water and Sewer District's rights to future Capacity Fees from Owners served by the subject Cost Recovery Facilities. The refund will be paid as Capacity Fees are received until the cost recovery is paid, or until 10 years from the date of acceptance by the Pender County Water and Sewer District of the Cost Recovery Facilities, whichever comes first. An Owner is not assured of complete cost recovery.

Notwithstanding the foregoing, the construction cost utilized in the foregoing formula shall not exceed, without the Pender County Water and Sewer District's written consent, the construction price approved by Pender County Utilities before work commences.

The following procedures and documentation must be obtained for the Owner to be eligible for cost recovery:

- a) Bidding Procedures: Solicitation of bids for the improvements shall comply with the formal bidding provisions of North Carolina General Statute 143-129, with the exception the successful bidder shall not be required to furnish a performance and payment bond. Bids shall be received and opened at the offices of the Pender County Water and Sewer District in the presence of Pender County staff. A contract shall not be awarded prior to review and approval by Pender County Water and Sewer District Board of Directors. Certification of proper advertisement and certified bid tabulation shall be proved to Pender County Utilities Department.
- b) Pender County Utilities Department shall be provided with copies of invoices by and payments to the contractor sufficient for Pender County to verify the actual construction cost allowable for recovery. All change orders resulting in an increase in construction cost must receive the approval of Pender County in order to be eligible for recovery. All legitimate change orders due to unforeseen site conditions, errors and/or omissions in the plans, specifications, etc. will receive favorable consideration. Deductive change orders, if any, will reduce the amount eligible for recovery.
- c) In the case of disagreement between Pender County Water and Sewer District and the Owner, the Owner shall provide an audit of the project by a Certified Public Accountant. The audit shall reflect the total cost of the project which is subject to cost recovery. Project administration and audit costs are not eligible for recovery by the Owner.

Term of Recovery and Interest: The term of an Agreement shall be for the shortest practicable time, but shall apply for a period no longer than ten years. Project costs being reimbursed shall not bear interest.

Upon approval of the request for recovery by the Pender County Water and Sewer District Board of Directors, Pender County will prepare a Cost Recovery Agreement based upon the standard Cost Recovery Agreement format included herein. All Cost Recovery Agreements shall contain, at a minimum, the following items:

- a. Description of facilities for which recovery applies.
- b. Estimate of construction cost of facilities for which recovery applies.
- c. The Engineer's estimate of project cost.

- d. Agreement that to provide water and/or sewer service to the development, the Owner will finance and construct the proposed water and/or sewer system additions.
- e. The improvements, when complete and accepted by Pender County Water and Sewer District, will be owned and operated by the appropriate Pender County Water and Sewer District.
- f. The improvements shall be constructed in accordance with the plans and specifications approved by Pender County Utilities Department and under the periodic inspection and to the satisfaction of Pender County Utilities Department.
- g. The proposed improvements will have a capacity in excess of that required by the needs of development. This excess capacity, if made available to other parties by Pender County, will be eligible for cost recovery by the developer in accordance with Pender County's standard cost recovery procedure.
- h. Pender County Water and Sewer District will have the right to make this excess capacity available to other parties in the service area. Other parties provided water and/or sewer service via the improvements shall be required to pay Pender County Utilities Department's a one-time special assessment charge which will be established by a pro-rationing of cost as established herein. The special assessment charge collected by Pender County will in turn be disbursed to the Owner in the form of a reimbursement in accordance with the provisions outline herein.
- i. The allocation of funding portions to users or potential users of the facility, percentage of potential equivalent residential meters to be allocated to the Owner, other unserved properties within the service area of the facility, and the applicable Pender County Water and Sewer District's service area, and the proportion of the estimated cost to be allocated to each.
- j. A schedule of the method by which funds are to be recovered listing the estimated proportion of recovery to be obtained from facilities charges within the development, capacity charges from adjoining potential development, Pender County's contributions and schedule, etc.
- k. The proposed schedule for project construction.
- l. The improvements constructed under this agreement are hereby dedicated to the applicable Pender County Water and Sewer District upon completion and acceptance. Prior to acceptance of the facilities, the Owner shall provide certification to Pender County that all due and just claims for damages and all just accounts for labor performed and materials furnished in connection with the construction of the improvements have been paid in full and the project free of all claims and liens.
- m. The Owner warrants proper construction of the facilities for twelve (12) months after acceptance by Pender County. The Owner agrees to provide to Pender County a warranty bond in the amount of 15% of the actual construction costs for the duration of the warranty period. Said warranty bond shall be held by and payable to Pender County.
- n. The Owner agrees to pay all applicable fees and service charges (e.g., capacity charges, new account charges, etc.) for initiation of new accounts.

All Cost Recovery Agreements must be submitted to and approved by the Pender County Water and Sewer District Board of Directors prior to execution.

ARTICLE XIII FATS, OILS, AND GREASE CONTROL

Prevention of Sewer Blockages

In 2007, the North Carolina Department of Environment and Natural Resources – Division of Water Quality informed all Sewer Collection System permittees that as of December 1, 2007, DWQ intends to issue Notices of Violation (NOVs) for all Sanitary Sewer Overflows (SSOs) within their system. The intent was to make sanitary sewer system owners and operators aware that each SSO will be evaluated on a case-by-case basis to determine if a NOV is warranted. In addition, each system was notified that Civil Penalties will be issued based on case-specific factors that include, but are not limited to, volume, volume reaching surface waters, duration, gravity, impacts to public health, fish kills, or recreational area closures. This Ordinance is designed to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and grease discharged to the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

2. Operate and Maintain Grease Trap or Interceptor

Greasy wastewater can be discharged to the sewer system from several sources, including food service operations. In order to reduce sewer blockages, customers in the Pender County Water and Sewer Districts service areas that discharge wastewater that contains grease must install and properly operate and maintain a grease trap or interceptor. Grease, oil and sand interceptors shall be provided when, in the opinion of the Department, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not normally be required for residential users. All interception units shall be of type and capacity which is certified by a qualified professional, such as accessible for cleaning, testing, and inspection.

3. Definitions

- a) Fats, Oils, and Greases: Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR136, as may be amended from time to time. All are sometimes referred to herein as “Grease” or “Greases”.
- b) Food Preparation or Serving Facility: Any commercial or industrial facility that prepares or serves food, including but not limited to a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment that discharges wastewater to the Pender County Water and Sewer Districts system.
- c) Cooking Establishments: Those establishments primarily engaged in activities of preparing, serving, or otherwise making available food for consumption and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and which discharge wastewater to the Pender County Water and Sewer Districts system. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
- d) Grease Trap or Interceptor: A device for separating and retaining water borne Grease and Grease complexes prior to the wastewater exiting the trap and entering the Pender County Water and Sewer District’s sanitary sewer collection and treatment system. These devices

also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as “Grease Interceptors”.

- e) Minimum Design Capability: The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to the District’s sanitary sewer.
- f) Non-Cooking Establishments: Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
- g) User: Any person, including those located outside the jurisdictional limits of the District, who contributes, causes, or permits the contribution or discharge of wastewater into the District’s sewer collections system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
- h) Vehicle Maintenance Facility: Any commercial or industrial facility where automobiles, trucks, or equipment are serviced or maintained, including garages, service stations, repair shops, oil and lubrication shops, or similar establishments.

4. Applicability

- a) The following types of facilities will be required to have grease interceptors: restaurants, schools, hospitals, service stations, car washes, vehicle repair and lubrication facilities, nursing homes, and any other facility that handles grease and which discharges wastewater containing grease into the District’s sewer collection system. All such establishments are required to have a properly sized and functioning grease interceptor, which a qualified professional certifies to the District, is designed to meet the District’s Sewer Use Ordinance as included in this Ordinance under Article XIV.
- b) All vehicle maintenance facilities are required to have a properly sized grease, oil and sand interceptor.
- c) Facilities other than those noted may require the installation of grease and oil interceptor. The Director shall determine the need and applicability of such device.

5. Design

- a) No externally located grease interceptor shall be of a capacity less than 1,000 gallons. Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- b) All interceptors shall be located outside of the building in such a manner that personnel from the Department can inspect the interceptors at any time.
- c) The Department shall be notified of any changes of operation or process at the permitted establishment. The establishment may be required to upgrade their grease interceptor to meet current requirements and standards.
- d) The following documents shall be submitted to the Department for review and approval prior to issuance of a permit for installation of an interceptor. Any changes to the approved plan shall be re-approved by the Department, prior to implementation.
 - A site plan showing the location of the interceptor, lines and cleanout or manhole;
 - Details of the interceptor, lines and cleanout or manhole;

- Formula and calculations used to determine the interceptor capacity.
- e) Every interceptor shall have sufficient capacity to perform the service for which it is provided. Interceptors shall be designed to provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20 percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate.
- f) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.
- g) Grease interceptors shall be installed by users as required by the Department. Grease interceptors shall be installed at the user's expense. All grease interceptors shall be of a type, design, and capacity approved by the Department and shall be readily and easily accessible for cleaning and inspection. All such grease interceptors shall be serviced and emptied of accumulated waste contents as required in order to maintain minimum design capabilities or effective volume of the grease interceptor, but not less than once every 60 days.

6. Existing Establishments

- a) Businesses and other locations subject to this regulation which were in operation before the effective date of this Ordinance ("Existing businesses") and do not have grease interception systems are generally required to install such a system within one year of the effective date of this regulation if directed to do so by the Department. Such businesses may receive approval from the Director, to install a system under alternate standards taking into account the circumstances of the business's operation, production of waste grease and the practicality of installation under normal requirements.
- b) Existing businesses with an existing grease interception system that does not meet the Department's standards may be required to upgrade the system or may be allowed to continue use of the present system subject to requirements such as a clean-out frequency less than 60 days.

7. Servicing and Records

- a) Servicing and maintenance is essential for the efficient operation of grease traps and interceptors. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain the minimum design capability or effective volume of the grease interceptor. Servicing frequency is site-specific and is dependent on the amount of oil and grease and suspended solids generated at each operation and the size of the grease trap or interceptor. In no case shall the frequency of cleaning be less than once every 30 days or as otherwise specified by the Department. The volumes of greases and solids in grease traps and interceptors must not exceed the designed grease and solids storage capacity of the unit.
- b) All grease interceptors shall be cleaned by a properly licensed cleaning and disposal operation.
- c) All users, including food preparation or serving facilities and vehicle maintenance facilities shall maintain a written record of maintenance performed on the interceptor for a minimum

of three years. All such records will be available for inspection by the Department upon request.

8. Variance/Appeal

- a) Under certain circumstances, the interceptor size and location may need special exceptions to the policy. If an exception to these regulations is requested, the user must demonstrate that the size and location will not cause the facility any problems in meeting the discharge requirements of the Department.
- b) The Director reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site building plan review and to require repairs to, or modification or replacement of such traps.

9. Enforcement

If, an obstruction of a District sewer main(s) occurs that causes a sewer overflow and such overflow can be attributed in part or in whole to an accumulation of grease in the District's sewer main(s), the Department will take appropriate enforcement actions, as stipulated in the Sewer Use Ordinance, against the generator or contributor or such grease. These actions may include fines, civil penalties or a discontinuance of sewer service.

ARTICLE XIV SEWER USE

1. Definitions

- A) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

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

Approval Authority: The Director of the Division of Water Resources of the North Carolina Department of Environmental Quality, their successor or their designee.

Authority. Pender County Utilities – Rocky Point/Topsail Water & Sewer District; Maple Hill Water & Sewer District; Pender Commerce Park WWTP

Authorized representative [of] the industrial user.

- (i) If the industrial user is a corporation, *authorized representative* shall mean:
 - a) The president, secretary, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - b) The manager of one or more manufacturing, production, or operation facilities, authorized to make management decisions which govern the operation of the regulated facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Management decisions include the explicit or implicit duty of making major capital investment

recommendations, initiating and directing comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations, ensuring that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures

- (ii) The industrial user is a partnership or sole proprietorship; an authorized representative shall mean a general partner or the proprietor, respectively.
- (iii) 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.
- (iv) The individuals described in paragraphs (i)--(iii) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
- (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to Pender County Utilities Director prior to or together with any reports to be signed by an authorized representative.

Average flow. The total flow of wastewater in gallons during a normal operating calendar day of twenty-four (24) hours, as can be measured over a period of time of not less than three (3) months.

BAT (Best Available Technology). A level of technology based on the very best (state of the art) control and treatment measures that have been developed or are capable of being developed and that are economically achievable within the appropriate industrial/commercial category. For discharges of silver bearing waste BAT shall mean treatment to a level of below the 5.0 mg/L hazardous waste limit established by EPA.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, usually expressed as a concentration (e.g. mg/l).

Building sewer. A sewer conveying wastewater from the premises of a user to the Pender County Utilities wastewater collection system.

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

Categorical standards. National categorical pretreatment standards or pretreatment standards.

CFPUA. Shall mean Cape Fear Public Utility Authority

COD (Chemical Oxygen Demand). The total quantity of oxygen required for the chemical oxidation of decomposable matter under standard laboratory conditions. COD shall be determined by the standard methods currently approved by EPA/DWQ

Combined sewer. Sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe.

Composite sample. The makeup of a number of individual samples, so taken as to represent the nature of wastewater or industrial wastes.

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

Connection or tap. The attachment of the building sewer to the County's provided access point to the public sanitary sewer.

Constituents. The combination of particles, chemicals or measurable environmental or chemical conditions (such as temperature, pH and BOD-5) which exist in the subject wastes.

Control Authority. Refers to Pender County Utilities organization if the Pender County Utilities organization's Pretreatment Program approval has not been withdrawn.

Cross-connection. Any physical connection or structural arrangement between a public or a private potable water system and any non-potable source or system through which an unsafe quality of water could flow or siphon from the non-potable source to the potable source.

Debris screens or debris traps. Any device or structure constructed in accordance with pretreatment requirements operated by a user or customer of Pender County Utilities or CFPUA's wastewater system for the purpose of removing particles and undissolved materials from the wastewater to be contributed to the public sanitary sewer.

Department of Environment and Natural Resources NCDENR. The North Carolina Department of Environmental Quality, Division of Water Resources or its successor. For the purposes of this Section references to the Division of Water Resources or DWQ shall be deemed to be NCDEQ.

Domestic user. A person who discharges domestic wastewater to the public sanitary sewer.

Domestic wastewater. The wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in Paragraph 22 of this Article. Normal human living processes include wastewater from bathroom and toilets, non-commercial kitchens and non-industrial and non-commercial

laundries. The discharge rate shall not exceed twenty-five thousand (25,000) gallons per day except by a written agreement with Pender County Utilities.

Effluent. The sewage, water or other liquid flowing out of any basin, pretreatment device or facility, and subsequently entering a public sewer, unless the context specifically refers to the flow from some other facility.

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

Flammable. The nature of material, materials or substances which provides the capability to burn spontaneously or to burn upon exposure to fire, sparks or high temperature or to burn under conditions found in the County wastewater collection and treatment system. The combustible nature of materials and related combustible conditions shall be determined by standard methods currently approved by the North Carolina Fire Prevention Code.

Flashpoint. Any pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit, as per 40 CFR Part 403.5(b).

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

Grease interceptor. Any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.

Hauled wastewater. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

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

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

Industrial user or User. Any person which is a source of indirect discharge.

Industrial wastewater. The wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding any of the allowable limits defined in Paragraph 22 of this Article.

Industrial wastewater surcharge. The additional charge for service provided to any user of Pender County Utilities or the CFPWA's WWTP service area which has effluent characteristics exceeding those of standard (domestic) strength wastewater.

Infiltration. Groundwater that enters sanitary sewer systems through cracks and/or leaks in the sanitary sewer pipes.

Inflow. Water other than wastewater that enters a sanitary sewer system (including water entering through a building sewer) from sources such as roof leaders, collar drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage.

Influent. The wastewater arriving at the public wastewater treatment facility(ies) for treatment.

Interference. The inhibition, or disruption of the Pender County Utilities wastewater collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's (and/or PENDER COUNTY WWTP's, if different from the Control Authority) NPDES, collection system, or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the PENDER COUNTY WWTP 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 PENDER COUNTY WWTP.

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

Metered water. The amounts of water used by the wastewater system user during the County's utility service billing periods, as measured by water or sewer meters required and approved by Pender County Utilities.

Milligrams per liter or mg/l. The ratio of weight to volume, interchangeable with ppm.

National categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

National prohibitive discharge standard or prohibitive discharge standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 20 of this Article and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New source. As defined in 40 CFR 403.3(m), including any subsequent amendments and additions.

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

National Pollutant Discharge Elimination System, or NPDES permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to N.C.G.S. 143-215.1 by the state under delegation from EPA.

Non-discharge permit. A disposal system permit issued by the state pursuant to N.C.G.S. 143-215.1.

North American Industry Classification System (NAICS). A classification pursuant to the North American Industry Classification System Manual issued by the Executive Office of the President, Office of Management and Budget, 1997, or current revisions.

Owner or user. Any property owner, or occupant or tenant who is a customer of public sanitary sewer services.

Parts per million or PPM. The ratio of weight to volume, interchangeable with mg/l.

Pass through. A discharge which exits the PENDER COUNTY WWTP 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 Control Authority's (and/or PENDER COUNTY WWTP's, if different from the Control Authority) NPDES, collection system, or non-discharge permit, or a downstream water quality standard if not included in the permit.

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

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

Plumbing code. 2009 International Plumbing Code, or current edition

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

Portable toilet waste. Domestic wastes from toilets which are not connected to a water source, and therefore, cannot be regularly flushed. Generally high BOD and solids concentrations, and generally found within transportation or recreation vehicles, or are fully enclosed but constructed in a manner as to be portable for movement between mass outdoor gatherings and construction sites.

Pender County Utilities Director. The chief administrative officer of the Control Authority or his/her delegate.

PENDER COUNTY WWTP. That portion of Pender County Utilities designed to provide treatment to wastewater.

Pretreatment or Treatment. The reduction for the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a PENDER COUNTY WWTP and/or CFUPA WWTP. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment program. The program for the control of pollutants introduced into the PENDER COUNTY WWTP or CFUPA's WWTP from non-domestic sources which was developed by the County in compliance with 40 CFR 403.8 and approved by the approval County as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

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

Pretreatment standards. Any prohibited discharge standard, categorical standards, and local limit.

Publicly owned treatment works (PENDER COUNTY WWTP) or wastewater system. A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the PENDER COUNTY WWTP treatment plant(s). For the purposes of this Article, "PENDER COUNTY WWTP" shall also include any sewers that convey wastewaters to the CFUPA's WWTP from persons inside the County's service area who are,

by contract or agreement with the County, or in any other way, users of the Pender County Utilities wastewater system.

Public sanitary sewer. A wastewater collection pipe or sewer conduit which services all abutting private and public properties and is owned, controlled, operated and maintained by the Authority; it shall include all appurtenances connected and used in the wastewater collection system.

Recreational water vessel. Recreational water vessel means a vessel, including cruise ships, which are (a) manufactured for operation, or operated, primarily for pleasure; or (b) leased, rented, or chartered to another for the latter's pleasure.

Receiving waters. Those waters into which wastes are discharged.

Sampling structure or control structure. An appropriately located structure with easy access by a pickup truck with trailer from which the effluent discharged by a wastewater system customer can be effectively measured for flow and strength by Pender County Utilities and/or the CFPUA, using standard sampling methods.

Sanitary sewer (or sewer). A pipe or conduit for carrying wastewater and from which storm, surface and groundwater are excluded.

Septic tank waste or septage. The liquid and partially digested solid domestic waste that results from the emptying of septic tanks, for which disposal is regulated by 15 NCAC, 18A.1900.

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

Sewer connection fee. The initial charge levied against a wastewater system user or customer for connection to the publicly provided access point to the public sewer. Such fee is levied in order to recover capital cost incurred by Pender County Utilities to provide connection.

Sewer reconnection fee. The charge levied against a wastewater system user or customer for reconnection to the publicly provided access point to the public sewer.

Significant Industrial User or SIU. An industrial user that discharges wastewater into a publicly owned treatment works and that:

- (i) has an average daily process wastewater flow of twenty-five thousand (25,000) gallons or more.
- (ii) contributes process wastewater which makes up five percent or more of the NDPES or Non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the PENDER COUNTY WWTP or CFPUA WWTP for any pollutant of concern; or

- (iii) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
- (iv) is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the PENDER COUNTY WWTP or CFPUA's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the PENDER COUNTY WWTP or CFPUA's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the PENDER COUNTY WWTP or CFPUA's sludge disposal options.
- (v) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (i) and (ii) above has no reasonable potential for adversely affecting the PENDER COUNTY WWTP or CFPUA's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the PENDER COUNTY WWTP or CFPUA's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the PENDER COUNTY WWTP or CFPUA's receiving stream standard, or for limiting the PENDER COUNTY WWTP or CFPUA's sludge disposal options, and thus is not a Significant Industrial User.
- (vi) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (iii) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- (vii) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (iii) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C).and 403.12 (e)(3).

Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in (iii), (iv), and (viii) below shall also be SNC.:

- (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- (ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH);
- (iii) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or PENDER COUNTY WWTP and/or CFUPA WWTP determines has caused, alone or in combination with other

- discharges, interference or pass through (including endangering the health of PENDER COUNTY WWTP of CFPWA WWTP personnel or the general public);
- (iv) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the PENDER COUNTY WWTP and/or CFPWA's WWTP, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 34 (E) of this SUO to halt or prevent such a discharge;
 - (v) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 - (vi) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety (90) day compliance reports, and periodic compliance reports within forty-five (45) days from the due date.
 - (vii) Failure to accurately report noncompliance.
 - (viii) Any other violation or group of violations that the Control Authority and/or PENDER COUNTY WWTP or CFPWA WWTP determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug load" or discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the PENDER COUNTY WWTP of CFPWA's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 20 of this Article.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, or current revisions.

Standard methods (for testing and measuring). Those procedures or methods established and/or currently approved by EPA/DWQ.

Standard sampling method. The method of collecting and storing individual samples or composite samples of wastewater for the purpose of laboratory analysis to determine its nature. The methods employed will be those established and currently approved by EPA/DWQ.

Standard (domestic) strength wastes. Wastes of any origin having a strength of two hundred (200) mg/l or less of BOD-5, six hundred (600) mg/l or less of COD and/or containing two hundred (200) mg/l or less of suspended solids.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting there from.

Superintendent. The person designated by Pender County Utilities or CFPUA 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 (SS). 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.

Total solids (TS). Total weight measured in mg/l of all solids: Dissolved, undissolved, organic or inorganic.

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

User. Any person who contributes causes or permits the contribution of wastewater into a Pender County Utilities wastewater system.

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

Wastewater permit. As set forth in section 8 of this Article.

Wastewater treatment facilities. Any arrangement of devices and structures used for treating wastewater to an acceptable quality.

Waters of the state. All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterway, reservoirs 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.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

This Article is gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. Terms in this Article not otherwise defined shall have the meanings prescribed within the regulations of EPA/DWQ

B) The following abbreviations when used in this Article shall have the designated meanings:

BOD-5	-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
N.C.G.S.	-North Carolina General Statutes
NPDES	-National Pollution Discharge Elimination System
O&M	-Operation and Maintenance
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

2. Intent of regulation of sewer use

This Article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for Pender County Utilities, and enables them to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Article are:

- A) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- B) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
- C) To promote reuse and recycling of industrial wastewater and sludge from the system;
- D) To protect personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the environment and the general public;
- E) To provide for equitable distribution of the cost of operation, maintenance and improvement of the wastewater system; and
- F) To ensure that Pender County Utilities complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the wastewater system is subject.

This Article provides for the regulation of direct and indirect contributors to the 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 herein.

3. Applicability of sewer use provisions.

This Article shall apply to all users of the Pender County Utilities wastewater system, as authorized by N.C.G.S. 160A-312 and/or 153A-275. The County shall designate an administrator of the Publicly Owned Treatment Works or Pender County Utilities and pretreatment program hereafter referred to as the Pender County Utilities Director. Except as otherwise provided herein, the Pender County Utilities Director shall administer, implement, and enforce the provisions of this Article. Any powers granted to or imposed upon the Pender County Utilities Director may be delegated by the Pender County Utilities Director to other County personnel.

By discharging wastewater into the County wastewater system, industrial users located within or outside the County limits agree to comply with the terms and conditions established in this Article, as well as any permits, enforcement actions, or orders issued hereunder. Users subject to this Article are also subject to CFPWA Ordinance if the SIU discharges to the CFPWA WWTP.

4. Administrative authority.

The Pender County Utilities Director is hereby assigned the responsibility of administering all provisions of this Article, and shall exercise these responsibilities in accordance with the intent of this Article in a fair and objective manner. The director may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers or responsibilities

granted to or imposed on the Pender County Utilities Director may be delegated by the Pender County Utilities Director to other County personnel.

5. Sewer use required.

- A) When the owner of a property inside the County service area shall use such property in any manner which results in the generation of wastewater, and pursuant to sections 3 of this Article such wastewater shall be discharged into a public sanitary sewer, the owner shall install, at his expense, a suitable building sewer and any other facilities necessary to connect the building sewer directly to the public sewer at an access point provided by the County.
- B) When the County is unable to serve single-family residential property through the gravity sanitary sewer system, as determined by the Pender County Utilities Director, the County may, upon written notification, approve the owner of the property to purchase and install a motor, lines, and pump so that wastewater can be pumped to the public sewer at the provided access point. It will be the responsibility of the property owner to complete the sewer connection with the purchased equipment and to maintain the pump, lines and motor to the property line at his own expense.
- C) Whenever a building sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer collects wastewater shall, upon notification of the Pender County Utilities Director, reconstruct, alter, clean or repair the building sewer as the condition of such may require within thirty (30) days after receiving notification.

6. User fees

- A) Purpose. It is the purpose of this Article to provide through the recovery of costs from users of the wastewater disposal system of the County for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the Pender County Utilities Director and approved by the County Board. A copy of these charges and fees will be made available from the Pender County Utilities Director.
- B) User Charges. A user charge shall be levied on all users including, but not limited to persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage in the Pender County Utilities system.
 - (i) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the PENDER COUNTY WWTP.
 - (ii) Each user shall pay its proportionate cost based on volume of flow.
 - (iii) The Pender County Utilities Director shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the PENDER COUNTY WWTP system and will make recommendations to the Council or Board serving the County for adjustments in the schedule of charges and fees as necessary.

- (iv) Charges for flow to the PENDER COUNTY WWTP not directly attributable to the users shall be distributed among all users of the PENDER COUNTY WWTP based upon the volume of flow of the users.
 - (v) All customers will be notified annually on a normal water and sewer bill of the rate for the user fee which is attributable to wastewater treatment service.
- C) **Surcharges.** The amount of surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater:
- (i) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - a) Metered water consumption as shown in the records of meter readings maintained by Pender County Utilities; or
 - b) If required by the County, 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 County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
 - c) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.
 - (ii) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the user and any samples collected and analyzed by the County. 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.
 - (iii) The determination of the character and concentration of the constituents of the wastewater discharge by the Pender County Utilities Director or his duly appointed representatives shall be binding as a basis for charges.
- D) *Pretreatment program administration charge.* The fee schedule adopted by the County may include charges and fees for:
- (i) Reimbursement of costs of setting up and operating the Pretreatment Program;
 - (ii) Monitoring, inspections and surveillance procedures;
 - (iii) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
 - (iv) Permitting; and
 - (v) Other fees as the County may deem necessary to carry out the requirements of the pretreatment program.

7. Wastewater dischargers

It shall be a violation of this ordinance for any person to connect or discharge to the Pender County Utilities wastewater system without first obtaining the permission of the County. When requested by the Pender County Utilities Director, a user must submit information on the nature

and characteristics of its wastewater within sixty (60) days of the request. The Pender County Utilities Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

8. Wastewater Permits

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the Pender County Utilities wastewater system. Existing industrial users who are determined by the Pender County Utilities Director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the Pender County Utilities Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the Pender County Utilities Director be required to obtain a wastewater discharge permit for nonsignificant industrial users.

- A) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Pender County Utilities Director a significant industrial user determination. If the Pender County Utilities Director 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.
- B) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the County, an application in the form prescribed by the Pender County Utilities Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the Pender County Utilities Director's determination in 8 (A) above. The application shall include at a minimum:
 - (i) name of industrial user;
 - (ii) address of industrial user;
 - (iii) standard industrial classification (SIC) code(s) or expected classification and industrial user category;
 - (iv) wastewater flow;
 - (v) types and concentrations (or mass) of pollutants contained in the discharge;
 - (vi) major products manufactured or services supplied;
 - (vii) description of existing on-site pretreatment facilities and practices;
 - (viii) locations of discharge points;
 - (ix) raw materials used or stored at the site;
 - (x) flow diagram or sewer map for the industrial user;
 - (xi) number of employees;
 - (xii) operation and production schedules; and
 - (xiii) description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);

- (xiv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.
 - b) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Pender County Utilities Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Pender County Utilities Director.

- C) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user (as defined in Section 1(A)) on file with the County 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.

- D) *Application review and evaluation.* The Pender County Utilities Director will evaluate the data furnished by the user and may require additional information.
 - (i) The Pender County Utilities Director is authorized to accept applications for Pender County Utilities and shall refer all applications to the Pender County Utilities' staff for review and evaluation.
 - (ii) Within thirty (30) days of receipt the Pender County Utilities Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

- E) *Tentative determination and draft permit.*
 - (i) The Pender County Utilities 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.
- (ii) If the staff's tentative determination in paragraph (i) above is to issue the permit, the following additional determinations shall be made in writing:
 - a) Proposed discharge limitations for those pollutants proposed to be limited;
 - b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - c) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
 - (iii) The staff shall organize the determinations made pursuant to paragraphs (i) and (ii) above and the County's general permit conditions into a significant industrial user permit.
- F) *Permit supporting documentation.* Pender County Utilities staff shall prepare the following documents for all Significant Industrial User permits.
- (i) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the PENDER COUNTY WWTP, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
 - (ii) The basis, or rationale, for the pretreatment limitations, including the following:
 - a) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - b) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- G) *Final action on significant industrial user permit applications.*
- (i) The Pender County Utilities Director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
 - (ii) The Pender County Utilities Director is authorized to:
 - a) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this Article and N.C.G.S. 143-215.1;
 - b) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - c) Modify any permit upon not less than sixty (60) days' notice and pursuant to section 34 of this Article.
 - d) Revoke any permit pursuant to section 34 of this Article.
 - e) Suspend a permit pursuant to section 34 of this Article; or
 - f) Deny a permit application when in the opinion of the Pender County Utilities Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

H) *Hearings.*

- (i) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted, but subject to conditions they deem unacceptable, a permittee/user assessed a civil penalty under section 35, or one issued an administrative order under section 34 shall have the right to an adjudicatory hearing before the Pender County Utilities Director or other hearing officer appointed by the Pender County Utilities Director upon making written demand, identifying the specific issues to be contested, to the Pender County Utilities Director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The hearing officer shall make a final decision on the contested permit, penalty, or within forty-five (45) days of the receipt of the written demand for a hearing. The Pender County Utilities Director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (ii) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:
 - a) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - b) *Renewed permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - c) *Terminated Permits.* Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (ii) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (i) above may be appealed, to the Board serving the County upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with Local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Board serving the County shall make a final decision on the appeal within ninety (90) days from receipt of the demand filed under paragraph (i) and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (iii) below. The decision is a final decision for the purposes of seeking judicial review.
- (iii) *Official record.* When a final decision is issued under paragraph (ii) above, the Board serving the County shall prepare an official record of the case that includes:
 - a) All notices, motions, and other like pleadings;
 - b) A copy of all documentary evidence introduced;

- c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
- d) A copy of the final decision of the Board serving the County.
- (iv) *Judicial review.* Any person against whom a final order or decision of the Board serving the County is entered, pursuant to the hearing conducted under paragraph (ii) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Pender County within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the County. Within thirty (30) days after receipt of the copy of the written request for review by the Court, the Board serving the County shall transmit to the reviewing court the original or a certified copy of the official record.

I) *Permit modification.*

- (i) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - a) Changes in the ownership of the discharge when no other change in the permit is indicated,
 - b) A single modification of any compliance schedule not in excess of four (4) months, and/or
 - c) Modifications of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (ii) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 8(B), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard.
- (iii) 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.

J) *Permit conditions.*

- (i) The Pender County Utilities Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Article and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - a) A statement of duration (up to five (5) years);
 - b) A statement of non-transferability;
 - c) Applicable effluent limits based on categorical standards or local limits or both;

- d) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
 - e) Requirements for notifying Pender County Utilities in the event of an accidental discharge or slug loads as defined in 1(A) if determined by the Director to be necessary for the User; and,
 - f) Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in 3-1, if determined by the Pender County Utilities Director to be necessary for the User;
 - g) Requirements for immediately notifying Pender County Utilities of any changes at its facility affecting the potential for spills and other accidental discharges, or slug loads as defined in 1(A); and
 - h) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (ii) In addition, permits may contain, but are not limited to, the following:
- a) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - b) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - c) 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.
 - d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater system.
 - e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - f) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - h) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - i) Compliance schedules for meeting pretreatment standards and requirements.
 - j) Requirements for submission of periodic self-monitoring or special notification reports.
 - k) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 9(M) and affording the Pender County Utilities Director, or his representatives, access thereto.
 - l) Requirements for prior notification and approval by the Pender County Utilities Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.

- m) Requirements for the prior notification and approval by the Pender County Utilities Director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - n) Requirements for immediate notification of excessive, accidental, or slug discharges or any discharge which could cause any problems to the system.
 - o) 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.
 - p) Other conditions as deemed appropriate by the Pender County Utilities Director to ensure compliance with this Article, and state and federal laws, rules, and regulations.
- K) *Permit duration.* Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- L) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- M) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 8 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

9. Reporting Requirements

A) *Baseline monitoring reports.* (BMR)

- (i) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the PENDER COUNTY WWTP shall submit to the Pender County Utilities Director a report which contains the information listed in paragraph 9(A)(ii), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Pender County Utilities Director a report which contains the information listed in paragraph 9(A)(ii), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (ii) Users described above shall submit the information set forth below.
 - a) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - b) *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - c) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out

by such user. This description should include a schematic process diagram which indicates points of discharge to the Pender County Utilities' wastewater from the regulated processes.

- d) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the PENDER COUNTY WWTP from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- e) *Measurement of pollutants.*
 - 1) The categorical pretreatment standards applicable to each regulated process.
 - 2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Pender County Utilities Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 9(J) of this Article.
 - 3) Sampling must be performed in accordance with procedures set out in Section 9(K) of this Article and 40 CFR 403.12 (b) and (g), including 40 CFR 403.12 (g)(4).
- f) *Certification.* A statement, reviewed by the user's current representative as defined in Section 1(A) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g) *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 9(B) of this Article.
- h) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 8(C) of this Article.

B) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by section 9(A)(ii)(g) of this Article:

- (i) 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);
- (ii) No increment referred to above shall exceed nine (9) months;
- (iii) The user shall submit a progress report to the Pender County Utilities Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the

increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

- (iv) In no event shall more than nine (9) months elapse between such progress reports to the Pender County Utilities Director.

C) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the PENDER COUNTY WWTP, any user subject to such pretreatment standards and requirements shall submit to the Pender County Utilities Director a report containing the information described in section 9(A)(ii)(d-f) of this Article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 8(C) of this Article.

D) *Periodic compliance reports.*

- (i) All significant industrial users shall, at a frequency determined by the Pender County Utilities Director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in sections 9(J and K) of this Article. All periodic compliance reports must be signed and certified in accordance with section 8(C) of this Article.
- (ii) 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.
- (iii) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Pender County Utilities Director, using the procedures prescribed in sections 9(J and K) of this Article, the results of this monitoring shall be included in the report.

E) *Reports of changed conditions.* Each user must notify the Pender County Utilities Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or Municipality. See section 9(F)(iv) for other reporting requirements.

- (i) The Pender County Utilities Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 8 of this Article.
- (ii) Pender County Utilities may issue a wastewater discharge permit under section 8 of this Article or modify an existing wastewater discharge permit under section 8 of this Article in response to changed conditions or anticipated changed conditions.
- (iii) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater; the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to Pender County Utilities; new or changed manufacturing processes and/or chemicals; or new or changed customers.

F) *Reports of potential problems.*

- (i) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 1(A), that may cause potential problems for the Pender County Utilities wastewater system, the user shall immediately telephone and notify the Pender County Utilities Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (ii) Within five (5) days following such discharge, the user shall, unless waived by the Pender County Utilities Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to Pender County Utilities system, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Article.
- (iii) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (iv) All significant industrial users are required to notify Pender County Utilities immediately of any changes at a facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 1(A).

G) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Pender County Utilities Director or as the Pender County Utilities Director may require. All users classified as Non-Significant Categorical Industrial Users under Section 1(A) shall provide appropriate reports to the Pender County Utilities Director as the Pender County Utilities Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

H) *Notice of violation – Repeat sampling and reporting.*

- (i) If sampling performed by a user indicates a violation, the user must notify the Pender County Utilities Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pender County Utilities Director within thirty (30) days after becoming aware of the violation. If approved by the Pender County Utilities Director, the user is not required to resample:
 - a) If the Pender County Utilities Director monitors at the user's facility at least once a month, or
 - b) If the Pender County Utilities Director samples between the user's initial sampling and when the user receives the results of this sampling.
- (ii) If the Pender County Utilities Director has performed the sampling and analysis in lieu of the industrial user and the Pender County Utilities Director's sampling of the user indicates a violation, the Pender County Utilities Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:
 - a) The Pender County Utilities Director monitors at the user's facility at least once a month; or
 - b) The Pender County Utilities Director samples the user between the initial sampling and the time Pender County Utilities receives the result of this initial sampling; or
 - c) The Pender County Utilities Director requires the user to perform sampling and submit the results to the Pender County Utilities Director within the thirty (30) days of Pender County Utilities becoming aware of the violation.

I) *Notification of the Discharge of hazardous waste.* The County prohibits the discharge of any hazardous wastes without notification to and approval by the Pender County Utilities Director.

- (i) Any user who commences the discharge of hazardous waste shall notify Pender County Utilities, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the PENDER COUNTY WWTP of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the PENDER COUNTY WWTP, 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 discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from the County. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 9 (E) of this Article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 9 (A), 9 (C), and 9 (D) of this Article.

- (ii) Dischargers are exempt from the requirements of paragraph (i), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (iii) 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 Pender County Utilities Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (iv) 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.
- (v) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

- J) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the County. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and the County.
- K) *Grab and composite sample collection.*
- (i) 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.
 - (ii) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The PENDER COUNTY WWTP shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the Pender County Utilities Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
 - (iii) Composite samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time proportional composite sampling or grab sampling is authorized by the Pender County Utilities Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.
- L) *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.
- M) *Record keeping.* 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 person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the

duration of any litigation concerning the user or the County or where the user has been specifically notified of a longer retention period by the Pender County Utilities Director.

- N) *Electronic reporting*: The Pender County Utilities Director may develop procedures for receipt of electronic reports for any reporting requirements of this Article. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 5 of this Article.
- O) *Special Reporting Requirements for IU's in Satellite Pender County WWTP's*. In the case of an industrial user located in the CFPUA's jurisdiction, all information required to be reported to the industrial user's Pretreatment Program Control Authority by this Article shall also be reported to the CFPUA.

10. Quality determination – Effluent sampling.

- A) Periodic measurements of flow, suspended solids, BOD and other appropriate waste characteristics for surcharge determination and other purpose shall be made by those permittee specifically designated by the Pender County Utilities Director. The Pender County Utilities Director shall determine the number of twenty-four-hour flow measurements and samples required. Continuous monitoring may be required by the director in cases involving large fluctuations in quantity or quality of wastes, or if the wastewater appears to have characteristics which may damage the receiving system.
- B) All public sanitary sewer users whose total average sewage discharge is greater than twenty-five thousand (25,000) gallons per day, or whose total average discharge has a flow or pollutant loading requiring utilization of greater than five (5) percent of the design capacity of the County's treatment works, shall unless exempted by the Pender County Utilities Director, install and maintain, at the user's expense, facilities for continuously measuring and sampling the total waste discharge. This requirement may be waived for a particular user only when the quantity, flow rate and characteristics of the wastewater can be adequately determined without such structures or when previous sampling facilities have been built by either Pender County Utilities or a prior owner. When the Pender County Utilities Director shall determine for such facilities discharging less than twenty-five thousand (25,000) gallons per day that the nature of the discharge and/or conditions of the permit warrant continuous monitoring and sampling, the Pender County Utilities Director may require such user to install and maintain sampling facilities as stated heretofore.
- C) All flow measurements, sampling and analysis shall be performed by qualified personnel; all laboratory analyses of industrial wastewater samples shall be performed by an EPA/DWQ certified laboratory in accordance with current standard chemical analysis methods for wastewater established by EPA/DWQ. All samples shall represent the normal wastewater flow from the premises over a twenty-four-hour period. The samples shall be composited according to the flow either manually with at least one sample collected hourly, or by automatic integrated sampling equipment.

- D) Unless otherwise prescribed by the Pender County Utilities Director, self-monitoring reports of all the sampling shall be submitted to the County by the 10th; day of the month following the sampling event.

11. Quantity determination.

- A) All domestic and industrial users served by the County wastewater system shall pay a sewer user charge to Pender County Utilities in accordance with section 6 of this Article.
- B) In the case of industrial users, the quantity of wastewater discharged shall not exceed one hundred twenty (120) percent of permitted value.

12. Confidential information.

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

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 (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be regarded as confidential information. All records relating to compliance with pretreatment standards shall be made available to officials of the approval Authority and EPA upon request.

13. Prohibited Connections

No connection shall be permitted that will allow inflow other than sanitary waste to enter the Pender County Utilities wastewater collection and treatment system. Said prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains or other sources of storm waters or groundwater to a building sewer which is connected directly or indirectly to a public sanitary sewer.

14. Grease removal

- A) Grease traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing or serving food and/or food products. Grease interceptors are required for the proper handling of liquid wastes containing oil and/or grease to ensure concentrations do not exceed one hundred (100) mg/l by weight

(hexane extractable). All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the director. The interceptor shall be readily and easily accessible for cleaning and inspection. No more than twenty (20) percent of the interceptor's total volume will be used for a sludge pocket. The interceptor shall be kept free of materials including kitchen utensils, paper or plastic products, and rags which may settle into the required sludge pocket, and all other floating material shall be skimmed from the trap or basin tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of the liquid. All such interceptors shall be serviced and emptied of the waste content as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer.

- B) No waste removed from the interceptor shall be reintroduced into the sanitary sewer or back into the interceptor which will cause the interceptor's discharge to exceed sewer use ordinance limits. The owner shall be responsible for sanitary disposal of such waste.
- C) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the County on the 15th day of the month following service.

15. Sand, grit and oil removal.

- A) Sand, grit, and oil traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand, grit, oil, or flammable waste in excessive amounts. All such interceptors shall be of a type and capacity approved by the director and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their contents as required, in order to maintain their minimum design capability to intercept grit, sand, oil, and flammable waste prior to the discharge of wastewater to the public sanitary sewer.
- B) Wastes removed from sand, grit and oil interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.
- C) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the County on the 15th day of the month following service.

16. Preliminary treatment devices.

Where preliminary treatment, pretreatment, flow-equalization facilities or grease; oil, grit and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

17. Monitoring facilities.

The County may require 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.

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.

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

18. Pretreatment of wastewater.

A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this Article and wastewater permits issued under Section 8 of this Article and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in Section 20 of this Article within the time limitations as specified by EPA, the state, or the Pender County Water and Sewer Ordinance, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Pender County Utilities for review, and shall be approved by the Pender County Utilities Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to Pender County Utilities 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 Pender County Utilities Director prior to the user's initiation of the changes.

B) *Additional pretreatment measures.*

- (i) Whenever deemed necessary, the Pender County Utilities Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the PENDER COUNTY WWTP and determine the user's compliance with the requirements of this Article.
- (ii) The Pender County Utilities Director may require any person discharging into the PENDER COUNTY WWTP 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.

- (iii) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Pender County Utilities Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Pender County Utilities Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (iv) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

19. Variance request.

Variances to required pumping frequencies for grease/grit interceptors may be granted as deemed necessary by the Pender County Utilities Director based on established criteria.

20. Prohibited Discharge Standards.

- A) *General Prohibitions.* No user shall contribute or cause to be contributed into the PENDER COUNTY WWTP, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of Pender County Utilities wastewater system 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 PENDER COUNTY WWTP the following pollutants, substances, or wastewater:
 - (i) Pollutants which create a fire or explosive hazard in the Pender County Utilities wastewater system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
 - (ii) Solid or viscous substances in amounts which will cause obstruction of the flow in the Pender County Utilities wastewater system resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
 - (iii) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through. Any wastewater having a pH less than 6.0 or more than 10 or wastewater having any other corrosive property capable of causing damage to the Pender County Utilities wastewater system or equipment, unless authorized by the Pender County Utilities Director.
 - (iv) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to cause interference with the Pender County Utilities wastewater system.
 - (v) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the Pender County Utilities wastewater system and/or pretreatment plant resulting in interference, but in no case wastewater

which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

- (vi) Any pollutants which result in the presence of toxic gases, vapors or fumes within the Pender County Utilities wastewater system in a quantity that may cause acute worker health and safety problems.
- (vii) Any trucked or hauled pollutants, except at discharge points designated by the Pender County Utilities Director in accordance with section 29 of this Article.
- (viii) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (ix) Any substance which may cause the Pender County Utilities wastewater system's effluent or any other product of the PENDER COUNTY WWTP 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 Pender County Utilities wastewater system cause the PENDER COUNTY WWTP 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.
- (x) 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.
- (xi) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Pender County Utilities Director in compliance with applicable state or federal regulations.
- (xii) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Pender County Utilities Director.
- (xiii) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l unless authorized by the Pender County Utilities Director.
- (xiv) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (xv) Any medical wastes, except as specifically authorized by the Pender County Utilities Director in a wastewater discharge permit.
- (xvi) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the wastewater system.
- (xvii) 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 Pender County Utilities Director.
- (xviii) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

- (xix) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (xx) Recognizable portions of the human or animal anatomy.
 - (xxi) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater system.
 - (xxii) At no time, shall two (2) 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 (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
- C) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
- D) When the Pender County Utilities Director determines that a user(s) is contributing to the Pender County Utilities wastewater system, any of the above enumerated substances in such amounts which may cause or contribute to interference of Pender County Utilities wastewater system operation or pass-through, the Pender County Utilities Director shall:
- (i) Advise the user(s) of the potential impact of the contribution on the Pender County Utilities wastewater system in accordance with section 34; and
 - (ii) Take appropriate actions in accordance with Section 8 of this Article for such user to protect the Pender County Utilities wastewater system from interference or pass through.

21. National categorical pretreatment

Upon the promulgation of the national 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. The Pender County Utilities Director, or designee, shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

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.

- A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Pender County Utilities Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Pender County Utilities Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that

factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E) A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

22. Local limits

An industrial waste survey is required prior to a User discharging wastewater in excess of the average discharge limits listed below.

Parameter:	Value mg/l:
Aluminum	2.0
Ammonia-Nitrogen	17.0
Arsenic	0.003
Barium	0.15
Beryllium	0.2
BOD	200
Boron	1.0
Cadmium	0.003
CBOD	200
Chlorides	1,000
Chromium	0.002
COD	600
Copper	0.041
Cyanide	0.015
Iron	2.9
Lead	0.049
Manganese	60
Mercury	0.0003
Methylene Chloride	0.1
Nickel	0.021

Oil and Grease (Hexane Extraction)	100
Organic Nitrogen	18
Phosphorus Ortho	3
Phosphorus Total	6.1
Selenium	0.2
Silver	0.005
Sulfates	250
Sulfides	8.0
Tetrachloroethylene	0.5
TKN	35
Total Solids	831
Total Suspended Solids	200
Trichloroethylene	0.5
Zinc	0.165

Domestic sewage concentrations for pollutants not listed above shall be determined by the Pender County Utilities Director and shall be based on either actually measured domestic sewage levels or EPA literature values.

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the PENDER COUNTY WWTP's maximum headworks loadings are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The Pender County Utilities Director may impose mass limits in addition to, or in place of, the concentration-based limits above.

23. Biochemical oxygen demand limit

The admission into the public sewers of any water or waste having a five-day biochemical oxygen demand (BOD-5) in excess of two hundred (200) mg/l, by weight, on a twenty-four-hour composite sample basis, will be subject to an excess strength surcharge as stated in section 6(C). Any sample taken with a five-day biochemical oxygen demand (BOD-5) in excess of one thousand (1,000) mg/l, by weight, may subject the discharger to the requirements prescribed in section 8(B)(xiv).

24. Chemical oxygen demand

The admission into the public sewers of any water or waste having a chemical oxygen demand (COD) in excess of six hundred (600) mg/l, by weight, on a twenty-four-hour composite sample basis, will be subject to an excess strength surcharge as stated in section 6(C). Any sample taken

with a chemical oxygen demand (COD) in excess of two thousand five hundred (2,500) mg/l, by weight, may subject the discharger to the requirements prescribed in section 3-8(B)(xiv).

25. Suspended solids.

The admission into the public sewers of any water or waste having a suspended solids in excess of two hundred (200) mg/l, by weight, on a twenty-four hour composite sample basis, will be subject to an excess strength surcharge as stated in section 6(C). Any sample taken with a suspended solids in excess of two hundred (200) mg/l, by weight, may subject the discharger to the requirements prescribed in section 8(B)(xiv).

26. Flow equalization.

- A) The admission into the public sewers of any wastewater in volumes, or with constituents, such that the transportation of such wastewater through the public sewer to the treatment facility will not sufficiently dilute such wastewater to prevent interference with treatment or to prevent endangerment of public health and safety at the treatment facility shall be prohibited.
- B) Where necessary, facilities for varying the rate of discharge may be required as part of the building sewer in order to bring constituents or volume of flow discharged within the limits previously prescribed or to an otherwise acceptable level, and/or to hold or equalize flows such that no peak flow conditions may hamper the operation of any units of the public sewer or treatment facility. Such equalization unit shall have a capacity suitable to serve its intended purpose, and be equipped with acceptable outlet control facilities to control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow. Equalizing facilities shall be provided to prevent flows from exceeding the following limits:

Average Flow (Gallons per Day)	Allowable Ratio of Peak to Average Flow
10,000 to 100,000	3
100,000 to 500,000	2
More than 500,000	1.5

27. Deleterious discharge.

- A) If any wastewater is discharged, or is proposed to be discharged to the public sewers, which contains the constituents or possesses the characteristics enumerated in the preceding sections of this Article, and which may have a deleterious effect upon the wastewater collection system, wastewater treatment processes, equipment or receiving waters, or which otherwise creates a hazard to life or constitutes a public nuisance, the Pender County Utilities Director may, as a condition to the waste discharge permit:
 - (i) Reject the wastes;

- (ii) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (iii) Require control over the quantities, concentration and/or rates of discharge; and/or
 - (iv) Require payment to cover the added cost of receiving, handling and treating the wastes not covered by current charges of fees for wastewater service.
- B) If the Pender County Utilities Director permits or requires the pretreatment or equalization of waste flows, the design, installation of the plants and equipment and their effective operation shall be subject to the prior review and approval of the director and the local, state, and federal agencies having jurisdiction, and shall be subject to the requirements of all other applicable rules, regulations, ordinances and laws.
- C) In the event a spill or loss into the building sewer of any deleterious materials is threatened or occurs, the owner shall promptly notify the director of the nature of the spill or threatened spill, the quantity and if it has occurred, the time of the spill. The cause of such spills and losses of deleterious material shall be corrected, and the costs of such correction, together with all resulting damages, shall be borne by the owner.

28. Accidental discharge/slug control plans.

- A) The Pender County Utilities Director shall evaluate whether each significant industrial user (SIU) needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in section 1(A). All SIUs must be evaluated within one year of being designated a SIU. The Pender County Utilities Director may require any user to develop and submit for approval, and implement such a plan or other specific action. Alternatively, the Pender County Utilities Director may develop such a plan for any user.
- B) All SIUs are required to notify the PENDER COUNTY WWTP immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or slug load. Also see sections 9(E and F).
- C) An accidental discharge/slug control plan shall address, at a minimum, the following:
- (i) Description of discharge practices, including non-routine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the Pender County Utilities Director of any accidental or slug discharge, as required by section 9(F) of this Article; and
 - (iv) 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.

29. Hauled wastewater.

- A) Septic tank waste may be introduced into the PENDER COUNTY WWTP only at locations designated by the Pender County Utilities Director, and at such times as are established by the Pender County Utilities Director. Such waste shall not violate Section 20 of this Article or any other requirements established by the County. The Pender County Utilities Director may require septic tank waste haulers to obtain wastewater discharge permits.
- B) The Pender County Utilities Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Pender County Utilities Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Pender County Utilities Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C) Industrial waste haulers may discharge loads only at locations designated by the Pender County Utilities Director. No load may be discharged without prior consent of the Pender County Utilities Director. The Pender County Utilities Director may collect samples of each hauled load to ensure compliance with applicable standards. The Pender County Utilities Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

30. 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.

31. Right of revision.

The County reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the intent presented in section 2 of this Article or the general and specific prohibitions in section 20 of this Article, as is allowed by 40 CFR 403.4.

32. 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 County or state.

33. Discharge of unpolluted waters.

No person shall cause to be discharged inflow, groundwater, uncontaminated cooling water or uncontaminated process water to any public sanitary sewer. Such water and other unpolluted water may be discharged to a sewer designated specifically as a storm sewer, or to a natural outlet, provided such discharge is approved by the local, state or federal jurisdiction having County.

34. Administrative remedies.

- A) *Notification of violation.* Whenever the Pender County Utilities Director finds that any industrial user has violated or is violating this Article, a wastewater permit, or any prohibition, limitation or requirement contained therein or any other pretreatment requirement the Pender County Utilities Director may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the County 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 Pender County Utilities Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 34 (D) below.
- C) *Show cause hearing.* The Pender County Utilities Director 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. In the event the Pender County Utilities Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Pender County Utilities Director shall be present at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 35 nor is any action or inaction taken by the Pender County Utilities Director under this section subject to an administrative appeal under section 8(H).

- D) *Administrative orders.* When the Pender County Utilities Director finds that an industrial user has violated or continues to violate this Article, permits or orders issued

hereunder, or any other pretreatment requirement, the Pender County Utilities Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

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

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (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 Pender County Utilities Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the PENDER COUNTY WWTP system or endangerment to any individuals. The Pender County Utilities Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Pender County Utilities Director prior to the date of the above-described hearing.

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

- (i) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (ii) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (iv) Violation of conditions of the permit or permission to discharge, conditions of this
- (v) Article or any applicable state or federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 34 of this Article why the proposed action should not be taken.

35. 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, is subject to a civil penalty of up to twenty-five thousand dollars (\$25,000.00) per day per violation.
 - (i) Penalties between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars (\$25,000.00) per day per violation may be assessed against a violator only if:
 - a) For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
 - b) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this Article, or the orders, rules, regulations and permits issued hereunder, only if the Pender County Utilities Director determines that the violator was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.
- B) In determining the amount of the civil penalty, the Pender County Utilities Director shall consider the following:
 - (i) 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;
 - (ii) The duration and gravity of the violation;
 - (iii) The effect on ground or surface water quantity or quality or on air quality.
 - (iv) The cost of rectifying the damage;
 - (v) The amount of money saved by noncompliance;
 - (vi) Whether the violation was committed willfully or intentionally;
 - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program; and
 - (viii) The costs of enforcement to the County
- C) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 8(H).

36. Other available remedies

Remedies, in addition to those previously mentioned in this ordinance, are available to the Pender County Utilities Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (i) *Criminal violations.* The District Attorney for the applicable Judicial District may, at the request of the County, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B.

- (ii) *Injunctive relief.* Whenever a user is in violation of the provisions of this Article or an order or permit issued hereunder, the Pender County Utilities Director, through the County attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (iii) *Water supply severance.* Whenever user is in violation of the provisions of this Article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (iv) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this Article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Pender County Utilities Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the County governing such nuisances, including reimbursing the PENDER COUNTY WWTP for any costs incurred in removing, abating or remedying said nuisance.

37. Remedies Nonexclusive

The remedies provided for in this Article are not exclusive. The Pender County Utilities Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the Pender County Utilities Director may take other action against any user when the circumstances warrant. Further, the Pender County Utilities Director is empowered to take more than one (1) enforcement action against any noncompliant user.

38. Annual publication of significant noncompliance.

At least annually, the Pender County Utilities Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the PENDER COUNTY WWTP, 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 twelve (12) months.

39. Inspections and search warrants.

- A) The County 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 County, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of meter reading, inspection, sampling, records examination and copying or in the performance of any of their duties. The Pender County Utilities Director, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the Pender County Utilities

Director, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the Pender County Utilities Director, the approval authority, or EPA's access to the user's premises shall be a violation of this Article. Unreasonable delays may constitute denial of access.

- B) While performing the necessary work on private properties referred to above, the Pender County Utilities Director or duly authorized employees and agents of the County shall observe all safety rules applicable to the premises established by the owner.
- C) The property owner shall not be released from liability to any extent in the event that a County agent or employee is injured while making inspections which are pursuant to this Article on privately-owned property as a result of negligence on the part of the private property owner or any of his agent or employees.
- D) If the County, 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 County designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pender County Utilities Director, approval authority, or EPA may seek issuance of a search warrant from the Superior Court of Justice of Pender County and/or New Hanover County.

40. Affirmative defenses to discharge violations.

A) *Upset*

- (i) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (ii), below, are met.
- (ii) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and the user can identify the cause(s) of the upset;
 - b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c) The user has submitted the following information to the Pender County Utilities Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - 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.

- (iii) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (iv) 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.
- (v) 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 section 20(A) of this Article or the specific prohibitions in sections 20(B)(ii), (v-vii) and (ix-xxiii) of this Article if it can prove that its discharge, alone or in conjunction with discharges from other sources, would not cause pass through or interference and that either:

- (i) 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
- (ii) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Authority 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.*

- (i) 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 paragraphs (ii) and (iii) of this section.
- (ii)
 - a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Pender County Utilities Director at least ten (10) days before the date of the bypass, if possible.
 - b) A user shall submit oral notice to the Pender County Utilities Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Pender County Utilities Director may waive the

written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (iii)
 - a) Bypass is prohibited, and the Pender County Utilities Director may take an enforcement action against a user for a bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The user submitted notices as required under paragraph (2) of this section.
 - b) The Pender County Utilities Director may approve an anticipated bypass, after considering its adverse effects, if the Pender County Utilities Director determines that it will meet the three (3) conditions listed in paragraph (3)(a) of this section.

41. Severability

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

42. Conflict

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

LOGAN REBUTTAL EXHIBIT NO. 2

From: [Maurice Gallarda](#)
To: [Randy Hoffer](#); [PE Michael C. Gallant \(gallantmc@yahoo.com\)](#); [Dan Winters](#)
Subject: FW: ONSWC
Date: Wednesday, June 24, 2020 5:21:00 PM

For discussion tomorrow.... Remember we ([including you Michael are under a NDA so conversation remains within only](#)). I will be in tomorrow and we can discuss so I can get back to John McDonald on Friday.

Maurice W. Gallarda, PE
 Managing Member



Pluris Holdings LLC

T 214.220.3412 / F 214.965.9090
 5950 Berkshire Lane, Suite 800, Dallas, Texas 75225

This e-mail is subject to the Pluris Holdings email disclaimer.
[Click to read full disclaimer.](#)

From: jtweed629@aol.com <jtweed629@aol.com>
Sent: Wednesday, June 24, 2020 12:05 PM
To: Maurice Gallarda <mgallarda@plurisusa.com>
Subject: ONSWC

Maurice:

Salters Haven

Following is the largest obligation of ONSWA in the Salters Haven contract requiring ONSWC to expand its plant to 200,000 gpd. However they may be able to delay until 70% capacity is used. (see below)

7.2. Installation Requirements. ONSWC, at ONSWC's cost and expense, shall cause to be constructed an expansion of the Majestic Oaks Wastewater Facility sufficient to treat a minimum of 200,000 gpd. Prior to Monthly Average Daily Flows exceeding 70% of capacity on an annual average basis, Utility shall begin construction of the expansion of the Majestic Oaks Wastewater Treatment System. Estimated timeframe for construction of said expansion shall take no more than one hundred twenty (120) days.

The developer is paying for the installation of the gravity collection system within the subdivision including elder valves. The developer is also paying for the off-site facilities including a pump station and force main. However it appears ONSWC is paying him back for 82% of the cost of the off-site facilities

in future payments after ONSWC has collected the first 150 tap fees (confusing language). (see below)

12. Purchase Price. Utility is purchasing from Developer the completed Wastewater Utility System, regardless of the Wastewater Utility System being installed all at one time or in 10 phases.

The Purchase Price paid by Utility shall be 82% of the actual cost of the Off-Site Wastewater Pump Station and Off-Site Wastewater Forcemain (excluding the cost of upsizing a portion of the forcemain from 4', to 6'). Said Purchase Price payment shall be payable based on 82% of the actual cost of the Off-Site Pump Station and Off-Site Forcemain divided by 150 REUs. ONSWC shall be entitled to collect a Connection Fee in accordance with Paragraph 10. ONSWC shall not be required to make any purchase price payments to the developer for the first 150 connections from the Subdivision. Said Purchase Price payment shall be payable only after the first 150 connections and paid quarterly based on the number of connections installed during the previous quarter. Payments shall be made on or about each January 15, April 15, July 15, and October 15

ONSWC is obligating a total of 61,374 gpd for 277 lots (apparently they got a flow reduction to from 120 to 70 gpd/bedroom)

Grey Bull

The developer installs collection system including grinder pumps and ONSWS pays for the Grey Bull pump station as purchase price. (see below)

9. Purchase Price. In lieu of paying a purchase price to Developer for the Wastewater Collection System Assets, Utility shall be financially responsible for the design and installation of the Grey Bull Pump Station.

Homeowners are responsible for grinder pump operation. (see below)

13 .6. Responsibilities for Grinder Pump Station and Service Lines. Installation and start up of the Grinder Pump Station shall be conducted in accordance with ONSWC's standard for Grinder Pump Station installation. After the completed initial installation of a Grinder Pump Station by the homebuilder or Developer, the lot owner shall own, operate, maintain, repair and replace the components of its Grinder Pump Station with oversight provided by ONSWC. ONSWC shall own, operate, maintain, repair and replace the Service Lines. The electric service for the Grinder Pump Stations shall be provided by each customer as part of their household electric service. Developer shall require the home builder for each lot served by a Grinder Pump Station to provide notification that the lot is served by a Grinder Pump Station, along with ONSWC's requirements for the operation, maintenance, inspection, repair and 8 replacement of the Grinder Pump Station. The notification shall inform the lot owner of their responsibilities related to the Grinder Pump Station. NEITHER ONSWC NOR DEVELOPER SHALL HAVE ANY RESPONSIBILITY OR LIABILITY WHATSOEVER

SHOULD A PORTABLE GENERATOR DURING A POWER OUT AGE NOT BE CONNECTED TO THE GRINDER PUMP STATION TO KEEP IT FROM OVERFLOWING OR BACKING UP.

ONSWC is obligating 44,100 gpd for 106 lots. I don't see anything else exciting in this contract.

Thanks
Jerry

OFFICIAL COPY

Nov 16 2022