

# WSAACC

Public Sector Star Certified



**ISO 14001:2004 Certified**

## **SEWER USE ORDINANCE**

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## 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 Water and Sewer Authority of Cabarrus County, hereafter referred to as WSACC, and enables WSACC 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 wastewater treatment 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 wastewater treatment 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 wastewater treatment system;
- (4) To protect both WSACC's personnel who may be affected by sewage, effluent, and sludge in the course of their employment as well as protecting the general public;
- (5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the wastewater treatment plant; and
- (6) To ensure that WSACC 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 treatment system is subject.

This ordinance provides for the regulation of direct and indirect contributors to the wastewater treatment 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. WSACC shall designate an administrator of the Publicly Owned Treatment Works or POTW and pretreatment program hereafter referred to as the Executive Director. Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of this ordinance and shall be responsible for operating and maintaining the wastewater treatment system. Any powers granted to or imposed upon the Executive Director may be delegated by the Executive Director to other WSACC personnel.

By discharging wastewater into the WSACC wastewater system, industrial users located within or outside the WSACC service area 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 the City of Charlotte.

### 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 WSACC.
  - (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 the Executive Director prior to or together with any reports to be signed by an authorized representative.
- (4) **Biochemical Oxygen Demand (BOD), 5 day (BOD<sub>5</sub>).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees Celsius; usually expressed as a concentration (milligrams per liter (mg/l)).
- (5) **Boundaries of WSACC or Service Area.** The service area includes Cabarrus County and that portion of the City of Kannapolis located within Rowan County.
- (6) **Building Sewer.** A sewer conveying wastewater from the premises of a user to the POTW.
- (7) **Bypass.** The intentional diversion of waste streams from any portion of a user's treatment facility.
- (8) **Cabarrus Health Alliance.** The Public Health Authority of Cabarrus County d.b.a. Cabarrus Health Alliance.
- (9) **Categorical Standard or National Categorical Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

- (10) **Chemical Toilets.** The structures used to collect human wastes at mass gatherings, construction sites and labor work camps.
- (11) **Chemical Oxygen Demand (COD).** The quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods as set out in this ordinance, expressed in parts per million.
- (12) **Color.** The true color due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in parts per million.
- (13) **Control Authority.** Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.
- (14) **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration during which the only pollutant added to the water is heat.
- (15) **Domestic Wastewater/Sewage.** Liquid wastes from the noncommercial preparation, cooking and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.
- (16) **Environmental Protection Agency (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.
- (17) **Executive Director.** The chief administrative officer of the Control Authority or his/her delegate.
- (18) **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.
- (19) **Hearing Authority.** The Executive Director, WSACC Attorney, and Facilities Director or duly appointed deputies, agents or representatives thereof.
- (20) **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.
- (21) **Indirect Discharge.** The discharge or the introduction from any non-domestic 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).
- (22) **Industrial User or User.** Any person which is a source of indirect discharge.
- (23) **Industrial Waste.** Non-domestic wastewater, including but not limited to, process or operational wastewater, groundwater remediation discharges, contaminated storm water or surface water remediation discharges, and any other non-domestic liquid waste from industrial and commercial establishments.
- (24) **Infiltration.** The water entering a sewer system including sewer service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (25) **Inflow.** The water discharged into a sewer system including service connections from such sources as but not limited to roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

- (26) **Interference.** The inhibition, or disruption of the POTW collection system, its treatment processes and/or operations, and/or its sludge processes, 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 than 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.
- (27) **Local Permit.** A permit issued by WSACC allowing wastewater discharge into the POTW pursuant to requirements in this ordinance for users that do not meet the criteria of an SIU or propose to discharge pump and haul wastes.
- (28) **Maximum Daily Discharge.** The total concentration or mass of a pollutant discharged from all production periods during a twenty-four (24) hour calendar day.
- (29) **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.
- (30) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard or Prohibited Discharges.** 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.
- (31) **New Source.**
- (i) Any building, structure, facility, or installation from which there is (or 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 30(i)(B) or 30(i)(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 replacement, 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.
- (32) **Nitrogen (NH<sub>3</sub>) as ammonia.** The initial product in the decomposition of nitrogenous organic matter as measured by using standard laboratory methods, as set out in this ordinance, expressed in mg/l.
  - (33) **Non-Contact Cooling Water or Wastewater.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
  - (34) **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.
  - (35) **Non-domestic Wastewater /Sewage.** Liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.
  - (36) **NPDES or National Pollutant Discharge Elimination System.** 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.
  - (37) **Pass Through.** A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's NPDES, collection system, or Non-discharge Permit or a downstream water quality standard even if not included in the permit.
  - (38) **Person.** Any individual, firm, company, partnership, co-partnership, corporation, association, joint stock company, trust, estate, governmental entity, limited liability company or partnership, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
  - (39) **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. A pH value of 7.0 is neutral, above 7.0 is alkaline and below 7.0 is acid.
  - (40) **Pollutant.** Any "waste" as defined in N.C.G.S. 143-213 (13) 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).
  - (41) **Pollutant of Concern (POC).** Any pollutant which might reasonably be expected to be discharged to the POTW in quantities which could pass through or interfere with the POTW, contaminate the sludge, or jeopardize any POTW worker's health and/or safety.

- (42) **POTW Treatment Plant.** The portion of the POTW designed to provide treatment to wastewater.
- (43) **Pretreatment.** 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 pollutants into a POTW collection system and/or treatment plant. The reduction or alteration may be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR Part 403.6(d).
- (44) **Pretreatment Program.** The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by WSACC in compliance with 40 CFR, 403.8 and approved by the State as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (45) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (46) **Pretreatment Standard.** Prohibited discharge standard, categorical pretreatment standard, or local limit which applies to an industrial user.
- (47) **Process Wastewater.** Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- (48) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (49) **Publicly Owned Treatment Works (POTW).** A treatment works (or a combination thereof), as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by WSACC. 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 which convey wastewater to the POTW treatment plant, plant and sewer maintenance personnel, and microorganisms associated with the treatment process itself. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside WSACC who are, by contract or agreement with WSACC, or in any other way, users of WSACC's POTW.
- (50) **Pump and Haul Waste.** Excess sludge from domestic septic tank systems, biological treatment plants with an NPDES permit and/or wastewater from portable sanitary privies, including domestic sewage and/or industrial waste.
- (51) **Receiving Water.** The specific waters of the State receiving the effluent discharged from the POTW treatment plant.
- (52) **Sanitary Sewer.** A sewer intended to receive domestic sewage and non-domestic waste, except that of type expressly prohibited by this ordinance, without the admixture of surface water and storm water.
- (53) **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.
- (54) **Significant Industrial User or SIU.** An 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, noncontact cooling and boiler blowdown wastewaters); or
  - (B) contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern; or
  - (C) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
  - (D) is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options.
  - (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, the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, 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 (A), (B) or (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).
- (55) **Significant Noncompliance or SNC.** 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 (b)(35), Parts (C), (D), or (H) shall also be SNC.
- (A) 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);
  - (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(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);
  - (C) 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 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 90 days or more after the schedule date.
  - (F) Failure to provide reports for compliance schedule, self-monitoring data ~~and/or reports~~, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 45 days from the due date.
  - (G) Failure to accurately report noncompliance.
  - (H) Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- (56) **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.
  - (57) **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.
  - (58) **State.** The State of North Carolina, Department of Environment and Natural Resources, Division of Environmental Management, or any duly authorized representative thereof.
  - (59) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
  - (60) **Suspended Solids or Total 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 approved laboratory filtering methods.
  - (61) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator of the EPA under the provisions of the Clean Water Act, section 307(a), or other acts.
  - (62) **Unpolluted Water.** Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.
  - (63) **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 pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (64) **User.** Any person who contributes, causes or permits the contribution of wastewater into the POTW

or proposes such a contribution, including persons who contribute such wastes from mobile sources.

- (65) **Wastewater.** The liquid and water-carried, industrial and/or domestic wastes, from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and/or institutions together with any groundwater, surface water, and/or storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
  - (66) **Wastewater Discharge Permit.** The permit required by Section 4.2 of this ordinance.
  - (67) **Waters of the State.** All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, 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.
  - (68) **WSACC.** The Water and Sewer Authority of Cabarrus County, the Executive Director or his designee.
- (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) DENR – Department of Environment and Natural Resources
    - (5) EPA - Environmental Protection Agency
    - (6) gpd – Gallons per day
    - (7) mgd – Million gallons per day
    - (8) mg/l - Milligrams per liter
    - (9) NCAC - North Carolina Administrative Code
    - (10) N.C.G.S. - North Carolina General Statutes
    - (11) NH<sub>3</sub> - Nitrogen Ammonia
    - (12) NOV – Notice of Violation
    - (13) NPDES - National Pollution Discharge Elimination System
    - (14) O & M - Operation and Maintenance
    - (15) POTW - Publicly Owned Treatment Works
    - (16) RCRA - Resource Conservation and Recovery Act
    - (17) SIC - Standard Industrial Classification
    - (18) SIU – Significant Industrial User
    - (19) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6701, et. seq.
    - (20) TSS - Total Suspended Solids
    - (21) U.S.C. - United States Code

## **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 the POTW whether or not the user is a SIU 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) **Explosive mixtures.** Any pollutant(s) which, either alone or by interaction with another pollutant(s), creates a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.
  - (2) **Solid or viscous substances.** Solid or viscous substances in amounts which will cause obstruction of the POTW resulting in interference but in no case solids greater than one half inch in any dimension. Prohibited materials include but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, tar, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, ground paper products, and material from grinders, residues or solids from a pretreatment facility, and similar substances.
  - (3) **Petroleum, cutting or mineral oils.** Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
  - (4) **Corrosive wastes.** Any wastewater having a pH less than 5.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage to the POTW(s) or equipment.
  - (5) **POTW interference.** Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.), released in a discharge at a flow volume, flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, to cause interference with the POTW.
  - (6) **Temperature limit.** Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
  - (7) **Toxic gases.** 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) **Truck or hauled pollutants.** Any truck or hauled pollutants, except at discharge points designated by the Executive Director in accordance with Section 2.9 of this ordinance.
  - (9) **Oils and grease.** Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l unless authorized by the Executive Director.
  - (10) **Noxious materials.** Any noxious or malodorous solids, liquids or gases, 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.
  - (11) **Improperly shredded garbage.** Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.
  - (12) **Radioactive wastes.** Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Executive Director in compliance with applicable State or Federal regulations.

- (13) **Toxic substances.** Any wastewater discharge which alone or in combination with other wastewater causes the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (14) **Unpolluted waters.** Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Executive Director. No person shall connect or cause to be connected to the sanitary sewer system any pipe or conduit which will allow discharge from any inflow sources listed in this section into the sanitary sewer system.
- (15) **Cloth or textile waste.** Any clothing rags, textile remnants or waste, cloth, scraps, except fibers of scrap that will pass through a one-fourth-inch mesh screen or its equivalent in screening ability, provided such fibers do not interfere with the normal operation of the treatment plant.
- (16) **Fixed solids limit.** Any waters or wastes in which the total fixed solids exceed one thousand five hundred (1,500) mg/l.
- (17) **Excessive discharge rate and/or concentration.** Any pollutant released in a discharge at a flow volume, flow rate and/or pollutant concentration, which will, either singly or by interaction with other pollutants, cause the POTW to violate any of its NPDES and/or state disposal system permits or the receiving water quality standards.
- (18) **Excessive residues.** Any pollutant released in a discharge at a flow volume, flow rate and/or pollutant concentration, which either singly or by interaction with other pollutants, 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 recycling 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 applicable local, State or Federal sludge use or disposal guidelines.
- (19) **Heavy metals.** Any waters or wastes containing amounts of arsenic, cadmium, chromium, copper, lead, nickel, zinc, or other heavy metals which exceed national categorical standards, local limits, interfere with treatment efficiency or sludge disposal criteria or cause the POTW to exceed NPDES permit limitations.
- (20) **Poisons.** Any waters or wastes containing cyanide or other such poisonous substances.
- (21) **Interfering solids.** Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the POTW.
- (22) **Color.** Any wastewater which imparts color and passes through the POTW treatment plant, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent thereby violating any State or Federal regulations pertaining to the effluent from the plant or the receiving water
- (23) **Pretreatment sludges.** Any removed substances to include, but not be limited to, sludges, screenings or other residues from the pretreatment of wastewater.
- (24) **Medical wastes.** Any medical wastes, except as specifically authorized by the Executive Director in a wastewater discharge permit.
- (25) **Ammonia compounds.** Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the wastewater treatment system.
- (26) **Hazardous waste.** 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 Executive

Director.

- (27) **Human or animal parts.** Recognizable portions of the human or animal anatomy.
  - (28) **Toxicity.** Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
  - (29) **Excessive foaming.** Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater treatment system.
  - (30) **Explosive limit.** 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.
  - (31) **Discharge of untreated wastewater.** Within the boundaries of WSACC, it shall be unlawful for any person to discharge to any outlet, other than a sanitary sewer, any domestic or industrial waste except where suitable treatment has been provided in accordance with provisions of this ordinance or where an appropriate NPDES permit has been obtained.
  - (32) **Alkyl Phenol Ethoxylates (APEs).** Any compounds containing APEs shall be prohibited due to the inhibiting and toxic effect of APEs on the biological treatment at the POTW. Linear alcohol ethoxylates, a more readily biodegradable surfactant, may be substituted for APEs.
  - (33) **Equipment damage.** Any wastewater containing chemicals, either singly or by interaction with other chemicals, to cause operational problems or damage to the POTW process equipment and/or collection system.
- (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 POTW. 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 Executive 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 the POTW operation or pass through, the Executive 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 Executive 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 Executive Director shall impose an alternate limit using the combined waste stream 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.

### **2.3 Industrial Waste Survey and Local Limits**

An Industrial Waste Survey is required prior to a user discharging wastewater containing in excess of the following average discharge limits.

BOD --	300	MG/L
COD --	675	MG/L
TSS --	250	MG/L
NH <sub>3</sub> -	15	MG/L
Aluminum -	1.80	MG/L
Arsenic -	0.003	MG/L
Cadmium -	0.003	MG/L
Copper -	0.090	MG/L
Chromium -	0.020	MG/L
Cyanide -	0.015	MG/L
Lead -	0.049	MG/L
Mercury -	0.0003	MG/L
Nickel -	0.021	MG/L
Silver -	0.005	MG/L
Zinc -	0.176	MG/L
Total Oil & Grease -	100	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 is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The Executive Director may impose mass limits in addition to, or in place of, concentration-based limits.

### **2.4 Rule of Stringency**

The most stringent limitations and requirements on pretreatment of discharges to a POTW in effect, whether imposed by WSACC, state or federal government, shall apply. The user will be required to implement such pretreatment as necessary to comply with the applicable standards.

### **2.5 Right Of Revision**

WSACC 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 WSACC 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 the ordinance within the time limitations as specified by the EPA, the State, or the Executive Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Users shall not discharge wastewater requiring treatment either directly or indirectly to WSACC's wastewater treatment system without first notifying and obtaining approval from the Executive Director. Detailed plans for the pretreatment facilities signed and sealed by a North Carolina Professional Engineer shall be delivered to and received by WSACC for review and an "Authorization to Construct" shall be issued by WSACC prior to construction of the pretreatment facilities. The user shall be solely responsible for the design, construction and operation of such pretreatment facilities as may be necessary to comply with the provisions of this ordinance. The review of such plans and operating procedures and the issuance of the "Authorization to Construct" will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce an effluent acceptable to WSACC 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 Executive Director prior to the user's initiation of the changes.

### (b) Additional Pretreatment Measures

- (1) Whenever deemed necessary, the Executive Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance. Suspension of wastewater treatment service shall be subject to Section 8.1(f).
- (2) Grease, oil and sand interceptors shall be provided when, in the opinion of the Executive 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 restaurants and slaughtering operations shall have grease interceptors or grease removal facilities. All interception units shall be of type and capacity approved by the Executive 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.
- (3) Flow Equalization. The Executive Director may require any person discharging into the POTW to install and maintain, on the 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. Such facility shall have a capacity of at least eighty (80) percent of the normal volume of one (1) twenty four hour production period of wastewater and outlet to the sewer controlled by a waterworks-type controller, or other approved device, the setting of which shall be directed by the Executive Director.
- (4) Control Manhole. Any person discharging non-domestic wastewater into WSACC's sanitary sewer shall construct and maintain a suitable control manhole to facilitate observation, measurements and sampling of all wastewater including domestic wastewater from the industry. The control manhole shall be constructed downstream from any treatment, storage or other approved system at a suitable and satisfactory location and built in a manner approved by the Executive Director or his designee.
- (5) Measuring Device. Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, or other device approved by the Executive Director. The manhole shall be installed by the person discharging the wastewater at his

own expense and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.

- (6) Interrupted Service Note. Notice shall be given to the Executive Director or his designee when normal industry will be interrupted for seventy two (72) hours or longer and wastewater will not be available for discharge, or when a change of process is contemplated or malfunction of the treatment facility occurs or is anticipated which will alter demands on the wastewater treatment facilities. Normal operations shall include allowance for legal holidays and other announced plant shutdowns.
- (7) Users with the potential to discharge flammable substances may be required to install, maintain and operate, at the user's expense, an approved combustible gas detection meter.
- (8) WSACC may require a user, who has the potential to discharge wastewater in violation of pretreatment standards, to install, maintain, and operate at the user's expense, an approved pH controller and meter related to pH.

Plans for the construction of the equalization tank, control manhole, controlling devices, and volume measuring devices shall be approved by the Executive Director prior to the beginning of construction.

## **2.8 Accidental Discharge/Slug Control Plans**

- (a) The Executive Director shall evaluate whether each significant industrial user needs a plan or other action to control or prevent slug discharges as defined in Section 1.2 (a)(55). All SIUs must be evaluated within one year of being designated an SIU. The Executive Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Executive Director may develop such a plan for any user.
- (b) Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the owner's or user's expense. Detailed plans of the facilities and operating procedures must be delivered to and received by WSACC for review before construction of the facility. Completion of an accidental or slug discharge plan may be required before a wastewater discharge permit will be issued. Review of such plans and operating procedures shall not relieve the SIU from the responsibility of modifying the SIU's facilities as necessary to meet the requirements of this ordinance.
- (c) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential or 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.
- (d) 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 Executive Director and the POTW 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 Pump and Haul Wastewater Procedures**

Any person engaging in the transport of septage, wastes from chemical toilets or other liquid or semi-liquid wastewater for the purpose of disposal shall be referred to herein as contract haulers. Contract haulers shall be allowed to empty wastewater permitted by this subsection into the sewer system at designated structures located at the POTW subject to the following limitations and conditions:

- (a) Any contract hauler proposing to discharge pump and haul wastes to the POTW must first apply for and receive from the State of North Carolina Department of Environment and Natural Resources – Solid Waste Division a permit to operate a septage management firm and discharge such waste to the POTW. The permit number must be prominently displayed by the contractor hauler on the cab of the truck or on the tank in which sludge or waste is transported.
- (b) The contract hauler must apply for and receive a discharge permit from WSACC, accompanied by the applicable fee prior to discharging to the POTW. By accepting the permit to introduce septic tank sludge and chemical toilet wastes derived only from domestic sources into the sewer system the contract hauler agrees to dump or empty such sludge and waste only at designated structures, at such times as are established by the POTW, and to maintain these structures and the area surrounding them in a proper condition of cleanliness. Such waste shall not violate Section 2 of this ordinance or any other requirements established by WSACC.
- (c) The contract hauler shall not empty into the sewer system any grease trap wastes.
- (d) The contract hauler shall not empty into the sewer system any industrial wastes without prior written approval from WSACC. The contract hauler must provide any and all information, including sampling analysis, requested by the Executive Director.
- (e) In addition to permit requirements, WSACC may require the contract hauler to provide with every load a representative sample of the waste to be discharged. For any sampling and analysis conducted by WSACC on the pump and haul waste, WSACC may include the cost incurred for such sampling and analysis on the contract hauler's next sewer usage bill. The contract hauler may also be required to provide the name, address and phone number of the customer for which the sample was provided.
- (f) Upon failure to maintain structures in a proper condition of cleanliness, failure to have a currently valid permit from the North Carolina Department of Solid Waste or failure to pay charges due to WSACC as hereinafter provided, WSACC may deny a contract hauler permission to dispose of waste into the sewer system and/or revoke or suspend the discharge permit. WSACC will notify the Cabarrus Health Alliance and/or State of such denial of permission to any contract hauler.
- (g) Failure of the contract hauler to comply in accordance with the ordinance or discharge permit or the submission of false or misleading information on an application may result in revocation of permit and/or penalties as provided for in Section 8.
- (h) The contract hauler is responsible for any and all damages resulting from improper handling and/or spillage.
- (i) User fees shall be established at a rate to recover the cost of treatment and administration of the contract hauler program. Fees and payment policy shall be approved by the Board of Directors and shall be paid in accordance with the procedure established by the Executive Director.

## **SECTION 3 - FEES**

### **3.1 Purpose**

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

schedule of charges and fees by the Executive Director and approved by the Board of Directors. A copy of these charges and fees will be made available from the Executive 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 Executive Director shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Board of Directors for adjustments in the Rate Schedule 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

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

BOD -	300	MG/L
COD -	675	MG/L
TSS -	250	MG/L
NH <sub>3</sub> -	15	MG/L
Oil/Grease -	100	MG/L
Aluminum -	1.80	MG/L
Arsenic -	0.003	MG/L
Cadmium -	0.003	MG/L
Copper -	0.090	MG/L
Chromium -	0.020	MG/L
Cyanide -	0.041	MG/L
Lead -	0.049	MG/L
Mercury -	0.0003	MG/L
Nickel -	0.021	MG/L
Silver -	0.005	MG/L
Zinc -	0.176	MG/L

The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater discharged in excess of the levels listed above. An industrial user shall never increase the amount of water to dilute pollutant concentrations to avoid or reduce surcharges.

- (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 WSACC. If a person discharging wastewater into the public sewers produces evidence to the Executive Director that a significant percent of the total annual volume of water used for all purposes does not reach the public sewers, then an estimated percentage of total water consumption to be used in determining non-domestic wastewater discharge may be agreed upon between the Executive Director and the person discharging such non-domestic wastewater into the public sewer. The Executive Director shall ascertain whether substantial evidence has been provided to prove a significant percent of water does not reach the public sewers; or

- (2) If required by WSACC or at the individual discharges 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 WSACC and the governing municipality. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with WSACC.
- (3) Where any user procures all or part of his water supply from sources other than WSACC, the user shall install and maintain at his own expense water meters of a type approved by WSACC for the purposes of determining the proper volume of wastewater discharged to such sewers.
- (b) The character and concentration of the constituents of wastewater used in determining surcharges shall be determined by samples collected and analyzed by WSACC. Samples shall be collected in such 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 by the Executive Director or his duly appointed representatives of the character and concentration of the wastewater discharge shall be binding as a basis for charges.
- (d) Any source that discharges non-domestic wastewater in excess of the levels listed above may be subject to surcharges.
- (e) The Executive Director may assess surcharges to users to recover any additional costs incurred by WSACC for the handling and disposal of sludge.

### **3.4 Pretreatment Program Administration Charges**

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

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

### **3.5 Application and Renewal Fees**

- (a) The initial application of a user to discharge to the POTW shall include an application fee. This fee is for staff costs in reviewing said application and will not be refunded if a determination is made that the proposed facility does not need to participate in the pretreatment program.
- (b) Each time a wastewater discharge permit or septage discharge permit is renewed, a permit renewal fee shall be collected to cover staff time and resources.

### **3.6 Residential, Commercial and Unpermitted Non-domestic Users**

Regular sewer service fees and charges will be assessed to each residential, commercial and unpermitted non-domestic user for the use of the sewer systems to recover the costs incurred for the operation and administration of the collection and wastewater treatment systems.

### **3.7 Penalties for Failure to Pay**

Payment of charges, fees, and assessments shall be made monthly and shall be due as specified on the bill. If any charges remain after the specified due date, a notice will be sent and a penalty will be applied to the unpaid balance in accordance with the terms and conditions governing payments set by the Board of Directors.

### **3.8 Termination of Services**

- (a) If any charges remain, after the final due date set by the Executive Director in accordance with Board of Directors policy and procedures, water and sewer services may be terminated. Before services can be reinstated, the balance must be paid in full.
- (b) In addition, failure to pay in a timely manner may cause WSACC to initiate action to revoke a user's wastewater discharge permit.
- (c) Any discharge by the user after revocation of the wastewater discharge permit will be subject to a fine of twenty-five thousand dollars (\$25,000.00) per day for as long as the discharge continues without a valid permit.

## **SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE**

### **4.1 Wastewater Dischargers**

- (a) It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of WSACC. Any user proposing to discharge any industrial waste to the POTW or who is now doing so must make application to WSACC for a wastewater discharge permit.
- (b) Any industrial user proposing to change the volume or characteristics of an existing discharge shall request from WSACC a determination as to whether or not a new application should be filed and shall provide sufficient information on the proposed change to enable WSACC to determine the need for a new application. If the proposed change requires a revision in a current SIU or local permit or requires a different type of permit be issued, the user shall apply to WSACC for an appropriate wastewater discharge permit within 45 days of the notification.
- (c) When requested by the Executive Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Executive Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (d) Any person discharging or proposing to discharge wastewater into the POTW shall be responsible at all times for determining the volume and characteristics of its existing or proposed discharge.

### **4.2 Wastewater Discharge Permit Requirements**

- (a)(1) All persons meeting one or more of the requirements of an SIU of this ordinance shall obtain an industrial user pretreatment permit prior to the commencement of construction or operations which will result in a discharge to the POTW. Existing industrial users who are determined by the Executive Director to be SIUs shall obtain an industrial user pretreatment permit within 180 days of receiving notification of the Executive Director's determination.

For purposes of this definition, construction or operation has commenced if the owner or operator has:

- (i) Begun, or caused to begin as part of a continuous on-site construction program:
  - (A) Any placement, assembly, or installation of facilities or equipment; or

- (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the replacement, assembly, or installation of new source facilities or equipment; or
- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial obligation under this definition in accordance with that Section with the provisions as stated in 40 CFR 403.3.(K).
- (2) Users who do not fit the SIU criteria may at the discretion of the Executive Director be required to obtain a local pretreatment permit as necessary to carry out the purposes of this ordinance.
- (3) Any violation of the terms and/or conditions of a wastewater discharge permit shall be deemed a violation of this ordinance. Obtaining a wastewater discharge permit does not relieve a Permittee of the continuing obligation to comply with all Federal and State pretreatment standards and/or requirements or with any other requirements of Federal, State and local law.

(b) Significant Industrial User Determination

All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Executive Director a significant industrial user determination. If the Executive 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.

(c) Industrial User Wastewater Survey & Permit Application

Users required to obtain an industrial user pretreatment permit shall complete and file with the Executive Director an application in the form prescribed by the Executive Director, and accompanied by the applicable fee in the amount prescribed in the Schedule of Charges and Fees. SIUs shall apply for a permit within 90 days after notification of the Executive Director's determination in Section 4.2 (a) above. In support of this application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, location, (if different from the address);
- (2) Volume of wastewater to be discharged on a daily basis and over a specified timeframe;
- (3) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (4) Analytical data on wastewater constituents and characteristics including, but not limited to, those set forth in Section 2 of this ordinance, any of the priority pollutants {Section 307(a) of the Act} which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in Section 5.10 and 5.11;
- (5) Time and duration of the indirect discharge;
- (6) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (7) Description of all pretreatment facilities, existing and proposed;
- (8) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by size, location and elevation;
- (9) Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
- (10) List of all hazardous or toxic chemicals used in plant processes including information concerning handling, storage and potential for aqueous contact;
- (11) Number of employees and hours of operation of plant proposed or actual hours of operation of pretreatment system;
- (12) Where known, the nature and concentration of any pollutants in the discharge which are limited by

WSACC, State or Federal Pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment standards;

- (13) 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:
  - (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. No increment in the schedule shall exceed nine (9) months.
  - (ii) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to WSACC 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. In no event shall more than nine (9) months elapse between such progress reports to WSACC.
- (14) Each product produced by type, amount, process or processes and rate of production;
- (15) Type and amount of raw materials processed (average and maximum per day);
- (16) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in Section 5.1 of this ordinance;
- (17) Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);
- (18) Any other information as may be deemed by WSACC to be necessary to evaluate the permit application.

(d) Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by 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 an authorized representative of the user and am authorized to execute this certification on behalf of the user. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(e) Application Review and Evaluation

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

- (1) The Executive Director is authorized to accept applications for WSACC and shall refer all applications to WSACC staff for review and evaluation.
- (2) Within 45 days of receipt of the application, the Executive 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.
- (3) The Executive Director may deny any incomplete application for a wastewater discharge permit if the applicant fails to submit all required information within the time specified by WSACC.

### 4.3 Wastewater Discharge Permit Issuance and Conditions

#### (a) Tentative Determination and Draft Permit

- (1) WSACC staff shall conduct a review of the application and an on-site inspection of the SIU, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the wastewater discharge permit.
- (2) If WSACC staff's tentative determination is to issue the permit, the following additional determinations shall be made in writing:
  - (i) Proposed discharge limitations for those pollutants to be limited;
  - (ii) Monitoring requirements for pollutants which are suspected to be present but which are not proposed to be limited at the time the permit is issued. After issuance, the permit may be modified pursuant to Section 4.4 (b) to impose limits on one or more of such pollutants.
  - (iii) Where applicable, a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations to include, but not be limited to, installation of a new monitoring point and/or flow measuring equipment; and
  - (iv) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (3) WSACC staff shall organize the determinations made pursuant to paragraphs (1) and (2) above and WSACC's general permit conditions into a wastewater discharge permit.

#### (b) 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).

#### (c) Final Action On Wastewater Discharge Permit Applications

- (1) The Executive Director shall take final action on all applications not later than 90 days following receipt of a complete application.
- (2) The Executive Director is authorized to:
  - (A) Issue a wastewater discharge permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
  - (B) Issue a wastewater discharge permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

- (C) Modify any permit upon not less than 60 days notice and pursuant to Section 4.4 (b) of this ordinance;
- (D) Revoke or suspend a permit pursuant to Section 8.1 of this ordinance;
- (E) Deny a permit application when in the opinion of the Executive Director such discharge may cause or contribute to pass through or interference of or where necessary to effectuate the purposes of N.C.G.S. 143-215.1; and
- (F) Determine, based on the application, that the applicant is not an SIU.

(d) Permit Conditions

- (1) The Executive Director or designee 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 discharge permits shall contain, but are not limited to, the following:
  - (A) A statement of duration (in no case more than five 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 the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a)(55);
  - (F) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2(a)(55), if determined by the Executive Director to be necessary for the user ;
  - (G) 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)(55). Also see Sections 5.5 and 5.6; and
  - (H) A statement of applicable civil and/or 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:
  - (A) Limits on the average and/or maximum rate and time 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 wastewater treatment system.
  - (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater treatment 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 5.13 and affording the Executive Director, or his designee, access thereto.
- (L) Requirements for prior notification and approval by the Executive 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 Executive Director of any change in the manufacturing and/or pretreatment process used by the Permittee.
- (N) 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.
- (O) Other conditions as deemed appropriate by the Executive Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(e) General and limited Conditions.

- (1) The Executive Director is authorized to establish one or more general conditions for inclusion in all wastewater discharge permits. In addition, the Executive Director is authorized to designate one or more classes of users and may establish one or more limited conditions for inclusion in all wastewater discharge permits issued to users in a designated class.
- (2) In designating a class, the Executive Director shall identify one or more common factors characterizing the members of such class and determine that at least five (5) permitted users satisfy all of such factors. Before a condition established or class designated pursuant to this subsection may take effect, written notice of such condition or class shall be given to all users holding a permit at the time that such condition or class is proposed and such users shall be allowed at least 30 days within which to submit written comments to the Executive Director. Thereafter, the Executive Director may make such condition or class effective without modification or may modify such condition or class without further notice to any person.
- (3) For each condition established pursuant to this subsection, the Executive Director shall determine the effective date thereof. From and after the effective date of each condition established pursuant to this subsection, every wastewater discharge permit which is issued, renewed, amended, or otherwise modified shall contain: every general condition which remains in effect; and, for each user in one or more classes designated pursuant to this subsection, every applicable limited condition.

#### 4.4 Permit Duration, Modification, Transfer, Reissuance

##### (a) Permits 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 one (1) year or may be stated to expire on a specific date.

##### (b) 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.

- (A) changes in the ownership of the discharge when no other change in the permit is indicated;
- (B) a single modification of any compliance schedule not in excess of four months;
- (C) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational;
- (D) modifications of the monitoring program contained in the permit;
- (E) to incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- (F) to address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (G) a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (H) information indicating that the permitted discharge poses a threat to the POTW, the POTW personnel, or the receiving waters;
- (I) violation of any terms or conditions of the wastewater discharge permit;
- (J) misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (K) revision or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (L) to correct typographical or other errors in the wastewater discharge permit; or
- (M) to reflect a transfer of the facility ownership or operation to a new owner or operator.

(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 or does not currently have an SIU permit, as required by section 4.2 (b), the user shall apply within 180 days after the promulgation of such standard.

(3) A request for a modification by the Permittee shall constitute a waiver of the 60 day notice required by N.C.G.S. 143-215.1 (b) for modifications.

(c) Permit Transfer

- (1) Wastewater discharge permits are issued to a specific user for a specific operation. A Permittee may not assign, transfer, or sell a permit, or any right or obligation in a permit, to another user or person.
- (2) Wastewater discharge permits may be transferred to a new owner or operator only if the Permittee requests of WSACC a transfer at least sixty (60) days in advance of the proposed transfer and WSACC approves the wastewater discharge permit transfer. Within five (5) business days of the date of facility transfer, authorized representatives of the Permittee and the new owner or operator must give joint, written notice to WSACC of the date of transfer. If the transfer has been approved, WSACC shall take such steps as are necessary to document the transfer of the permit. The request to WSACC to transfer the permit must include a written certification in a form satisfactory to the Executive Director by the new owner or operator which:
  - (A) States that without prior notification to and approval by WSACC, the new owner and/or operator agrees not to make any change or expansion in the manufacturing/production and/or pretreatment process used by the Permittee, which has potential to impact the characteristics or volume of the discharge or the manner in which the discharge is regulated.
  - (B) Identifies the specific date on which the proposed transfer is to occur; and
  - (C) Acknowledges and accepts full responsibility for complying with all terms and provisions of the wastewater discharge permit to be transferred. Failure to comply fully with the provisions of this ordinance renders the wastewater discharge permit void as of the date of facility transfer.

(d) Permit Reissuance

A SIU shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.2 a minimum of 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 industrial users who are subject to the standard and are currently discharging to or scheduled to discharge to the POTW shall submit to the Executive 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 Executive 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 to the Executive Director 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 Executive 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 all industrial users, who are required by WSACC to submit compliance schedules in conjunction with their baseline monitoring reports, interim permit limits or enforcement orders:

- (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 Executive 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 Executive 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 industrial user subject to such pretreatment standards and requirements shall submit to the Executive 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**

- (a) All SIUs shall, at a frequency determined by the Executive 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 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 Executive 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 Executive 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 sixty (60) days before the change. Failure of WSACC to respond does not relieve the industrial user from complying with this ordinance. 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 Executive 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 Executive 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; 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; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.
- (d) Any industrial user filing a request for determination under Section 4.2 may not be required to file such a report under this section.
- (e) A report filed under this section does not relieve the industrial user from any requirement(s) under Section 4.2.

## **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) (54), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW 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 Executive 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 who 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) (54).
- (e) WSACC shall evaluate whether the industrial user needs a plan to prevent the recurrence of the discharge. Such a plan shall address, at a minimum, the requirements set forth in Section 2.8 (b) (1-4).

## **5.7 Reports from Unpermitted Users**

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

All users classified as Non-Significant Categorical Industrial Users under Section [1.2(a)(54)(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 of this ordinance and/or applicable wastewater discharge permit, the user must notify the Executive 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 Executive Director within thirty (30) days after becoming aware of the violation. If allowed by the Executive Director, the user is not required to resample:
  - (i) if the Executive Director monitors at the user's facility at least once a month; or
  - (ii) if the Executive Director samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the Executive Director has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the Executive 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 Executive Director monitors at the user's facility at least once a month; or
- (ii) the Executive Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
- (iii) the Executive Director requires the user to perform sampling and submit the results to the Executive Director within the 30 day deadline of the POTW becoming aware of the violation.

## **5.9 Notification of the Discharge of Hazardous Waste**

WSACC prohibits the discharge of any hazardous wastes without notification to and approval by the Executive Director or designee.

- (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 waste stream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days before the discharge commences. The user shall not begin the discharge until receiving written approval from WSACC. Any notification under this paragraph needs to 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) Users 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 Executive 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 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 WSACC. 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 WSACC. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

#### **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 90 Day Compliance Reports. Additionally, the Executive 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 Executive 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 of self-monitoring activities required by this ordinance, wastewater discharge permit and/or other documents issued by or entered into with WSACC, shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates of 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's discharge to the POTW unless otherwise ordered by the court in which litigation is pending, or where the user has been specifically notified of a longer retention period by the Executive Director.

#### **5.14 Industrial Waste Survey**

- (a) At a frequency established by WSACC, an industrial waste survey that identifies industrial users and characterizes their discharge of wastewater will be conducted. Each user included in the survey is required to respond with complete and accurate information on the specified schedule.
- (b) The survey results may be used to establish an industrial user inventory and to modify or issue any applicable wastewater discharge permit.

- (c) Failure to respond to the survey completely and accurately may result in any enforcement action that WSACC may determine to be appropriate.

#### **5.15 Forms**

WSACC may establish such forms as the Executive Director determines to be appropriate and require the use of such forms in the submission of any report, application, request, or other information contemplated by this ordinance. Failure to use the established form for the submission of a report, application, request, or other information may result in the rejection of the submission.

#### **5.16 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.

#### **5.17 Special Reporting Requirements for IUs in Satellite POTWs**

In the case of industrial user located in a Satellite POTW organization's jurisdiction, all information required to be reported to the industrial user's Pretreatment Program Control Authority by the Section may also be required to be reported to the POTW treatment plant organization.

### **SECTION 6 - COMPLIANCE MONITORING**

#### **6.1 Monitoring Facilities**

- (a) WSACC requires the user to provide and operate at the user's 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 WSACC may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (c) Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with WSACC's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by WSACC.
- (d) Should WSACC determine that a monitoring facility does not comply with this ordinance, or that access thereto has been denied, WSACC may require the user, at its own expense, to modify or relocate the monitoring facility.

#### **6.2 Authority to Inspect and Sample**

- (a) WSACC will inspect the facilities of any user to ascertain if the user is complying with all requirements of this ordinance, the Act, other applicable law regulating the discharge of wastewater into the POTW, a compliance agreement to which the user is a party and which is authorized by this ordinance, any order issued to the user pursuant to this ordinance and any permit issued to the user pursuant to this ordinance.

- (b) Any person who owns, occupies or otherwise controls any premises where wastewater is created or discharged shall provide WSACC, 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. WSACC, Approval Authority and EPA shall have the right to set up on the user's premises such devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. If a user has security measures in force which would require identification and clearance before entry into the user's premises, the user shall make necessary arrangements with their security personnel so that upon presentation of identification (Identification being defined as the piece(s) of identification supplied by WSACC, Approval Authority or EPA to their respective, authorized representatives) authorized representatives from WSACC, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of access to WSACC, Approval Authority or EPA to the user's premises shall be a violation of this ordinance. Denial of access may also occur if a user fails to provide without delay such facilities, equipment, or devices as are reasonably necessary to permit authorized representatives of WSACC, approval authority and EPA to perform their duties in a safe manner. Unreasonable delays may constitute denial of access. A WSACC representative may enter upon the property at any hour under emergency circumstances.
- (c) The time of access to a user's premises will be reasonable if, at the time ready access is requested, the user's facility at the premises is in operation or wastewater is being discharged from the user's premises into the POTW. At such time as the user's facilities at the premises is in operation or wastewater is being discharged from the user's premises into the POTW, the user shall have at least one person present at the premises who is readily available and is authorized to permit immediate access to the user's premises to WSACC, the Approval Authority, and the EPA.
- (d) At all times WSACC shall retain the authority to inspect the user and to sample and analyze the discharge of wastewater into the POTW for any purpose.

### **6.3 Search Warrants**

If WSACC, 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 WSACC 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 WSACC, Approval Authority, or EPA may seek issuance of a search warrant from the Superior Court of Cabarrus County.

## **SECTION 7 - CONFIDENTIAL INFORMATION**

- (a) To the extent permitted by applicable law and except as otherwise provided herein, 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 agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Executive 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.
- (b) To the extent permitted by applicable law, when requested by the person furnishing a report, the portions of a report which might disclose trade secrets 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, NPDES permit, State Disposal System 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.
- (c) All records relating to compliance with Pretreatment standards shall be made available to officials of the

## SECTION 8 - ENFORCEMENT

### 8.1 Administrative Remedies

#### (a) Notification of Violation

Whenever the Executive Director or his designee finds that any industrial user has violated or is violating any provision of this ordinance, wastewater discharge permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement or standard, the Executive Director may serve upon such person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to WSACC 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. Nothing in this section may be construed to require WSACC to issue an NOV before taking any action, including emergency actions or any other enforcement actions.

#### (b) Consent Orders

The Executive 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 with any provision of this ordinance, the wastewater discharge permit or any other pretreatment requirement or standard. 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 Executive 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 Executive 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 Executive 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 Executive Director under this section subject to an administrative appeal under Section 10.

#### (d) Compliance Orders

If WSACC finds that an industrial user has violated or continues to violate any provision of this ordinance, a compliance agreement issued pursuant to this ordinance, a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this ordinance, or any other provision of applicable law, WSACC may issue an order requiring such person to do any one or more of the following:

- (1) comply with the provisions of this ordinance, any applicable permit, pretreatment requirement or standard, or order issued pursuant to this ordinance or other provision of applicable law in accordance with a time schedule set forth in the order;

- (2) take appropriate remedial or preventative action(s) in the event of a continuing or threatened violation of any provision of this ordinance, a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this ordinance or any other provision of applicable law;
- (3) pay a civil penalty for violating any provision of this ordinance, a wastewater discharge permit, compliance agreement, pretreatment requirement or standard, or order issued pursuant to this ordinance.

(e) Cease and Desist Orders

- (1) If the Executive Director finds that an industrial user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, pretreatment requirement or standard, or orders issued pursuant to this ordinance or any other provision of applicable law, the Executive Director may issue an order requiring such industrial user to cease and desist all such violations and direct such person in noncompliance to perform any one or more of the following:
  - (A) comply immediately with all provisions of this ordinance, a wastewater discharge permit or order issued pursuant to this ordinance or other applicable law;
  - (B) take appropriate remedial or preventative action(s) in the event of a continuing or threatened violation of any provision of this ordinance, a compliance agreement issued pursuant to this ordinance, a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this ordinance or any other provision of applicable law;.
  - (C) discontinue all or any portion of such user's contribution or introduction of wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and operated properly within a specified time period;
  - (D) disconnect all or any portion of the facilities by which such user introduces or contributes wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
- (2) In addition to or in lieu of the matters set forth in Section 8.1(e)(1), WSACC may include in such order one or more of the following provisions:
  - (A) the removal of all or any portion of any service connection by which such user introduces or contributes wastewater into the POTW;
  - (B) the removal of all or any portion of any service connection by which such user receives water services;
  - (C) the termination of any wastewater discharge permit issued to such user pursuant to this ordinance;
  - (D) the payment of a civil penalty for violating any provision of this ordinance, a permit, pretreatment requirement or standard, compliance agreement or order issued pursuant to this ordinance.

(f) Emergency Suspensions

- (1) The Executive Director may order the suspension of the wastewater treatment service and/or wastewater discharge permit of any user when such suspension is necessary in order to stop an actual or threatened discharge which will or may: present imminent or substantial endangerment to the health or welfare of any person or the environment; cause interference; or cause WSACC to violate any condition of its NPDES or non-discharge permits. The suspension shall be effective in accordance with the provisions of the order of suspension upon service on the user responsible for such discharge. The order shall identify each pollutant in the discharge which is the basis for the

suspension and the potential effect each pollutant, either singly or in combination with one or more pollutants, will or may have upon any person, the environment, the POTW and/or NPDES or non-discharge permit of WSACC. The order shall also set a date for a hearing to be held in accordance with Section 10.

- (2) Any user when served with an order that its wastewater treatment service and/or any wastewater discharge permit is suspended shall immediately stop or eliminate the introduction or contribution of wastewater into the POTW. The user shall prepare a written response to such an order and shall serve such statement on WSACC within five (5) calendar days after the service of the order or two (2) business days prior to the hearing, whichever date is earlier. The statement shall: identify every provision of the order which the user believes to be inaccurate; set forth a complete basis for such belief; describe in detail the circumstances which resulted in the discharge described in the order of suspension; and describe such measures as have been taken or are proposed by the user to prevent a future, similar discharge. Failure to prepare and serve the statement in a timely manner shall constitute a waiver by the user of its right to a hearing.
- (3) A hearing shall be held as soon as reasonably possible and in no event later than fifteen (15) calendar days of service of the order unless waived by the user. The hearing shall be conducted in the manner set forth in Section 10; provided that, such changes shall be made by the Executive Director in the conduct of the hearing as are reasonably necessary to permit an expedited hearing. The Executive Director shall determine whether the suspension shall be lifted or the user's permit terminated. Such decision shall be issued in writing as soon as possible and, in any event within two (2) business days after the conclusion of the hearing.
- (4) The Executive Director may take such action as is reasonably necessary or convenient to prevent the continued introduction or contribution of wastewater into the POTW by the user, including, but not limited to, the immediate severance of the sewer connection between the user's facilities and the POTW.
- (5) Nothing in the section may be construed to require that a hearing be conducted prior to any emergency suspension authorized by this section or limit the authority of WSACC under this section as a result: of one or more other actions taken by WSACC to secure the user's compliance with the provisions of this ordinance and/or permit or order issued pursuant to this ordinance, the pendency of a demand by the user for a hearing pursuant to Section 10; or the pendency of judicial review.
- (6) For the purposes of this section, "calendar days" refers to and includes any Saturday, Sunday, or holiday. For purposes of this section, "business day" refers to and includes any day which WSACC is open to the public to conduct business.

(g) Termination of Permit or Permission to Discharge

The Executive 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 a changes or expansion in the manufacturing/production and/or pretreatment process used by the Permittee, which has potential to impact the characteristics or volume of the discharge or the manner in which the discharge is regulated;
- (3) Refusal or reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Violation of conditions of the permit or permission to discharge, conditions of this ordinance, or any applicable State and Federal regulations; or.
- (5) Failure to submit any required report.

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 assessed a civil penalty of up to twenty-five thousand dollars (\$25,000) per day per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
  - (ii) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
    - (1) for any class of violation, only if a civil penalty has been imposed against the violator within five years preceding the violation, or
    - (2) 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 permit issued hereunder, only if the Executive Director determines that the violation was intentional and a civil penalty has been imposed against the violator with the five years preceding the violation.
- (b) In addition to civil penalties, WSACC may recover from the responsible user the cost of repairing any damage to the POTW resulting from the user's violation.
- (c) In determining the amount of the civil penalty, WSACC shall take into account all relevant circumstances, including, but not limited to:
  - (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 WSACC.
- (d) The assessment of civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (e) Appeals of civil penalties assessed in accordance with this section shall be provided in Section 10.
- (f) Such assessments may be added to the user's next scheduled sewer service charges and/or surcharges, and WSACC shall have such remedies for collection of such assessments as it has for collection of other charges.

### **8.3 Other Available Remedies**

Remedies, in addition to those previously mentioned in this ordinance, are available to the Executive 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**

WSACC shall assist any federal or state agency, office or authority responsible for criminal investigations or prosecutions for violation of any provision of this ordinance or other federal or state law concerning the discharge of wastewater or other substances into the POTW or the waters of the State. WSACC may request any appropriate federal or state agency, office or authority to undertake an investigation or prosecution of any person for any violation of the provisions of this ordinance or other federal or state law concerning the discharge of wastewater or other substances into the POTW or the waters of the State. {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 WSACC (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement, of 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 Executive Director, through WSACC Attorney, may petition in 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 a user is in violation of the provisions of this ordinance 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.

(d) **Civil Relief**

If any person discharges sewage, industrial wastes or other wastewater into the POTW contrary to the provisions of this ordinance, pretreatment requirements or standards, any order of WSACC, or violates its wastewater discharge permit, an action may be commenced in the name of WSACC for appropriate legal and/or equitable relief in the appropriate division of the state's general court of justice.

(e) **Public Nuisances**

Any violation of the prohibitions or effluent limitations of this ordinance or contained in a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Executive Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of this ordinance 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 Executive Director may take any, all, or any combination of these actions against any person in violation of the provisions of this ordinance. Enforcement of pretreatment violations will generally be in accordance with WSACC's enforcement response plan. However, in no instance may such a plan be construed to limit the authority of WSACC to take any action which WSACC determines to be appropriate for a violation of any discharge permit or order issued pursuant to this

ordinance. Further, the Executive Director is empowered to take more than one enforcement action against any person in violation of the provisions of this ordinance

## **SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE**

At least annually, the Executive 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)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

## **SECTION 10 - ADJUDICATORY HEARING**

- (a) Persons entitled to hearing. The following persons are entitled to a hearing pursuant to this section:
  - (1) an applicant for a wastewater discharge permit or other permit required by this ordinance who is denied a permit or is granted a permit subject to conditions which are unacceptable to the applicant;
  - (2) a user who is assessed a civil penalty pursuant to Section 8.2;
  - (3) a user to whom an order is issued pursuant to Section 8.1(d) or (e).
- (b) Demand for hearing.
  - (1) Any person entitled to a hearing pursuant to this section shall exercise such right as set forth in Section 10 (b) (2). Such demand shall be in writing and state separately each issue to be considered and such other matters as are hereinafter required.
  - (2) Any person making a demand for a hearing shall deliver the demand to the Executive Director within the following applicable time limits after receipt of notice of the action to be heard:
    - (i) 30 days for the denial of a permit required by this ordinance or for the grant of a permit required by this ordinance subject to conditions which are unacceptable to the applicant;
    - (ii) 30 days of the assessment of a civil penalty;
    - (iii) 20 days for a compliance order issued pursuant to Section 8.1(d);
    - (iv) 10 days for a cease and desist order issued pursuant to Section 8.1(e).
- (c) Contents of demand. In the demand for a hearing to consider:
  - (1) a permit granted subject to unacceptable conditions, the applicant must identify separately each unacceptable condition and every basis for such contention;
  - (2) a civil penalty assessment, the person to whom such penalty was assessed must state separately each reason why such penalty should not be assessed or, if the user contends that the civil penalty was assessed in an improper amount, each reason why the amount of the penalty is improper; and
  - (3) the issuance of an order, the person to whom such order is issued must identify separately each provision of the order which is improper and every basis for such contention.

(d) Conduct of hearing.

- (1) The hearing shall be conducted by the Executive Director and shall be subject to such rules as have been approved by the Board of Directors or the Executive Director as hereinafter set forth. If the demand for a hearing is not made in accordance with the provisions of this section, the Executive Director shall reject the demand and any right to a hearing shall be terminated. If any person demanding a hearing shall fail to comply with an order of the Executive Director or with any rules issued by the Executive Director or approved by the Board of Directors concerning the conduct of the hearing, the Executive Director may reject the demand and any right to a hearing shall be terminated. Within ninety (90) days of the receipt of the written demand for a hearing, the Executive Director shall conduct a hearing and issue a final order or decision. The Executive Director shall transmit a copy of the final order or decision to the person demanding the hearing by registered or certified mail. No further review of the Executive Director's final order or decision will be allowed, except as set forth in Section 10 (g).
- (2) The Executive Director may submit rules to the Board of Directors for approval concerning the conduct of the hearing and any other matter associated with the hearing. Such rules may impose requirements in addition to the provisions of this section. Upon approval by the Board of Directors, such rules shall be as effective as if set forth in this section. The Executive Director shall make a copy of such rules available for inspection upon the request of any person.
- (3) The Executive Director is authorized to take any action which is reasonably necessary or convenient in considering a demand for a hearing and in resolving the issues raised therein so long as such action is not contrary to the provisions of this article, any rules approved by the Board of Directors or other applicable law.
- (4) The Executive Director may appoint a hearing officer to conduct any hearing authorized by this section. A hearing officer shall have the same authority to conduct a hearing and reach a decision as is provided to the Executive Director; provided that, the decision of the hearing officer shall not be final but shall be a recommended decision for consideration by the Executive Director. The Executive Director may approve such decision without change, reject the decision and require a new or continued hearing, or issue a different or revised decision which is supported by evidence presented at the hearing. The Executive Director may refer a recommended decision of a hearing officer to the Chairman of the Board or his designee. In the event of a referral, the Chairman of the Board or his designee shall have the same authority to act upon a recommended decision of a hearing officer as is provided to the Executive Director. The decision of the Executive Director or, in the event of a referral, of the Chairman of the Board or his designee shall be final. A final order may provide that the action which is the basis for the demand for a hearing is approved without change or may modify such action in any manner that is supported by the evidence presented at the hearing.
- (5) The Executive Director may provide for any part of the hearing to be recorded by any reasonable means, including but not limited to, audio and/or video recording, stenographer, or court reporter. A transcript of any hearing, or part thereof, which is recorded need not be prepared unless requested. The original of a requested transcript shall be filed with the Executive Director. Each person shall bear the cost of the transcript which said person requests, including any copy thereof.

(e) Stay of permit conditions pending hearing.

- (1) Except as provided in Section 10 (e) (4) each condition of a permit which has been included in a demand for a hearing in accordance with the provisions of this section is stayed and shall not take effect until the earliest occurrence of any one of the following

circumstances: Such condition is approved or is modified by the Executive Director at an adjudicatory hearing; or the applicant and the Executive Director agree on the conditions of the permit. This subsection shall not be construed to stay any provision of this article or other applicable law.

- (2) Upon receipt of a demand for a hearing on a permit granted subject to unacceptable conditions, the Executive Director shall identify each provision to which no objection was made and such provisions shall remain in effect; provided that, if the Executive Director determines that it would be unreasonable for a provision to apply when all surrounding circumstances are considered, the Executive Director in his sole discretion may stay such provision until the time set forth in Section 10 (e) (1).
  - (3) If the unacceptable permit is a renewal of an existing permit, each provision of the applicant's existing permit will remain in effect until the time set forth in Section 10 (e) (1) above; provided that such provision from the existing permit does not conflict with any provision of the unacceptable permit which is not stayed. In the event of a conflict, the provision from the unacceptable permit will control.
  - (4) Any condition of a permit which is unacceptable to an applicant and which is included in a permit pursuant to Section 4.3 (d) shall remain in effect and shall not be stayed by the provisions of Section 10 (e) (1).
- (f) Stay of assessment; order.
- (1)(i) Each assessment of a civil penalty which has been included in a demand for a hearing in accordance with the provisions of this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: the assessment of the civil penalty is approved or is modified by the Executive Director at an adjudicatory hearing; or the person who is assessed the civil penalty and the Executive Director agree on the assessment.
  - (iii) If the assessment of a civil penalty against any person is approved or modified by the Executive Director at an adjudicatory hearing, the Executive Director may include the following provisions in any order or decision:
    - (A) said person may be required to pay said penalty within ten (10) days or such additional time as the Executive Director may specify;
    - (B) if said penalty is not paid in a timely manner, the penalty will be delinquent and water and/or sewer service may be terminated to said person without further notice. If water and/or sewer service is terminated pursuant to a decision authorized by this subsection, the application charges and fees as set forth in Section 3 must be paid before service will be restored.
  - (2) Except as provided in Section 8.1(f) (suspension), each provision of an order which has been included in a demand for a hearing in accordance with the provisions of this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: such provision is approved or is modified by the Executive Director at an adjudicatory hearing; or the person to whom the order is directed and the Executive Director agree on the terms of the order. This subsection shall not be construed to stay any provision of this article or other applicable law.
  - (3) Upon receipt of a demand for a hearing on an order, the Executive Director shall identify each provision to which no objection was made and such provision shall remain in effect; provided that, if the Executive Director determines that it would be unreasonable for such provision to apply when all surrounding circumstances are considered, the Executive

Director in his sole discretion may stay such provision until the time set forth in Section 10 (f) (2).

- (g) Judicial review. Any person against whom a final order or decision of the Executive Director is made pursuant to the hearing conducted under Section 10, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice of the order or decision, but not thereafter, with the Superior Court of Cabarrus County. If not previously requested, said person shall request in writing that a transcript be prepared for every part of the hearing which was recorded. Said request shall be made at or before the time that the petition is filed. A copy of the petition shall be served on WSACC in the manner required by law. Within thirty (30) days after service of a copy of the petition upon WSACC or such other time as may be ordered by the Court, WSACC shall prepare and transmit to the Court the original or a certified copy of the official record of the hearing as hereinafter set forth. The official record of the hearing shall consist of:
- (1) all notices, motions and other similar documents;
  - (2) all documentary and tangible evidence tendered at the hearing; and
  - (3) the final order or decision. A transcript of each part of the hearing that was recorded shall be included in the official record as an exhibit, if available at the time the remaining portion of the official record is transmitted to the Court. If the transcript is not available at that time, it shall be transmitted to the Court as soon as reasonably possible after the transcript has been prepared. If testimony is taken and not recorded, a narrative summary of any testimony taken shall be prepared and transmitted to the court as an exhibit to the official record.
- (h) The Executive Director may consider petitions for remission of civil penalties assessed pursuant to this ordinance. A petition for remission shall be in writing and shall be signed by the persons against whom the civil penalty was assessed. The petition shall include: a waiver of any and all rights of the petitioner to an adjudicatory hearing and judicial review of the assessment; and a stipulation that the facts are correct as set forth in the document(s) assessing the civil penalty. The decision of the Executive Director on the petition shall be final and shall not be subject to further administrative or judicial review. In determining whether a petition for remission will be approved, the Executive Director shall consider recommendations and the following factors:
- (1) whether one or more of the factors concerning the assessment of a civil penalty in Section 8.2 (c) were wrongly applied to the detriment of the petitioner;
  - (2) whether the petitioner promptly abated continuing environmental damage resulting from the violation giving rise to the assessment;
  - (3) whether the violation giving rise to the assessment was inadvertent or the result of an accident;
  - (4) whether the petitioner has been assessed civil penalties for any prior violations pursuant to this ordinance or by any State or Federal authority enforcing substantially similar provisions;
  - (5) whether payment of the civil penalty by the petitioner will prevent payment for any remaining, necessary remedial action.
- (i) After submitting a petition for remission, the petitioner shall provide such additional information and records as may be reasonably necessary or convenient to the Executive Director's consideration of the petition. The Executive Director may remit the entire amount of a civil penalty only when the petitioner has not been assessed civil penalties for any prior violation of this Article

or by State or Federal authority enforcing substantially similar provisions and the payment of the civil penalty will prevent payment of any remaining, necessary remedial action.

## **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 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 Executive 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) through (7), and (9) through (31) 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 WSACC 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 Executive Director at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Executive 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 Executive 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 Executive 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 Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

**SECTION 12 – RECONNECTION OF UTILITY SERVICE AFTER TERMINATION**

- (a) Any person applying for water or sewer service after the termination of water or sewer service pursuant to any provision of this ordinance shall not receive such service without written approval of the Executive Director or his designee.
- (b) WSACC shall approve such application under the following conditions:
  - (1) such person is not delinquent in paying any water or sewer bill;
  - (2) full payment has been made for all costs incurred by WSACC in removing, severing or otherwise discontinuing water or sewer service to such person;
  - (3) full payment has been made for fees and costs associated with providing the requested service and

installing the necessary facilities;

- (4) full payment has been made for all civil penalties assessed against such person pursuant to this ordinance and for all damages to the POTW which such person is required to pay by the provisions of this ordinance;
  - (5) if such person is required to have a wastewater discharge permit before discharging wastewater into the POTW, such person must apply for and accept a wastewater discharge permit containing such provisions as WSACC determines to be reasonably necessary. The provisions of Section 10 will not apply to the denial of a permit to such person or to granting a permit subject to conditions unacceptable to such person.
- (c) This section shall apply to every application for water or sewer service by any person subject to Section 16 (a) made within 2 years after water or sewer service has been terminated pursuant to this ordinance.
- (d) Any person applying for a connection to provide water or sewer service to all or any portion of the property served by a connection removed pursuant to any provision of this ordinance shall be required to pay all fees and charges for securing a new connection, without exception. Any fee or charge paid prior to the removal of the service connection shall be forfeited in its entirety and shall have no continued effect.

### **SECTION 13 - TAMPERING WITH, DAMAGING SEWERAGE WORKS**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any materials, structure, appurtenance or equipment which is a part of the wastewater treatment system or belongs to WSACC, including that left upon the premises of a user discharging wastewater into the POTW. The user shall be responsible for the safety of such equipment and may be held liable in the event of any such damage.

### **SECTION 14 – FALSIFYING INFORMATION; DAMAGE TO MONITORING EQUIPMENT**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both.

### **SECTION 15 - NEW CONSTRUCTION**

New sewers and new connections shall be properly designated and constructed in accordance with such guidelines as published by the Environmental Protection Agency, reference 40 CFR section 35.927-4. All new connections shall conform with the North Carolina plumbing codes.

### **SECTION 16 - USE OF PUBLIC SEWERS**

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes under the jurisdiction of this ordinance and abutting on any street, alley, or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of WSACC, is required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly to the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so provided the proper wastewater sewer is within three hundred (300) feet of the property line. This section shall not apply to any person served by a privately constructed, owned, operated, or maintained wastewater sewer and wastewater treatment facility that discharges directly to a natural outlet in accordance with the provisions of this ordinance and applicable state and federal laws.

## **SECTION 17- PRIVATE SEWAGE DISPOSAL**

Regulations concerning private sewage disposal will be enforced by the Cabarrus Health Alliance in accordance to 10 NCAC 10A.1900.

## **SECTION 18 - OUTSIDE CONNECTIONS**

Any person owning or controlling premises located beyond the corporate limits or boundaries of WSACC and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the POTW may do so by complying with the requirements of this ordinance and of the public utility having jurisdiction over the sanitary sewer to which the connection is proposed to be made.

## **SECTION 19 - SPECIAL AGREEMENTS**

Nothing in this ordinance shall be construed as preventing any special agreement or arrangement between the Board of Directors and any user of the wastewater treatment system whereby wastewater of unusual strength, character or quantity is accepted into the system and specially treated subject to any payments or user charges as may be applicable, provided such wastewater will not interfere with the treatment process, sludge disposal options, NPDES permit compliance or cause a violation of water quality standards.

## **SECTION 20 - 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 21 - 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.

## **SECTION 22 – PUBLIC NOTIFICATION OF UNTREATED WASTE AND WASTEWATER DISCHARGES**

- (a) All wastewater spills that reach the surface waters (regardless of volume) and all spills to the ground surface exceeding 1,000 gallons (regardless of whether they are contained or reach surface waters) should be reported by the discharger to the State's Department of Environment and Natural Resources regional office.
- (b) Whenever a discharge of untreated wastewater of 1,000 gallons or more reaches surface waters, a press release must be sent by the discharger to all print and electronic news media providing general coverage in the county where the discharge occurred. The press release is to be issued within 48 hours of the determination that the wastewater has reached surface waters. A copy of the press release and a list of the media to which it was distributed must be kept on file by the user for at least one year and copies made available upon request.
- (c) If the untreated discharge to the surface waters is 15,000 gallons or more, the discharger must issue a press release and a notice of the discharge must be published in a newspaper with general circulation in the county where the discharge occurred and in each county downstream that is significantly affected. The Secretary of the Department of Environment and Natural Resources determines which counties are significantly affected, and publication must occur within 10 days of this determination and DENR's approval of the form and content of the notice and the newspapers in which it is to be published.

**SECTION 23 – EFFECTIVE DATE**

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

Adopted this 21<sup>st</sup> day of June, 2012.

WATER AND SEWER AUTHORITY OF  
CABARRUS COUNTY

*Tray Blitt*  
CHAIRMAN, Board of Directors

ATTEST:

*Sammy M. Kemp*  
(seal)



APPROVED AS TO FORM:

*Hitchcock L. Hensel*  
WSACC Attorney