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## GENERAL PROVISIONS

### § 52.001 PURPOSE AND POLICY

(A) **Purpose** - This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the **City of Belmont**, hereafter referred to as the City, and enables the City 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).

#### (B) Objectives

(1) The objectives of this ordinance are:

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

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

(C) **Policy** - It is the policy of the City that the discharge of pollutants and wastewater into the POTW is not a matter of right, but is a privilege which may be withdrawn by means consistent with the provisions of this ordinance or any permit issued pursuant hereto, or both, in order to protect its citizens, the environment and its wastewater collection and treatment system. Any user who is unwilling or unable to comply with the provisions contained herein will not be permitted to make or maintain a connection to the wastewater collection and treatment system of the City.

(Ord. 93-08, passed 6-7-93;Am. Ord. 07-09, passed--)

### §52.002 APPLICABILITY AND AUTHORITY OF POTW DIRECTOR

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

(B) By discharging wastewater into the City wastewater system, industrial users located outside the City limits agree to comply with the terms and conditions established in this ordinance, as well as any permits, enforcement actions or orders issued hereunder.

(Ord. 93-08, passed 6-7-93;Am, Ord. 07-09, passed--)

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## § 52.003 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 Environmental 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 decisions, 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 divisions i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
  - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW Director prior to or together with any reports to be signed by an authorized representative.
- (4) **BIOLOGICAL OXYGEN DEMAND (BOD)** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
- (5) **BUILDING SEWER** or **BUILDING SEWER SERVICE LINE** - A sewer conveying wastewater from the premises of a user to the POTW.
- (6) **BYPASS** - The intentional diversion of waste streams from any portion of a user's treatment facility.
- (7) **CATEGORICAL STANDARDS** - National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) **CHEMICAL OXYGEN DEMAND (COD)** - A measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant under standard laboratory procedure.
- (9) **COLOR** - Color that is due to substances in solution and also that is due to suspended matter. Color may be measured under Standard laboratory procedure by the ADMI tristimulus filter method.
- (10) **COMPOSITE SAMPLE** - A sample consisting of grab samples collected at equal intervals and combined proportional to flow; or, a sample continuously collected proportionally to flow; or, a sample of equal volumes taken at equal time intervals.

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- (11) **CONTROL AUTHORITY** - Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.
- (12) **DIRECT DISCHARGE** - The discharge of treated or untreated wastewater directly to the waters of the state.
- (13) **ENVIRONMENTAL PROTECTION AGENCY** or **EPA** - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (14) **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.
- (15) **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.
- (16) **INDIRECT DISCHARGE** or **DISCHARGE** - The discharge or the introduction from any nondomestic source regulated under section § 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW, including holding tank waste discharged into the system.
- (17) **INDUSTRIAL USER** or **USER** - Any person which is a source of indirect discharge.
- (18) **INTERFERENCE** - The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's (and/or POTW's, if different from the Control Authority) NPDES, collection system, or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (19) **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.
- (20) **NATIONAL CATEGORICAL PRETREATMENT STANDARD** or **CATEGORICAL STANDARD** - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (21) **NATIONAL PROHIBITIVE DISCHARGE** or **PROHIBITIVE DISCHARGE STANDARD** - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 52.060 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.
- (22) **NEW SOURCE** - As defined in 40 CFR 403.3(m), including any subsequent amendments and additions.
- (23) **NONCONTACT COOLING WATER** - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (24) **NATIONAL POLLUTION ELIMINATION SYSTEM** or **NPDES PERMIT** - A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.
- (25) **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.
- (26) **OIL** and **GREASE** - Any material recovered as a substance soluble in trichlorotrifluoroethane under standard laboratory procedure or as determined under such standard laboratory procedures as may be hereinafter adopted.

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- (27) **PASS THROUGH** - A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's (and/or POTW's, if different from the Control Authority) NPDES, collection system, or Non-discharge Permit or a downstream water quality standard even if not included in the permit.
- (28) **PERSONS** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (29) **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.
- (30) **POLLUTANT** - Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).
- (31) **POTW DIRECTOR** - The chief administrative officer of the Control Authority or his/her delegate.
- (32) **POTW TREATMENT PLANT** - That portion of the POTW designed to provide treatment to wastewater.
- (33) **PRETREATMENT** or **TREATMENT** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Part 403.6(d).
- (34) **PRETREATMENT PROGRAM** - The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the City in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (35) **PRETREATMENT REQUIREMENTS** - Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (36) **PRETREATMENT STANDARD** - Any prohibited discharge standard, categorical standard, or local limit which applies to an industrial user.
- (37) **PUBLICLY OWNED TREATMENT WORK (POTW)** or **MUNICIPAL WASTEWATER SYSTEM** - A treatment works as defined by section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the POTW of the City.
- (38) **SEVERE PROPERTY DAMAGE** - Substantial physical damage to property, damage to the users' 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.
- (39) **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 more than five percent (5%) of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or

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- (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 designed 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 contributing to violations of the POTW's receiving stream standard, 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, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- (F) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- (G) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C).and 403.12 (e)(3).
- (40) SIGNIFICANT NONCOMPLIANCE or SNC** – is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in Subparagraph (a)(40), 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 § 52.140 of the SUO to halt or prevent such a discharge;
- (E) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
- (F) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and compliance reports within thirty (30) days from the due date.
- (G) Failure to accurately report noncompliance.
- (H) Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

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**(41) 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 § 52.020 of this ordinance.

**(42) 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.

**(43) STORMWATER** - Any flow occurring during or following any form of natural precipitation and resulting there from.

**(44) SUSPENDED SOLIDS** - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

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

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

**(47) WASTEWATER PERMIT** - As set forth in § 52.081 of this ordinance.

**(48) WATER 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.

**(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:

BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
EPA	- Environmental Protection Agency
gpd	- Gallons per day
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
N.C.G.S.	- North Carolina General Statutes
NPDES	- National Pollution Discharge Elimination System
O & M	- Operation and Maintenance
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
SWDA	- Solid Waste Disposal Act
TSS	- Total Suspended Solids
TKN	- Total Kjeldahl Nitrogen
U.S.C	- United States Code

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

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**§ 52.004 IDEMNIFICATION OF CITY**

- (A) All costs and expense incident to the installation and connection of the building service line to the public sewer shall be borne by the property owner.
- (B) The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building service line.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-08, passed--)

**§ 52.005 SERVICE REQUIREMENTS**

- (A) A separate and independent building sewage service line shall be provided for every building.
- (B) An old building service line shall not be used for the connection of a new building unless it can be shown to be in good condition, meets all requirements of this ordinance, and said reuse is approved by the POTW Director.
- (C) The size and slope of the service line shall be subject to the approval of the POTW Director, but in no event shall the diameter be less than four inches and the slope be less than one inch per foot.
- (D) A clean-out shall be provided by the property owner at the right-of-way line for all new services and for all existing services which must be dug-up for repair or maintenance.
- (E) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building service line.
- (F) Pipe and joint materials shall be subject to building codes and to the approval of the POTW Director.
- (G) Grease, oil and sand interceptors.
  - (1) The POTW Director may require the installation of appurtenances on the owner's property for the purpose of preventing the entrance of grease, oil, and other materials into the POTW.
  - (2) Grease, oil and sand interceptors shall be provided for all facilities except for private living quarters or dwelling units.
  - (3) All interceptors shall be of a type and capacity to adequately prevent the discharge of grease, oil or sand , and are subject to the review and approval of the POTW Director.
  - (4) Interceptors shall be maintained in continuously efficient operation at all times by the owner.
  - (5) These facilities shall be provided and maintained at no expense to the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

**§ 52.006 INSPECTION OF BUILDING SERVICE LINE**

- (A) When trenches are opened for the laying of building service lines, such trenches and service line construction shall be inspected by the POTW Director before the trenches are filled.
- (B) The filling of the trench prior to inspection by the POTW Director shall void the connection permit and a connection to the public sewer system shall not be allowed.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

**§ 52.007 MAINTENANCE OF BUILDING SERVICE LINE**

- (A) The City shall have no responsibility for the cleaning, repairing, replacement, or maintenance of a building sewage line on private property. The property owner is responsible for verifying the condition of his service line before the City is called to maintain or repair the service line within public right-of-way.
- (B) When determined by the POTW Director, that a building sewage line is in poor condition allowing excess ground water or storm water to enter the POTW, the POTW Director shall order the property owner to repair or replace said line.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

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## **§ 52.008 PROTECTION FROM DAMAGE**

- (A) No persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the POTW.
- (B) Any person violating this provision shall be subject to the penalties prescribed by the General Statutes of the State of North Carolina.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

## **USE OF PUBLIC SEWER**

### **§ 52.020 UNLAWFUL DISCHARGE OF SEWAGE**

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- (B) It shall be unlawful to discharge to any storm sewer or natural drainage outlet within or under the jurisdiction of the City, any sanitary sewage, industrial wastes, or other polluted waters, except where Federal, State, or Gaston County permits have been obtained and suitable treatment has been provided.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the City, or in any area under the jurisdiction of the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.021 REQUIREMENT TO CONNECT TO PUBLIC SEWER**

- (A) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the corporate limits of the City, and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the City, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the public sewer (POTW), if accessible within 300 feet of any portion of the building owner's lot, in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so.
- (B) Within ninety (90) days after the time when any public sewer main has been constructed in any street, alley or right-of-way, the owner of any abutting lot having thereon a building used for human occupancy, is hereby required at his expense to install suitable sanitary facilities and to connect to the POTW in accordance with the provisions of this chapter, providing official notice to do so has been made.
- (C) No connection of any sewer line or system outside of the corporate limits of the City, shall be made to any part of the City's POTW without first meeting the requirements as may be set forth by the City. Application for permit for such extension of facilities as provided herein and as set forth by the N.C. Division of Environmental Management, shall be made and approved prior to construction of such connection.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.022 PERMIT REQUIRED**

- (A) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the City.
- (B) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.023 CONNECTION TO SEWER BY CITY**

- (A) The applicant shall notify the City when the building sewage service line is ready for inspection and connection to the public sewer system.

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- (B) The connection shall be made under supervision of the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

#### **§ 52.024 AUTHORITY TO DISCONTINUE SEWER CONNECTION**

- (A) The City shall have the power to discontinue any connection with the POTW in case where substances are discharged which are liable to injure the sewer, obstruct the flow of sewage, or upset the wastewater treatment process.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

#### **§ 52.025 SERVICE ABANDONMENT**

If sanitary service is abandoned by virtue of the demolition of the building, the building sewage service line must be disconnected from the public sewer and the hole appropriately sealed at no expense to the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

#### **§ 52.026 EXTENSION OF PUBLIC SEWER**

(A) Application for extension

- (1) From and after the effective date of this ordinance, any property owner desiring to have public sewer service extended to and along any public street, alley or right-of-way where no sanitary sewer exists, shall apply in writing to the POTW Director requesting such service.
- (2) When application is made for sewer extension to serve only a portion of an area that will develop in the future, the owner shall submit plans and other information in sufficient detail that adequate sized facilities can be determined and plans for orderly extension of service can be made.

(B) Extension Requirements

- (1) The minimum distance for any extension of public sewer shall be determined by the POTW Director.
- (2) In general, the minimum distance for extensions of public sewer shall be one platted block, from manhole to manhole.
- (3) The size of the sewer pipe to be installed and other system requirements shall be as determined by the POTW Director. The minimum sewer size shall be eight inches in diameter.
- (4) No application shall be approved and no connection to the POTW shall be authorized unless the size of the facilities and other requirements of the City and the N.C. Division of Environmental Management are complied with.

(C) Financing Extensions – the extension of sewers shall be at the cost of the property owner.

(D) Ownership and Easements

- (1) Upon inspection and approval of construction by the POTW Director, all facilities within public rights-of way installed in accordance with the provisions of this section, shall become the sole property of the City.
- (2) Easements recorded with the Gaston County Register of Deeds, shall be provided for public sewers which cross private property in order to provide service to other properties upstream.
- (3) The City shall not accept ownership of sewers which lie within private property, unless said sewers are necessary to provide service to other properties upstream.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### **PRIVATE SEWAGE DISPOSAL SYSTEM**

#### **§ 52.040 DISPOSAL SYSTEM REQUIREMENTS**

- (A) Where a public sanitary sewer is not available within 300 feet of the building lot, the building shall be connected to a private sewage disposal system complying with the provisions of the this ordinance and all regulation of the N.C. Division of Environmental Management and Gaston County Health Department.

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- (B) The owner shall provide the private sewage disposal facilities at no expense to the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### § 52.041 PERMIT REQUIRED

- (A) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a permit from the Gaston County Health Department and the City.
- (B) The application for permit from the City shall be supplemented by any plans, specifications and other information as deemed necessary by the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### § 52.042 OPERATION OF SYSTEM

- (A) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (B) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Gaston County Health Department.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### § 52.043 CONNECTION TO PUBLIC SEWER WHEN AVAILABLE

- (A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance.
- (B) Any septic tanks, cesspools, and similar private sewage disposal system facilities shall be abandoned and filled with suitable material.
- (C) No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### GENERAL SEWER USE REQUIREMENTS

#### § 52.060 PROHIBITED DISCHARGE STANDARDS

- (a) **General Prohibitions** - No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
- (b) **Specific Prohibitions** - No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
  - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
  - (3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
  - (4) Any wastewater having a pH less than 6.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

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- (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
- (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § 52.069 of this ordinance.
- (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.
- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 40 mg/l unless authorized by the POTW Director.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

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(23) At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

(24) Any wastewater that requires excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the plant.

(25) Any volatile organics, except as specifically authorized by the POTW Director in a wastewater permit.

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

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

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

(2) Take appropriate actions in accordance with §§ 52.080 – 52.091 for such user to protect the POTW from interference or pass through.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

## § 52.061 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

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

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

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined 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.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed)

(e) A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

## § 52.062 LOCAL LIMITS

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

BOD	250	mg/l
TSS	250	mg/l
COD	500	mg/l
TKN	40	mg/l

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Arsenic	0.003	mg/l	
Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	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	0.175	mg/l	
Oil & Grease	40	mg/l	

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### § 52.063 ALLOCATION OF FLOW

(A) The allocation of maximum daily discharge flow to significant industrial users shall be reviewed at least annually by the POTW Director, and based on this review, adjustments to the permitted flow may be made as follows:

- (1) Allocation increase - If any permitted industry is found to be using at least eighty percent (80%) of its allocation for 50% of the days during the previous six month period, the permittee may submit a request for additional flow. Each request shall be considered individually and are dependent upon public sewer line capacity, POTW treatment works capacity, and headwork analysis.
- (2) Allocation reduction - Any permitted industry not using at least eighty percent (80%) of its allocation for fifty percent (50%) of the days during the previous six month period, shall have the permitted maximum daily discharge flow limit reduced to a rate equal to 1.25 times the average daily flow rate of the highest twenty-five percent (25%) of the total operating days during that period.

(B) Flow allocation increases or reductions will be enacted through the issuance of a revised wastewater permit.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### § 52.064 STATE REQUIREMENTS

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### § 52.065 RIGHT OF REVISION

The City 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 § 52.001 of this ordinance or the general and specific prohibitions in § 52.060 of this ordinance, as is allowed by 40 CFR 403.4.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### § 52.066 DILUTION

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

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## § 52.067 PRETREATMENT OF WASTEWATER

(a) Pretreatment Facilities - Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under § 52.081 of this ordinance and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in § 52.060 of this ordinance within the time limitations as specified by EPA, the State, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(b) Additional Pretreatment Measures

- (1) Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage 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.
- (2) The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

## § 52.068 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

Definition of Slug Load or Discharge can be found in § 52.0003(a)(41) of this ordinance.

- (a) The POTW Director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in § 52.068 of this ordinance. All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.
- (b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see § 52.105 of this ordinance.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including non-routine batch discharge;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 52.105 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.

## **§ 52.069 HAULED WASTEWATER**

- (A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate §§ 52.060-52.069 of this ordinance or any other requirements established by the City. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.
- (B) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- (C) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

## **WASTEWATER DISCHARGE PERMIT**

### **§ 52.080 WASTEWATER DISCHARGES**

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the City of Belmont. When requested by the POTW Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.081 SIGNIFICANT INDUSTRIAL USERS**

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

- (a) Significant industrial user determination - All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### **§ 52.082 SIGNIFICANT INDUSTRIAL USER PERMIT APPLICATION**

- (a) Users required to obtain a significant industrial user permit shall complete and file with the City, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in § 52.081 of this ordinance. The application shall include at a minimum:

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- (1) Name of industrial user;
  - (2) Address of industrial user;
  - (3) Standard industrial classification (SIC) code(s) or expected classification and industrial user category;
  - (4) Wastewater flow;
  - (5) Types and concentrations (or mass) of pollutants contained in the discharge;
  - (6) Major products manufactured or services supplied;
  - (7) Description of existing on-site pretreatment facilities and practices;
  - (8) Locations of discharge points;
  - (9) Raw materials used or stored on site;
  - (10) Flow diagram or sewer map for the industrial users;
  - (11) Number of employees;
  - (12) Operations and production schedules; and
  - (13) Description of current and projected waste reduction activities in accordance with G.S. 143-245.1(g);
  - (14) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in § 52.060-52.069, any of the priority pollutants (§307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in § 52.105;
  - (15) Time and duration of the indirect discharge;
  - (16) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (17) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
  - (18) Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
  - (19) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
  - (20) Each product produced by type, amount, process or processes and rate of production;
  - (21) Type and amount of raw materials processed (average and maximum per day);
  - (22) 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 § 52.100.
  - (23) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

**(b)** 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.

**(1)** The following conditions apply to this schedule:

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- (24) 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.
  - (25) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the POTW Director.

#### **§ 52.083 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 § 52.003 and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### **§ 52.084 APPLICATION REVIEW AND EVALUATION**

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

- (A) The POTW Director is authorized to accept applications for the City and shall refer all applications to the POTW staff for review and evaluation.
- (B) Within thirty (30) days of receipt the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )

#### **§ 52.085 TENTATIVE DETERMINATION AND DRAFT PERMIT**

- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
  - (A) proposed discharge limitations for those pollutants proposed to be limited;
  - (B) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
  - (C) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (3) The staff shall organize the determinations made pursuant to divisions (1) and (2) above and the general permit conditions of the City into a significant industrial user permit.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )
- (4) Permit supporting documentation. The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.
  - (A) 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

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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.

**(B)** 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).

#### **§ 52.086 PERMIT SYNOPSIS**

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

**(B)** The contents of such fact sheets shall include at least the following information:

- (1)** A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.
- (2)** A quantitative description of the discharge described in the application which includes as least the following:
  - (a)** The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
  - (b)** The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
  - (c)** The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

#### **§ 52.087 FINAL ACTION ON SIGNIFICANT INDUSTRIAL USER PERMIT APPLICATIONS**

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

**(B)** The POTW Director is authorized to:

- (1)** Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
- (2)** Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
- (3)** Modify any permit upon not less than sixty (60) days notice;
- (4)** Revoke any permit pursuant to § 52.140 of this ordinance;
- (5)** Suspend a permit pursuant to § 52.140 of this ordinance;
- (6)** Deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

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## § 52.088 HEARINGS

- (A) Adjudicatory Hearing - An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under § 52.999 of this ordinance, or one issued an administrative order under § 52.140 shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The hearing officer shall make a final decision on the contested penalties within ninety (90) or less days of the receipt of the written demand for a hearing. The hearing officer shall make a final decision on contested permits or orders within ninety (90) days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (b) below. The terms and conditions of a permit under appeal shall be as follows:
- (1) New Permits - Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
  - (2) Renewed Permits - Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
  - (3) Terminated Permits - Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (B) Official record - When a final decision is issued under paragraph (A) above, the Hearing Officer shall prepare an official record of the case that includes:
- (1) All notices, motions, and other like pleadings;
  - (2) A copy of all documentary evidence introduced;
  - (3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
  - (4) A copy of the final decision of the Hearing Officer.
- (C) Judicial Review - Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Gaston County within thirty [30] days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the City. Within thirty [30] days after receipt of the copy of the written request for review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

## § 52.089 PERMIT MODIFICATION

- (A) 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 not less than sixty (60) days notice for compliance.
- (1) Changes in the ownership of the discharge when no other change in the permit is indicated,
  - (2) A single modification of any compliance schedule not in excess of four months,
  - (3) Modifications of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (B) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by § 52.081 (B), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard.

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- (C) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.99

#### **§ 52.090 PERMIT CONDITIONS**

- (A) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
- (1) A statement of duration (in no case more than five (5) years);
  - (2) A statement of non-transferability;
  - (3) Applicable effluent limits based on categorical standards or local limits or both;
  - (4) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
  - (5) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 52.003;
  - (6) Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 52.003, if determined by the POTW Director to be necessary for the User and,
  - (7) 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 § 52.003. Also see § 52.105;
  - (8) A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (B) In addition, permits may contain, but are not limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
  - (2) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
  - (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - (4) Development and implementation of spill waste minimization plans to reduce the amount of pollutants discharge to the municipal wastewater system.
  - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  - (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
  - (8) 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).
  - (9) Compliance schedules for meeting pretreatment standards and requirements.
  - (10) Requirements for submission of periodic self-monitoring or special notification reports.

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- (11) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 52.112 and affording the POTW Director, or his representatives, access thereto.
  - (12) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
  - (13) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.
  - (14) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
  - (15) 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.
  - (16) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

#### **§ 52.091 PERMITS - DURATION; TRANSFER; REISSUANCE**

- (A) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (B) Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (C) A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with § 52.081 a minimum of two hundred forty (240) days prior to the expiration of the existing permit.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **REPORTING REQUIREMENTS**

#### **§ 52.100 BASELINE MONITORING REPORTS**

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

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- (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
- (a) The categorical pretreatment standards applicable to each regulated process.
- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.1080 of this ordinance.
- (c) Sampling must be performed in accordance with procedures set out in § 52.110 of this ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4), DMR and 90 Day Compliance Report Sampling.
- (6) Certification - A statement, reviewed by the user's current authorized representative as defined in § 52.003 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 § 52.101 of this ordinance.
- (8) Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with § 52.083 of this ordinance.
- (Ord. 93-08, passed 6-7-93; Am. Ord. 07-09--) Penalty, see § 52.999

#### **§ 52.101 COMPLIANCE SCHEDULE PROGRESS REPORTS**

The following conditions shall apply to the compliance schedule required by § 52.100 (B) (7) of this ordinance:

- (A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (B) No increment referred to above shall exceed nine (9) months;
- (C) The user shall submit a progress report to the POTW Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (D) In no event shall more than nine (9) months elapse between such progress reports to the POTW Director.
- (Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### **§ 52.102 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 52.100 (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

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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 § 52.083 of this ordinance.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.103 PERIODIC COMPLIANCE REPORTS**

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

(A) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than once every six 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 § 52.110 of this ordinance. All periodic compliance reports must be signed and certified in accordance with § 52.083. of this ordinance.

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

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in § 52.109 of this ordinance, the results of this monitoring shall be included in the report.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.104 REPORTS OF CHANGED CONDITIONS**

(A) Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or Municipality. See § 52.105 (D) of this ordinance for other reporting requirements.

(B) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.082 of this ordinance.

(C) The POTW Director may issue a wastewater discharge permit under § 52.082 of this ordinance or modify an existing wastewater discharge permit under § 52.082 of this ordinance in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants, increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority and/or Municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

### **§ 52.105 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 § 52.003 of this ordinance, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

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(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 § 52.003 of this ordinance.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### **§ 52.106 REPORTS FROM UNPERMITTED USERS**

All users classified as Non-significant Categorical Users under § 52.003(a)(39)(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 Users criteria as required un 40 CFR 403.12(q).

#### **§ 52.107 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

(A) If sampling performed by a user indicates a violation, the user must notify the POTW Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within thirty (30) days after becoming aware of the violation. If allowed by the POTW Director the user is not required to resample:

(1) If the POTW Director monitors at the user's facility at least once a month; or

(2) If the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(B) If the POTW Director has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the POTW Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:

(1) The POTW Director monitors at the user's facility at least once a month; or

(2) The POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

(3) The POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30 day deadline of the POTW becoming aware of the violation.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

#### **§52.108 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE**

The City prohibits the discharge of any hazardous wastes without notification to and approval by the POTW Director.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the 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 eighty (180) days **before** the discharge commences. The user shall not begin the discharge until receiving written approval from the City. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of change conditions must be submitted. This notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements.

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- (B) Dischargers are exempt from the requirements of paragraph [(a)], above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (C) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

### **§ 52.109 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 in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### **§ 52.110 GRAB AND COMPOSITE SAMPLE COLLECTION**

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### **§ 52.111 TIMING**

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )

### **§ 52.112 RECORD KEEPING**

- (A) 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.

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- (B) Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
  - (C) These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the POTW Director.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### **§ 52.113 ELECTRONIC REPORTING**

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this chapter. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under §§ 52.140-142 and 52.999 of this ordinance.

## **COMPLIANCE MONITORING**

### **§ 52.120 MONITORING FACILITIES**

- (A) The City requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the requirements of the City and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### **§ 52.121 INSPECTION AND SAMPLING**

- (A) The City will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City, 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.
- (B) The City, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (C) Denial of the City, approval authority's, or EPA's access to the user's premises shall be a violation of this ordinance. Unreasonable delays may constitute denial of access.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### **§ 52.122 SEARCH WARRANTS**

If the City, 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

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sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the City .  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### **§ 52.123 CONFIDENTIAL INFORMATION**

- (A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (C) All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--) Penalty, see § 52.999

## **FEES**

### **§ 52.130 PURPOSE**

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

### **§ 52.131 CONNECTION CHARGES**

The City shall levy charges for the connection to its POTW in accordance with §§ 52.022-52.024 as set forth in the City's schedule of charges and fees.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

### **§ 52.132 USER CHARGES**

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

- (A) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
- (B) Each user shall pay its proportionate cost based on volume of flow.
- (C) The Manager of the City shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Council or Board serving the City for adjustments in the schedule of charges and fees as necessary.
- (D) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

### § 52.133 SURCHARGES

- (A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:
- |                      |          |
|----------------------|----------|
| BOD                  | 250 mg/l |
| TSS                  | 250 mg/l |
| Oil & Grease (total) | 40 mg/l  |
| COD                  | 500 mg/l |
| TKN                  | 40 mg/l  |
- (B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.
- (C) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
- (1) Metered water consumption as shown in the records of meter readings maintained by the City; or
  - (2) If required by the City or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the City. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the City.
  - (3) Where any user procures all or part of his or her water supply from sources other than the City, the user shall install and maintain at his or her own expense a flow measuring device of a type approved by the City.
- (D) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the City. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.
- (E) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his duly appointed representatives shall be binding as a basis for charges.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

### § 52.134 PRETREATMENT PROGRAM ADMINISTRATION CHARGES

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

- (A) Reimbursement of costs of setting up and operating the Pretreatment Program;
- (B) Monitoring, inspections and surveillance procedures;
- (C) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (D) Permitting;
- (E) Other fees as the City of Belmont may deem necessary to carry out the requirements of the Pretreatment Program.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )

### § 52.135 NOTIFICATION

Each user shall be notified at least annually in conjunction with a regular bill or other acceptable means, of the user rate and that portion of the user charges which are attributable to wastewater treatment services.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )

### § 52.136 INCONSISTENT AGREEMENT

This user charge system shall take precedence over any terms or conditions of agreements or contract which are inconsistent with its requirements.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- )

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## ENFORCEMENT

### § 52.140 ADMINISTRATIVE REMEDIES

- (A) Notification of Violation - Whenever the POTW Director finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the POTW Director may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the City by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (B) Consent Orders - The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to paragraph (D), below.
- (C) Show cause hearing
- (1) The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for 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.
  - (2) The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.
  - (3) POTW Director's final decision shall be either to proceed with the proposed enforcement action or to modify the action. Such modification may include, but is not limited, to the issuance of an order to the user directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.
  - (4) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 52.999 nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 52.088.
- (D) Administrative orders
- (1) Compliance orders - When the POTW Director finds that a user has violated or continues to violate this ordinance, permits or orders issued hereunder, or any other pretreatment standard or requirement, the POTW Director may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
  - (2) Cease and desist orders

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- (a) When the POTW Director finds that an industrial user has violated or continues to violate this ordinance, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
    - (1) Immediately comply with all requirements;
    - (2) Comply in accordance with a compliance time schedule set forth in the order;
    - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
    - (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
  - (b) Administrative orders may be appealed in accordance with § 52.088. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**(E) Emergency suspensions**

- (1) The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or Non-discharge permit.
  - (2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.
- (F) Termination of permit or permission to discharge –** Any user who violates the following conditions in this ordinance, or applicable State and Federal regulations, is subject to having its permit terminated. The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:
- (a) Failure to accurately report the wastewater constituents and characteristics of his discharge;
  - (b) Failure to report significant changes in operations, or wastewater constituents and characteristics;
  - (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
  - (d) Violation of conditions of the permit or permission to discharge, conditions of this ordinance, or any applicable State and Federal regulations.

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

(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

**§ 52.141 OTHER AVAILABLE REMEDIES**

- (A) Remedies, in addition to those previously mentioned in this ordinance, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:
  - (a) City Attorney to take action - If any person violates this ordinance, or any order or permit issued hereunder, or any other pretreatment requirement, the POTW Director, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the General Court of Justice for Gaston County.

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**(b) Criminal violations**

- (1)** The District Attorney for the applicable Judicial District may, at the request of the City and/or the POTW Director shall prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i))]
- (c)** Injunctive relief - Whenever a user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question. In the event the POTW Director chooses to correct the violation itself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The City shall have such remedies for the collection of such costs as it has for the collection or other service charges
- (d)** Water supply severance - Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (e)** Public nuisances - Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the City governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 94-12, passed 7-11-94; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

**§ 52.142 REMEDIES NONEXCLUSIVE**

The remedies provided for in this ordinance are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

**§ 52.143 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE**

At least annually, the POTW Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous twelve (12) months.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

**§ 52.144 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**(A) Upset**

- (1)** An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), below, are met.
- (2)** A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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- (a)** An upset occurred and the user can identify the cause(s) of the upset;
  - (b)** The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (c)** The user has submitted the following information to the POTW Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]
    - (1)** A description of the indirect discharge and cause of noncompliance;
    - (2)** The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (3)** Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance
- (3)** In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (4)** Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (5)** Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (B)** Prohibited discharge standards defense - A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.060 (A) of this ordinance or the specific prohibitions in § 52.060 (B) (2), (3) and (5) through (7) 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:
- (1)** A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
  - (2)** No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (C)** Bypass
- (1)** A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (2) and (3) of this section.
  - (2)** Notification
    - (a)** If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.
    - (b)** A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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**(3) Exceptions**

- (a)** Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless:
- (1)** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2)** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3)** The user submitted notices as required under paragraph (2) of this section.
- (b)** The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in division (C) (3) (a) above.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed-- ) Penalty, see § 52.999

**§ 52.160 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.

**§ 52.162 CONFLICT**

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

**§ 52.999 PENALTY**

- (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.
- (1)** Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
- (a)** For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
  - (b)** In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.
- (B)** When the POTW Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or has failed to comply with any provision of this chapter, the POTW Director may assess a civil penalty to such user in an amount not to exceed \$10,000 per day per violation. Except in cases of appeals as herein provided, such assessments may be added to the user's next scheduled utility billing.
- (C)** The POTW Director may recover attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (D)** In determining the amount of the civil penalty, the POTW Director shall consider the following:

- 
- (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
  - (2) The duration and gravity of the violation;
  - (3) The effect on ground or surface water quantity or quality or on air quality;
  - (4) The cost of rectifying the damage;
  - (5) The amount of money saved by noncompliance;
  - (6) Whether the violation was committed willfully or intentionally;
  - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
  - (8) The costs of enforcement to the City.
- (E) Actions for unpaid civil penalties shall be referred to the City Attorney for collection.
- (F) A person who has been assessed a civil penalty by the POTW Director and who desires to dispute such penalty must file a written request for the POTW Director to reconsider the penalty within thirty (30) days of being notified of the penalty. Where the request has merit, the POTW Director may convene a hearing on the matter, after due notice before an unbiased hearing officer. At the hearing sworn testimony shall be taken unless waived by the City and the user. In the event the user wishes that a full transcript of the hearing be made it shall arrange at its expense for a court reporter to appear and transcribe the proceedings furnishing a sealed certified copy to the City and a copy for the City's use. The civil penalty from which the user appealed shall be held in abeyance pending a final determination of the hearing. In the event the POTW Director determines that the request has no merit, he shall so notify the user and user may prosecute its appeal by filing a civil action in Superior Court of Gaston County within sixty (60) days of the date the notice of assessment and denial of hearing on the request.
- (G) Assessment of civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.  
(Ord. 93-08, passed 6-7-93; Am. Ord. 07-09, passed--)

§ 52.999-A FOG Program Ordinance – Insert



*Revised December 20, 2011  
Approved July 11, 2011*

***City of Belmont  
Fats, Oil and Grease (FOG) Program***

The City of Belmont, in order to comply with all applicable State and Federal laws, has developed a “Fats, Oils and Grease (FOG) Program” designed to provide uniform requirements for commercial and/or industrial establishments that discharge FOG within our collection system. This program requires all FOG producing establishments discharging wastewater into the City’s sanitary sewer system to install and maintain a grease trap or grease interceptor. All grease traps and grease interceptors shall be maintained for continuous, satisfactory and effective operation by the owner, leaseholder or operator at his expense.

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## **This program will enable the City of Belmont to:**

- 1) Monitor and control FOG discharges.
- 2) Implement and enforce discharge rules outlined within the policy.
- 3) Prevent accumulations of FOG into the sanitary sewer collection system.
- 4) Decrease the number of blockages and sanitary sewer overflow's caused by FOG accumulations.
- 5) Provide an educational program for both residential and commercial users.
- 6) Maintain State and Federal compliance; specifically regarding The City of Belmont wastewater collection system permit #WQCS00046.

### ***Goal:***

The overall goal of this program is to prevent the excessive introduction of FOG into the sanitary sewer system and to prevent it from reaching our wastewater treatment plant. Excessive buildup of FOG at critical areas of the sanitary sewer lines, increase the potential to create sewer blockages. A sanitary sewer blockage can result in a sanitary sewer overflow, which could reach the surface waters of North Carolina. The City of Belmont is required to track and report the cause and environmental impact of a Sanitary Sewer overflow to the North Carolina Department of Environment and Natural Resources. Blockages may also cause wastewater to back up into homes, businesses or streets and can result in extensive property or environmental damage. This policy is in no way intended to discourage development, but rather to protect the facilities and the City's infrastructure as it relates to the sanitary sewer system. *Our goal is to limit sewer blockages and prevent any sanitary sewer overflows.*

### ***Authority:***

## **G- 82.005 Service Requirements**

1. The POTW Director may require the installation of appurtenance of the owner's property for the purpose of preventing the entrance of grease, oil, sand or other materials into the POTW.
2. Grease, oil and sand interceptors shall be provided for all facilities except for private living quarters or dwelling units
3. All interceptors shall be of a type and capacity to adequately prevent the discharge of grease, oil or sand, and are subject to the review and approval of the POTW Director.
4. Interceptors shall be maintained in continuously efficient operation at all times by the owner.
5. These facilities shall be provided and maintained at no expense to the city. (Ord. 93-08, passed 6-7-93)  
Penalty, see 52.999

### ***52.999 Penalty.***

*(A) When the POTW Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or has failed to comply with any provision of this Ordinance, the POTW Director may assess a civil penalty to such user in an amount not to exceed ten thousand dollars (\$10,000) per day per violation. Except in cases of appeals as herein provided, such assessments may be added to the user's next scheduled utility billing.*

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(B) *The POTW Director may recover attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.*

(C) *In determining the amount of the civil penalty, the POTW Director shall consider the following:*

- *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;*
- *The duration and gravity of the violation;*
- *The effect on ground or surface water quantity or quality or on air quality;*
- *The cost of rectifying the damage;*
- *The amount of money saved by noncompliance;*
- *Whether the violation was committed willfully or unintentionally;*
- *The prior record of the violator in complying or failing to comply with the pretreatment program;*
- *The costs of enforcement to the city.*

(D) *Actions for unpaid civil penalties shall be referred to the City Attorney for collection.*

(E) *A person who has been assessed a civil penalty by the POTW Director and who desires to dispute such penalty must file a written request for the POTW Director to reconsider the penalty within 30 days of being notified of the penalty. Where the request has merit, the POTW Director may convene a hearing on the matter, after due notice before an unbiased hearing officer. At the hearing sworn testimony shall be taken unless waived by the city and the user. In the event the user wishes that a full transcript of the hearing be made it shall arrange at its expense for a court reporter to appear and transcribe the proceedings furnishing a sealed certified copy to the city and a copy for the city's use. The civil penalty from which the user appealed shall be held in abeyance pending a final determination of the hearing. In the event the POTW Director determines that the request has no merit, he shall so notify the user and user may prosecute its appeal by filing a civil action in Superior Court of Gaston County within 60 days of the date the notice of assessment and denial of hearing on the request.*

(F) *Assessment of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the user. (Or, 98-08, passed 6-7-93)*

### ***Definitions:***

- Access - The City of Belmont must be allowed entry in order to inspect manifest documentation of cleaning and/or pumping and entry to any wet area of a grease contributing facility. Regular inspections will be performed during normal business hours (8:00 a.m. to 5:00 p.m., Monday – Friday); however, access shall be granted at any time as needed. Manifest documentation is required to be kept for three (3) years and must be available to city personnel for review upon inspection.
- Fats, Oils and Grease - (“FOG”). Organic polar compounds derived from the animal and/or plant sources that contain multiple carbon chain triglycerides, molecules or any other glycerides or synthetics. These substances are detectable and measurable using analytical test procedures established in 40 CFR Part 136.

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- FOG Effluent Sample - Representative grab sample of FOG containing wastewater effluent taken according to 40 CFR Part 136 at the outlet of a FOG interceptor for the purpose of analysis for various pollutants of concern as defined in the City of Belmont's Sewer Use Ordinance.
  - FOG Interceptor - Grease trap, grease interceptor and/or oil/water separator.
  - FOG Unit - The City of Belmont public service staff as delegated by the Wastewater Treatment Facility ORC to be responsible for administering and enforcing the Fats, Oils and Grease Ordinance.
  - Food Service Establishments – Any commercial or industrial facility engaged in activities of preparing, serving, or otherwise making available food for consumption and uses one or more of the following: cooking by frying (all methods), baking (all methods), broiling (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, boiling, roasting, toasting, blanching or poaching. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
  - Grease Interceptor – Devices for the separation and retention of waterborne fats, oils and grease from the effluent of grease contributing facilities. Such interceptors may be of the “outdoor” or “underground” type normally of a 1,000 gallons or more capacity.
  - Grease Trap - Devices for the separation and retention of waterborne fats, oils and grease from the effluent of grease contributing facilities. Such traps are the “under-the-counter” type normally 100 gallons or less capacity.
  - Grease Contributing Facilities - Any person(s), business, industrial or institutional entity that contributes, causes or discharges FOG containing wastewater into the collection system of the POTW.
  - Non-Cooking Establishments – Those establishments primarily engaged in preparation of precooked foods that do not include any form of cooking. These include dairy and frozen foodstuff establishments.
  - Oil/Water Separator - An In-line device used to remove oils, grease and immiscible solids from industrial/commercial process wastewater.
  - POTW - Publicly Owned Treatment Works (including collection system).
  - Responsible Party - The responsible party shall be considered to be the owner, operator or lessee (i.e., the permitted user) who is held responsible for proper installation and/or operation of a FOG interceptor for the purpose of complying with the City of Belmont's FOG Ordinance.
  - Technically Defensible Calculation(s) - Grease separation devices sizing options as approved by the City of Belmont Wastewater Treatment Facility ORC or designated representative.
  - User - The party responsible who is deemed to be any person(s) managing or operating a business, industrial or institutional entity that contributes, causes or discharges wastewater into the POTW.
  - Approved Pumper/Hauler – Any company/person permitted (G.S. 130A-291.1(c) ) by North Carolina Division of Waste Management “to engage in pumping, transporting, storing, treating or disposing septage”. N.C Gen. Stat § 130A-290; Septage Management Rule 15A N.C. Admin, Code 13B.0817(a)

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*Any establishment operating under a variance that makes any changes such as equipment, menu, size etc., will be re-evaluated and treated as a new facility.*

### ***NEW FOOD SERVICE ESTABLISHMENTS:***

All new grease contributing facilities must notify the City of Belmont FOG Unit prior to opening for business in order to receive approval for the proper sizing and installation of the grease interceptor

The City of Belmont requires a minimum size of a 1000-gallon outside grease interceptor be properly installed with inlet tee (12 inches below surface) and outlet tee (2/3 depth). Some facilities may not need this large of an interceptor; however, this basic FOG infrastructure must be in place for the event of expansion or a change in operations. Some facilities may require a larger grease interceptor; for this reason, the city of Belmont is requiring technically defensible calculation(s) be provided to support the proper sizing of the grease interceptor.

Also see “General Guidelines”; section B (Regulations).

### ***EXISTING FOOD SERVICE ESTABLISHMENT:***

For grease contributing facilities planning to commence business activities in an existing facility, the city of Belmont must be notified in advance for verification of proper infrastructure and FOG disposal procedures. However, if the City of Belmont deems it necessary after a technical evaluation, the responsible party may be required to increase the FOG interceptor capacity.

Prior to the commencement of business activities in an existing facility, the FOG interceptor shall be pumped dry by an approved pumper/hauler.

The City of Belmont must formally approve a new grease contributing facility that is opening for business in an existing facility in order to verify infrastructure requirements are being met for proper FOG disposal.

### ***USERS OF OIL/WATER SEPARATOR(S):***

Facilities such as automotive repair shops, race shops, etc. with oil storage vessels in proximity to drains connected to the POTW must have approved spill protection.

Since sampling will be difficult, dischargers of wastewater to the POTW from oil/water separators may be required to take additional actions based upon effluent pollutant analysis. These facilities are required to comply with the general guidelines as listed for all FOG contributing facilities.

Discharges of wastewater to the POTW from Oil/water separators will be assessed an annual permit fee which will be determined each year by the City Council.

The FOG unit (Pretreatment Dept.) reserves the right to inspect oil/water separators; review manifests and sample effluent as provided above (see “Access” under Definitions Section above).

### ***GENERAL GUIDELINES FOR ALL FOG CONTRIBUTING FACILITIES:***

#### ***A. Maintaining and Pumping/Cleaning Requirements***

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1. All grease traps/interceptors and/or oil/water separators shall be pumped on a scheduled frequency set by the FOG team to maintain compliance with this Policy. This schedule may require periodic adjustments in order to meet all requirements set forth within the Enforcement Section of this policy.
    - All facilities with an outdoor/in-ground FOG interceptor of 1000 gallons or greater, shall maintain a pump & clean schedule of at least quarterly by an approved Pumper/Hauler.
    - All facilities with an indoor/in-floor FOG interceptor shall maintain a pump & clean schedule of at least monthly by an approved Pumper/Hauler.
    - Existing facilities with a under the sink FOG interceptor shall maintain a pump & clean schedule of at least weekly by an approved Pumper/Hauler.
  2. The introduction of enzymes in a grease interceptor is prohibited unless pre-approved in writing by the FOG team. Solvents and Surfactants or any other substances used for maintenance of drain lines are also prohibited unless pre-approved in writing by the FOG unit.
  3. Water removed from trap/interceptor shall not be reintroduced to the trap itself (backwashing).
  4. The transportation and/or disposal of sludge generated by FOG interceptors shall be subject to applicable federal, state and local regulations.
  5. The User is responsible for the proper removal and disposal of captured (sludge) material, by appropriate means. All organic and inorganic solids reduce the effective volume of the FOG interceptor and are required to be removed. All floating material is required to be skimmed.

## ***B. Requirements***

1. Interior baffles to distribute flows.
2. Access manholes with a minimum diameter of twenty-four (24) inches, shall be provided over the influent and effluent chambers of the interceptor. The access manholes shall extend at least to finish grade and be designed to prevent inflow or infiltration. The manholes shall also have readily removable covers (not to exceed 100 lbs) to facilitate inspection, grease removal and wastewater sampling activities.
3. FOG interceptors must be installed by a licensed plumber and shall conform to the Uniform Plumbing Code.
4. User shall install FOG interceptors as required by the City of Belmont. FOG interceptors shall be installed at the User's expense, when such user operates a Food Service Establishment.

## ***C. Approval***

1. All new FOG contributing facilities must notify the City of Belmont FOG Program prior to opening for business in order to receive approval for the proper sizing and installation of the FOG Interceptor.
2. All FOG contributing facilities shall have grease trap(s), FOG interceptor(s) and/or oil/water separator(s) approved by the City of Belmont. Interceptor design, construction and installation are all subject to final approval by the FOG unit.

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3. The FOG unit reserves the right to make determinations of grease trap/interceptor adequacy and need based on review of all relevant information regarding grease trap/interceptor performance, maintenance, and facility site and building plan review to require repairs, modification or replacement of such traps or interceptors.

#### ***D. Inspections/Services Records/Sampling***

1. All new and existing FOG contributing facilities discharging wastewater to the POTW shall grant access to the City of Belmont's FOG unit for the purpose of inspection sampling, record examination and copying or the performance of any of their duties. The FOG unit shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Denial of the FOG unit access to the user's premises shall be in violation of this program. Unreasonable delays may constitute denial of access (see "Access" under Definitions Section above).
2. Pumping, service and maintenance manifest documentation must be readily accessible for review

#### ***E. Other***

1. Any establishment found in violation of this Policy (i.e., manifest are not readily accessible for review and/or incomplete pumping, etc.) will be subject to enforcement actions as established in the City of Belmont's *Sewer Use Ordinance and defined in the Enforcement Plan*.
2. If grease is responsible for a sewer blockage, all Food Service Establishments upstream from the blockage will be inspected.

#### ***ANNUAL PERMIT FEE:***

All FOG contributing facilities will be assessed an annual permit fee which will be determined each fiscal year by the City Council. This municipal fee will help offset the following: sampling and analysis (as needed), administrative duties, personnel, travel/vehicle expense, etc. There will be a late fee of 5%, per month, for every month payment is not received.

#### ***FOG ENFORCEMENT:***

Any FOG contributing facility that is not in compliance with the City of Belmont's FOG Program and/or Sewer Use Ordinance will be subject to enforcement actions as established in the City of Belmont's Enforcement response plan. (See Authority)

***This policy may be modified or changed by the City of Belmont at any time in accordance to the requirements of the City Code, North Carolina General Statute and Federal Regulations.***

***The fines provided for in this section are not exclusive and do not prohibit the Director from using any other remedy provided by the law.***

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***A. Minor Violation:***

**1<sup>st</sup> Offense:**

Failure to submit records:	\$50.00
Inspection hindrance (equipment related):	\$50.00
Failure to maintain on site records:	\$50.00
Failure to pump grease & submit record:	\$150.00

**2<sup>nd</sup> Offense:**

Failure to submit records:	\$100.00
Inspection hindrance (equipment related):	\$100.00
Failure to maintain on site records:	\$100.00
Failure to pump grease & submit records:	\$300.00

**3<sup>rd</sup> Offense:**

Failure to submit records:	\$150.00
Inspection hindrance (equipment related):	\$150.00
Failure to maintain on site records:	\$150.00
Failure to pump grease & submit records:	\$450.00

**4<sup>th</sup> Offense:**

Failure to submit records:	\$300.00
Inspection hindrance (equipment related):	\$300.00
Failure to maintain on site records:	\$300.00
Failure to pump grease & submit records:	\$1000.00

***B. Intermediate Violation:***

**Failure to maintain necessary equipment  
(T's, grease trap not watertight, baffles, etc.)**

1 <sup>st</sup> Offense	\$150.00
2 <sup>nd</sup> Offense	\$300.00
3 <sup>rd</sup> Offense	\$500.00
4 <sup>th</sup> Offense & up	\$1000.00

***C. Major Violation:***

Source of sewer blockage (minimum)	\$500.00
Source of sanitary sewer overflow (minimum)	\$1000.00
Falsification of maintenance records	\$1000.00

***Should there be any questions concerning this policy; feel free to contact  
Tanya Setzer-Pretreatment Coordinator at 704-825-3791.***

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**§ 52.999-B EFFECTIVE DATE**

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