

TITLE V: PUBLIC WORKS

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CHAPTER 50: RECYCLING

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' 50.01 APPLICABILITY.

The Alamance County Recycling Ordinance, as set forth in this chapter, and any amendment to the ordinance shall be applicable within the town limits of Haw River.
(Res. passed 11-4-91)

' 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUY-BACK CENTER. A commercial venture consisting of the purchase or repurchase from the public of target recyclables or other recyclable materials for resale or reuse at a location where residential generators and commercial generators bring target recyclables or other recyclable materials to the center.

COMMERCIAL HAULER. Any person, whether or not for hire or profit, which collects and/or transports target recyclables originated from a location other than the person's residence or place of business. The operation of a Buy-Back Center shall not be deemed activities of a **COMMERCIAL HAULER**. Excluded from this definition is any eleemosynary organization.

COMMERCIAL GENERATOR. Any generator of target recyclables located in Alamance County, other than a residential generator, and includes, but is not limited to businesses, institutions, and public entities.

FACILITY. The recycling facility operated by Browning-Ferris Industries of South Atlantic, Inc. located in Alamance County with which the County of Alamance has a contract to accept target

recyclables generated within Alamance County or such other facility having a contract to accept target recyclables with the County of Alamance which shall be designated by resolution as a ***FACILITY*** within the meaning of this term.

RESIDENTIAL GENERATOR. An individual household, dwelling, apartment, or other place of residence located in Alamance County which produces target recyclables.

TARGET RECYCLABLES. As to residential generators, means newspapers, corrugated cardboard, aluminum cans, steel cans, category two high density polyethylene ("HDPE"), milk and water bottles or jugs, category one polyethylene terephthalate ("PET") beverage containers, metal coat hangers, food and beverage glass bottles, and glass jars which are either clear or green or brown in color; and as to commercial generators means in addition to these items listed cardboard tubes and office paper (including computer paper and shredded office paper).
(Res. passed 11-4-91)

' 50.03 TERRITORIAL JURISDICTION.

(A) It is the intent of the Board of Commissioners for this chapter to be applicable county-wide including all municipalities contained within the County of Alamance. This chapter shall be in full force and effect within the boundaries of any given municipality located within the boundaries of the County of Alamance on and after the effective date of this chapter or the date the governing board of the municipality by resolution permits the applicability of this chapter within the municipality, whichever is later.

(B) Should all the municipalities located within the County of Alamance not allow this chapter to be applicable within their jurisdiction, this chapter shall be applicable to that part of the county not within a municipality and applicable to those municipalities which have by resolution permitted this chapter to be applicable within their boundaries.
(Res. passed 11-4-91)

' 50.04 PARTICIPATION IN RECYCLING PROGRAM.

(A) All persons, including both residential and commercial generators and commercial haulers, shall participate in the Alamance County Recycling Program as provided herein.

(B) All persons, including both residential and commercial generators, shall separate from their solid waste prior to collection of the solid waste for disposal all target recyclables.

(C) All commercial haulers shall and are hereby required to obtain a license from the Alamance County Health Department issued pursuant to the Alamance County Solid Waste Ordinance prior to entering into the collection or transportation of target recyclables.

(D) All commercial haulers which collect or transport target recyclables from residential generators shall transport and dispose of those target recyclables at the facility. No target recyclable from residential generators shall be transported outside of the boundaries of the County of Alamance except when necessary as part of a normal collection route or as necessary as the most direct route to the facility.

(E) It shall be a violation of this chapter for anyone to place any garbage, trash, or refuse in a container for target recyclables provided the container is marked so as to indicate it is to be used only for target recyclables.

(Res. passed 11-4-91) Penalty, see ' 50.99

' 50.05 UNAUTHORIZED PICK-UP.

(A) It shall be a violation of this chapter for any person unauthorized by the County of Alamance, for those areas outside of the territorial limits of any municipality located in Alamance County, or unauthorized by any municipality, for those areas within the territorial limits of such municipality, to collect or pick-up or cause to be collected or picked up any target recyclable which has been placed at the curb by any residential generator or commercial generator for collection, or placed in a container or box by a residential or commercial generator for collection or pick-up by a commercial hauler.

(B) It shall be a violation of this chapter for any person unauthorized by the County of Alamance to collect or pick-up or cause to be collected or picked up any target recyclable placed in a drop-off center provided for the use of the public by virtue of or on account of a contract with the County of Alamance.

(Res. passed 11-4-91) Penalty, see ' 50.99

' 50.99 PENALTY.

(A) Any violation of this chapter is a misdemeanor punishable by fine of not more than \$500 or imprisonment for not more than 30 days, or both fine and imprisonment. For a continuing offense, each days violation is a separate offense.

(B) This chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(Res. passed 11-4-91)

CHAPTER 51: WATER AND SEWER SYSTEM REGULATIONS

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GENERAL PROVISIONS

' 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20EC, expressed in parts per million.

COLOR. The "true color" due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in parts per million.

DOMESTIC SEWAGE. Liquid waste from residential bathrooms, toilet rooms, kitchens, and laundries.

EXCESSIVE RADIATION DOSE. A dose of radiation in excess of the maximum permissible dose.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The polluted liquid wastes from institutional, commercial, and industrial processes and operations as distinct from domestic sewage.

MAXIMUM PERMISSIBLE DOSE. A dose of radiation to any part of the body, whether internal, external, or both, that in the light of present knowledge is not expected to cause appreciable bodily injury to a person at any time during his or her lifetime.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

pH. The logarithm (base ten) of the reciprocal of the hydrogen ion concentration and indicates the degree of acidity or alkalinity of a substance.

ppm. Parts per million.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

RADIATION. Gamma rays and X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves or visible, infrared, or ultraviolet light.

RADIOACTIVE MATERIAL. Any material, whether solid, liquid, or gas, that emits radiation spontaneously.

RECEIVING STREAM. That body of water, stream, or watercourse receiving the discharge waters from the sewage treatment plant.

SANITARY SEWER. A sewer which carries domestic or industrial wastes.

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

SEWAGE COLLECTION SYSTEM. All local facilities for collecting and pumping sewage.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage but excludes domestic sewage and industrial wastes.

(>87 Code, ' 50.01) (Ord. passed 12-2-74; Am. Ord. passed 2-6-78)

' 51.02 CHAPTER INCORPORATED IN CONTRACT FOR SERVICE.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the town furnishes sewer or water service to any person, or whereby the town makes any sewer or water connections or performs any work of any kind in connection with the furnishing of sewer or water service.

(>87 Code, ' 50.02) (Ord. passed 12-2-74)

' 51.03 WATER AND SEWER CONNECTION REQUIRED.

(A) Within 30 days after the time when any water main in any street is completed and ready for use, the owner of every abutting lot within the town limits whereon water is supplied for any human use shall cause the lot to be connected with the water main. Within 30 days after the time when any sewer main in any street is completed and ready for use, if a water main has been installed in the street, the owner of any abutting lot within the town limits having thereon improvements for human occupancy shall cause a water closet and sink to be installed and to be connected with the sewer main and shall cause all other sewer facilities within the improvements, if any, to be connected with the sewer main. However, the owner of the premises shall be notified in writing by the town of the installation of the water main or the installation of the sanitary sewer and shall be allowed 30 days after the written notice within which to make the required connection or connections, provided the owner can make the sewer connection within 200 feet and the water connection within 300 feet of the lot on which the house stands, and

provided further that an easement can be secured whenever it is necessary to cross the private property of any other person to make the connections.

(1) No property will be required to connect to the town=s water distribution system or the town=s sewer collection system if an appropriate well system or septic system is located on the property and is in working order.

(2) If the well system or septic system malfunctions by any means, connection to the town=s water distribution system or sewer collection system is mandatory.

(3) No connection to the town=s sewer collection system can be made unless the property is connected to the town=s water distribution system.

(4) At which time the town=s sewer system becomes available and the property owner wishes to remain on a well system, the property owner must submit evidence that the water from the well system is potable. The test date of the well system must be within 30 days from the date of availability of the town=s water system.

(B) Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid only to the inside of the curb unless in the resolution ordering the improvement the Town Council specifically directs otherwise.

(1) After laterals are laid from water or sewer mains to the inside of the curb, no such lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor.

(2) The construction of laterals for the connection of the sewer or water pipes on any lot with sewer or water pipes in any street and necessary excavation therefor shall be done only by the town.

(3) No connection shall be made to any sewage or water lateral except after the written application therefor has been approved by the Plumbing Inspector.

(C) Upon approval of any application for a sewer or water connection, the town shall do the excavation, lay the pipe, install the meter where necessary, make the connection to the main, fill the excavation, and replace the surface of the street.

(D) Every sewer connection made directly to a main shall be made at the "Y" provided for the lot to be served; but if no "Y" has been provided for the lot, then the connection may be made directly to the main at any convenient point.

(E) The following shall be the general rule for the maintenance of water and sewer connections.

(1) It will be the responsibility of the town to maintain that portion of any water connection in a public right-of-way or easement from the water main to and including the water meter. It shall be the property owner or consumer's responsibility to maintain any water lateral lines from the meter to the connection destination.

(2) It will be the responsibility of the property owner to maintain any sewer service connection, including the removal of all blockages. Such responsibility begins at the point where the service connection connects to the sewer main and extends throughout the length of said connection.

(>87 Code, ' 50.03) (Ord. passed 12-2-74; Am. Ord. passed 11-1-99; Am. Ord. passed 5-3-10) Penalty, see ' 10.99

Statutory reference:

Power to require connections, see G.S. ' 160A-317

' 51.04 APPLICATION FOR CONNECTION.

Every application for a sewer or water connection shall state the name of the owner of the lot; the name of the street on which the lot is situated; the number of the house, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired; and the character of surface of the abutting street. Every application shall be signed by the person making the application, shall be accompanied by the proper fee for making the connection applied for, and shall be filed with the Town Manager. All sewer and water taps made to and upon the town's mains shall be paid for in cash at the prevailing rate of cost for these taps before any tap is made.

(>87 Code, ' 50.04) (Ord. passed 12-2-74)

' 51.05 SEPARATE CONNECTION REQUIRED FOR EACH BUILDING AND UNDERGROUND IRRIGATION SYSTEM.

Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected, except in those cases where laterals have already been laid on macadam or improved streets from such main without provision being made for such house or building, in which case the connection may be made to an existing lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each house or unit. If the house or building is on a macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When property has new in-ground irrigation systems connected to the water system it must be on separate meters to more easily distinguish irrigation use from other household water use.

(>87 Code, ' 50.05) (Ord. passed 12-2-74; Am. Ord. passed 6-1-09) Penalty, see ' 10.99

' 51.06 OWNERSHIP AND MAINTENANCE OF METERS AND EQUIPMENT.

(A) All meters, meter boxes, pipes, and other equipment furnished and used by the town in installing any water or sewer connection shall be and remain the property of the town.

(B) All meters, except those required to be furnished by particular users of water, shall be kept in good repair and working order by the town and at the expense of the town. Meters furnished by particular users of water shall be kept in good repair and working order by the town but the expense thereof shall be borne by these users.

(>87 Code, ' 50.06) (Ord. passed 12-2-74)

' 51.07 CONNECTION FROM OUTSIDE OF TOWN.

No connection of any water or sewer line or system outside the town shall be made to the town's system except by permission and on such terms as the Town Council shall prescribe.

(>87 Code, ' 50.07) (Ord. passed 12-2-74) Penalty, see ' 10.99

WATER RATES AND BILLING**' 51.20 WATER RATES.**

(A) The current schedule of water rates (as approved annually by the Town Council) on file in the office of the Town Manager is hereby incorporated by reference as though set forth herein in full.

(B) Water shall be furnished to consumers at metered rates only. However, water shall be furnished to all firms, corporations, or organizations within the town principally engaged in providing outdoor facilities for public athletic contests, swimming, boating, racing, or supervised public recreation for a flat rate monthly charge established from time to time by the Town Council, regardless of whether any charge is made by the firm, corporation, or organization for admission of participants or spectators.

(>87 Code, ' 50.10) (Ord. passed 12-2-74; Am. Ord. passed 10-7-13)

' 51.21 DEPOSIT BY TENANT REQUIRED.

(A) When any tenant of any premises makes application for water to be furnished to the premises, he or she shall be required to make a deposit as hereinafter set out to guarantee the payment of water rent. If at the expiration of the time limited by ' 51.22 for the payment of water rent for any month the tenant has failed to pay his or her water rent due for that month, that portion of the deposit as may be

necessary shall be applied to the payment of the water rent. If a tenant vacates the premises without notifying the Water Department and having the water cut off, he or she shall forfeit any balance of the deposit remaining after the water rent due has been deducted therefrom. The amount of the required deposits, whether the premises are inside or outside the corporate limits, shall be as follows.

- (1) For any premises used as a dwelling house, the deposit shall be \$100.
- (2) For any premises used as a small business, the deposit shall be \$100.
- (3) For any premises used as a large business, the deposit shall be \$100.

(B) The making of the deposit required by division (A) shall not operate to relieve the owner of any premises of liability for the payment of any water bill incurred thereon by any tenant of the premises, except to the extent of the deposit. Every landlord renting or leasing premises to tenants required by division (A) of this section to make a deposit shall immediately notify the Water Department upon the vacation of the rented or leased premises by the tenant.

(>87 Code, ' 50.11) (Ord. passed 12-2-74; Am. Ord. passed 6-2-97; Am. Ord. passed 6-1-09) Penalty, see ' 10.99

' 51.22 READING OF METERS; BILLING.

Meters shall be read monthly and bills therefor shall be payable on or before the fifteenth day of each month.

(>87 Code, ' 50.12) (Ord. passed 12-2-74; Am. Ord. passed 10-7-13)

' 51.23 DELINQUENT ACCOUNTS.

(A) Any bill for water service furnished to any dwelling house, business establishment, industry, or other building remaining unpaid and overdue 15 days after the first day of the month in which the bill is rendered shall become delinquent.

(B) If the account is delinquent at 8:00 a.m. on the twenty-eighth day of the month, water service to the dwelling, house, business establishment, industry, or other building shall be discontinued unless the appeal procedure of ' 51.24 has been invoked.

(C) Before service is resumed, the delinquent account must be settled in full and cut-on fee of \$20 be paid.

(D) When any water service or supply is cut off or discontinued pursuant to division (B), it shall be unlawful for any person, firm, or corporation, other than the town or its agents or employees, to turn or cut on or off the water service or supply to the property or to use the same in connection with the property without first having paid all water rent due and obtaining permission to turn on the water. Anyone convicted of cutting on or off any water service or supply or otherwise tampering with or altering the town's water distribution system contrary to and in violation of this division shall pay a fine or penalty of \$25 for each offense.

(E) The water meter may be removed or locked at any time for nonpayment of the account, and a fee of \$20 shall be charged for reinstallation of the water service.

(>87 Code, ' 50.13) (Ord. passed 12-2-74; Am. Ord. passed 11-6-00; Am. Ord. passed 10-7-13)

' 51.24 APPEAL PROCEDURE FOR DISPUTED CHARGES.

(A) Any customer of the Town Water Department who questions or disputes his or her bill or the amount of his or her charges may request a hearing with a representative of the town to resolve the dispute.

(B) The request for the hearing must be made no later than the fifteenth day of the month on which the bill is dated.

(C) The Town Manager is hereby authorized to hear all such disputes and contested matters and to represent the town in resolving the disputed and contested matters.

(D) Any customer may appeal the decision of the Town Manager to the Town Council at its next scheduled meeting, and the decision of a majority of the Town Council present at the meeting will be final.

(>87 Code, ' 50.14) (Ord. passed 12-3-79; Am. Ord. passed 10-7-13)

EXTENSION OF MAINS

' 51.35 COMPLIANCE REQUIRED.

No extension to the water or sanitary sewer system of the town shall be made, and no application shall be approved except in accordance with the requirements of this subchapter.

(>87 Code, ' 50.20) (Ord. passed 12-2-74) Penalty, see ' 10.99

' 51.36 APPLICATION FOR EXTENSION.

(A) From and after the effective date of this subchapter, any property owner desiring water or sanitary sewer service shall apply in writing to the Town Council requesting the extension of water or sanitary sewer service or both. No request for the extension of services shall be considered unless submitted in writing in accordance with the requirements of this subchapter.

(B) The town may require the applicant to submit as part of the written application such information, plans, or other data as may be required to adequately determine if the requirements of this subchapter are to be met.

(C) When application is made for a water or sewer extension or both to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time the application is made, the owner shall submit plans in sufficient detail to determine the size and type of facilities which will be necessary to serve the entire development or subdivision when completed.

(>87 Code, ' 50.21) (Ord. passed 12-2-74)

' 51.37 REQUIREMENTS GOVERNING EXTENSIONS.

All extensions of either water or sanitary sewer service shall be governed by the following:

(A) The minimum distance for any extension of a water main or sanitary sewer main shall be determined by the Town Council. In general, the minimum distance for extensions shall be one platted block, or in the case of water mains, from main line valve to valve, and in the case of sanitary sewer extension, from manhole to manhole.

(B) The size of water mains and sanitary sewer mains to be installed and the other required system facilities shall be determined by the Town Council in accordance with recognized standards and accepted engineering practices and design and in accordance with applicable system plans adopted by the Town Council.

(>87 Code, ' 50.22) (Ord. passed 12-2-74)

' 51.38 EXTENSION TO APPROVED SUBDIVISION WITHIN TOWN LIMITS.

(A) When an application is received requesting the extension of water or sanitary sewer service or both to serve property within the corporate limits which is developed or has been previously approved as a subdivision, or where streets have previously been dedicated and accepted by the town, and where the area is not part of a new subdivision which has not been approved by the town, the Town Manager or other person designated by the Town Council shall estimate the cost of the project and present the application for the extension, the estimated cost, and other required information to the Town Council for approval. If the application is approved by the Town Council and subject to the availability of funds, the town will install or have installed by contract under its supervision the extensions which have been approved, and the extension shall be financed in accordance with this section.

(B) When an approved water or sanitary sewer extension project has been completed, the cost based on a front foot basis shall be assessed against the property owners whose property abuts upon the extension. The assessment shall be at an equal rate per front foot or such other basis of assessment as authorized in G.S. ' 160A-218, on a project-by-project basis. The remaining cost of the extensions shall be borne by the town from funds appropriated for this purpose. The current policy of assessment cost will be on file in the office of the Town Manager.

(C) Any property owner shall have the opportunity to pay his or her proportionate share of the cost of the extension after the assessment roll is confirmed rather than paying his or her share in equal annual installments with interest as required by G.S. ' 160A-232.

(>87 Code, ' 50.23) (Ord. passed 12-2-74)

' 51.39 EXTENSION TO PROPOSED SUBDIVISION WITHIN TOWN LIMITS.

(A) When an application is received requesting the extension of water or sanitary sewer service, or both, to proposed developments or subdivisions within the corporate limits which have not been approved by the Town Council, the Town Manager or other person designated by the Town Council shall estimate the cost of the project and present the application for the extension, the estimated cost, and other required information to the Town Council for approval. If the application is approved, subject to the approval of the development or subdivision by the town and subject to the availability of funds, the town will install or have installed by contract under its supervision the extensions which shall be financed in accordance with this section.

(B) Prior to the beginning of any construction, the property owner shall advance to the town funds in an amount equal to the total estimated cost of the assessments of the proposed extensions. Upon

receipt of these funds, a written contract shall be entered into between the town and the property owner, under which the responsibilities of each party will be enumerated.

(C) The town will finance from its funds appropriated for this purpose the remaining cost of extensions.

(D) An engineering fee of \$80 per lot shall be paid, in advance, to the town by the owner of the subdivision to be developed. These fees are for planning, drafting, bidding, and inspecting of water or sanitary sewers only.

(E) The size of the mains shall be determined by the town.
(>87 Code, ' 50.24) (Ord. passed 12-2-74)

' 51.40 EXTENSION WITHOUT APPLICATION.

Nothing in this subchapter shall prevent the Town Council from extending water or sanitary sewer mains or both within the corporate limits on their own motion without receipt of an application from property owners and to assess the cost of these extensions in accordance with ' 51.38(C) when, in the opinion of the Town Council, the general public interest demands the extension of service.
(>87 Code, ' 50.25) (Ord. passed 12-2-74)

CROSS CONNECTION CONTROL

' 51.50 INTRODUCTION.

(A) The purpose of this subchapter is to define the authority of the Public Works Department of the Town of Haw River as the water purveyor in the elimination of all cross connections within its public potable water supply.

(B) This subchapter shall apply to all users connected to the Public Works public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.

(C) This subchapter will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C), and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.
(Ord. passed 1-7-08)

' 51.51 OBJECTIVES.

The specific objectives of this subchapter for the Public Works Department of the Town of Haw River are as follows:

(A) To protect the public potable water supply of the Town of Haw River against actual or potential contamination by isolating within the consumer=s water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.

(B) To eliminate or control existing cross connections, actual or potential, between the consumer=s potable water system(s) and nonpotable or industrial piping system(s).

(C) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.
(Ord. passed 1-7-08)

' 51.52 RESPONSIBILITIES.

(A) *Responsibility: health agency.*

(1) The North Carolina Department of Environment, Health, and Natural Resources (Division of Health Services) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross Connection Control Program.

(2) The N.C. Division of Health Services also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections.

(3) They have the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer=s water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(B) *Responsibility: water purveyor.* Except as otherwise provided herein, the water purveyor=s (Public Works Department=s) responsibility to ensure a safe water supply, begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer=s water system(s). In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, the Public Works Department is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program. When it is determined that a backflow prevention assembly is required for the protection of the public system, the Public Works Department shall require the consumer, at the

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

(C) *Responsibility: plumbing inspections.* The plumbing inspection departments of the Alamance County have the responsibility to not only review building plans and inspect plumbing as it is installed; but, they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the North Carolina Building Code. The plumbing inspector=s responsibility begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Public Works Department, the North Carolina Building Code, and the North Carolina Department of Environment, Health, and Natural Resources.

(D) *Responsibility: consumer.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system(s) or the public potable water system. The consumer=s responsibility starts at the point of delivery from the public potable water system and includes all of his or her water system(s). The consumer, at his or her own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Public Works Department. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by Public Works Department and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

(E) *Responsibility: certified backflow prevention assembly tester.* When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities: The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Public Works Department. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester=s responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester=s further responsibility not to change the design, material or

operational characteristics of an assembly during repair or maintenance without prior approval of the Public Works Department. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Public Works Cross Connection Control Department within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the Public Works Department. All test equipment shall be registered with the Public Works Department/ Cross Connection Control Department. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to Public Works Department as to such calibration, employing an accuracy/calibration method acceptable to Public Works Department. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.
(Ord. passed 1-7-08)

' 51.53 DEFINITIONS.

AIR-GAP SEPARATION. A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel - in no case less than one inch (2.54 cm).

APPROVED. As herein used in reference to a water supply shall mean a water supply that has been approved by the North Carolina Department of Environment, Health, and Natural Resources (Division of Health Services). The term approved as herein used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods shall mean an approval by the Public Works Department.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

BACKFLOW PREVENTION ASSEMBLY-APPROVED.

(1) An assembly used for containment and/or isolation purposes that has been investigated and approved by the Public Works Department and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

(2) The approval of backflow prevention assemblies by the Public Works Department is based on a favorable report by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. (To be approved, an assembly must

be readily accessible for in-line testing and maintenance, and shall successfully complete a one-year field evaluation within the Public Works Department water system).

BACKFLOW PREVENTION DEVICE - APPROVED. A device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

BACKFLOW PREVENTION ASSEMBLY - UNAPPROVED. An assembly that has been investigated by the Public Works Department and has been determined to be unacceptable for installation within the Public Works Department water system. Consideration for disapproval and removal from the approved list shall be based upon, but not limited to, the following criteria: (1) due to poor performance standards (such as significant failure rate); (2) lack of or unavailability of repair parts; and/or, (3) poor service or response from assembly's factory representative(s).

BACKFLOW PREVENTION ASSEMBLY TYPE. An assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

- (1) Double Check Valve Assembly (DCVA).
- (2) Double Check Detector Assembly (Fire System) (DCDA).
- (3) Pressure Vacuum Breaker (PVB).
- (4) Reduced Pressure Principle Assembly (RP).
- (5) Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA).

BACKFLOW PREVENTION ASSEMBLY TESTER-CERTIFIED. A person who has proven their competency to the satisfaction of the Public Works Department. Each person who is certified to make competent tests, or to repair, overhauls, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years experience under and be employed by a N.C. licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to Public Works Department, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies. Backflow assembly testers who hold a certificate of completion from an approved training program shall be required to successfully complete a practical examination administered by Public Works Department, prior to conducting test and repair work on backflow prevention assemblies in the Public Works Department water system. Backflow assembly testers who hold a certificate of completion from a non-approved training program, shall be required, to successfully complete a written and practical examination administered by Public Works Department, prior to conducting test and repair work on backflow prevention assemblies in the Public Works Department water system.

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BACK-PRESSURE BACKFLOW. Any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery which would cause or tend to cause a reversal of the normal direction of flow.

BACK-SIPHONAGE BACKFLOW. A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

CHECK VALVE - APPROVED. The term approved check valve shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (such as clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure). An approved check valve is only one component of approved backflow prevention assembly - such as, pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

CONSUMER. The term consumer shall mean any person, firm, or corporation using or receiving water from the Public Works Department water system.

CONSUMER=S WATER SYSTEM. Shall include any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer=s premises, whether supplied by a public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

CONSUMER=S POTABLE WATER SYSTEM. The term consumer=s potable water system shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

CONTAINMENT. Preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

CONTAMINATION. An impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

CROSS CONNECTION. Any unprotected actual or potential connection or structural arrangement between a public or a consumer=s water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

DOUBLE CHECK VALVE ASSEMBLY. The term double check valve assembly shall mean an assembly composed of two independently acting, approved check valves, including tightly closing

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shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard (such as pollutant).

DOUBLE CHECK-DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (such as pollutant).

HAZARD, DEGREE OF. The term degree of hazard shall be derived from the evaluation of conditions within a system which can be classified as either a pollution (non-health) or a contamination (health) hazard.

HAZARD-HEALTH. The term health hazard shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer=s potable water system to such a degree or intensity that there would be a danger to health.

HAZARD; NON-HEALTH. The term non-health hazard shall mean an actual or potential threat to the quality of the public or the consumer=s potable water system. A ***NON-HEALTH HAZARD*** is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health.

HAZARD POLLUTION. An actual or potential threat to the quality or the portability of the public or the consumer=s potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HEALTH AGENCY. The North Carolina Department of Environment, Health, and Natural Resources (Division of Health Services) - NCDEHNR.

INDUSTRIAL FLUIDS. Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases and the like.

INDUSTRIAL PIPING SYSTEM; CONSUMER=S. Any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

ISOLATION. The act of confining a localized hazard within a consumer=s water system by installing approved backflow prevention assemblies. Disclaimer: Public Works Department may make

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recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

POINT OF DELIVERY. Shall generally be at the property line of the customer, adjacent to the public street where the Public Works Department=s mains are located or at a point on the customer=s property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer=s side of the point of delivery.

POLLUTION. An impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

POTABLE WATER. Water from any source which has been investigated by the North Carolina Department of Environment, Health, and Natural Resources (Division of Health Services) and which has been approved for human consumption.

PUBLIC POTABLE WATER SYSTEM. Any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environment, Health, and Natural Resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store a potable water for public consumption or use.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY. An assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (such as contaminant).

REDUCED PRESSURE PRINCIPLE-DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against health hazard (such as contaminant).

SERVICE CONNECTIONS. The terminal end of a service connection from the public potable water system, such as where the Public Works Department loses jurisdiction and sanitary control over the water at

its point of delivery to the consumer=s water system.

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VACUUM BREAKER-ATMOSPHERIC TYPE. The terminal end of a service connection from the public potable water system, such as where the Public Works Department loses jurisdiction and sanitary control over the water at its point of delivery to the consumer=s water system.

VACUUM BREAKER- PRESSURE TYPE. The term pressure vacuum breaker shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (such as contaminant) under a back siphonage condition only.

WATER PURVEYOR. The term water purveyor shall mean the owner of operator of a public potable water system, providing an approved water supply to the public.

WATER SUPPLY- APPROVED. The term approved water supply shall mean any public potable water supply which has been investigated and approved by the North Carolina Department of Environment, Health and Natural Resources. The system must be operating under a valid health permit. In determining what constitutes as approved water supply, the North Carolina Division of Health Services has reserved the final Judgment as to its safety and portability.

WATER SUPPLY AUXILIARY. The term auxiliary water supply shall mean any water supply on or available to the premises other that the purveyor=s approved public potable water supply. This auxiliary water may include water from another purveyor=s public water supply or any natural source such as well, spring, river, stream and the like, used water, or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

WATER SUPPLY- UNAPPROVED. The term unapproved water supply shall mean a water supply which has not been approved, for human consumption, by the North Carolina Department of Environment, Health, and Natural Resources.

WATER- USED. The term used water shall mean any water supplied by a water purveyor from a public water system to a consumer=s water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

(Ord. passed 1-7-08)

' 51.54 RIGHT OF ENTRY.

(A) Authorized representative(s) from Public Works Department shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this subchapter. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply.

(B) 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 the security guards so that upon presentation of suitable identification, Public Works Department personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(C) On request, the consumer shall furnish to the Department any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

(Ord. passed 1-7-08)

' 51.55 ELIMINATION OF CROSS CONNECTIONS; DEGREE OF HAZARD.

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

(A) Cross connections with private wells or other auxiliary water supplies immediate disconnection.

(B) All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.

(C) All industrial and commercial facilities not identified as a health hazard shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

(D) If, in the judgment of the Public Works Department, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.

(E) Based upon recommendation from the Public Works Department, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (such as air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).

(F) Water mains served by the Town of Haw River but not maintained by the Public Works Department should be considered cross connections, with degree of hazard to be determined by Public Works Department. Degree of protection shall be based upon the degree of hazard, as determined by Public Works Department.

(G) In the event that a Public Works Department Cross Connection Control Inspector does not have sufficient access to every portion of a private water system (such as classified research and development

facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.

(H) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

(Ord. passed 1-7-08)

' 51.56 INSTALLATION OF ASSEMBLIES.

(A) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the Public Works Department and/or the manufacturer=s installation instructions and/or in the latest edition of the North Carolina Building Code, whichever is most restrictive.

(B) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Health Services (NCDEHNR) shall be made available to the Public Works Department for review and approval, and to determine the degree of hazard.

(C) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

(D) All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the Public Works Department.

(E) (1) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited).

(2) Double check valve assemblies may be installed in a vertical position with prior approval from the Public Works Department provided the flow of water is in an upward direction.

(F) The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.

(G) (1) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Public Works Department=s Cross Connection Control Program Department within 15 days after a reduced pressure principle backflow preventer (RP), double check-detector assembly (DCDA), pressure vacuum breaker (PVB), double check-detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:

(a) Service address where assembly is located;

- (b) Owner (and address, if different from service address);
- (c) Description of assembly=s location;
- (d) Date of installation;
- (e) Installer (include name, plumbing company represented, plumber=s license number, and project permit number);
- (f) Type of assembly, size of assembly;
- (g) Manufacturer, model number, serial number;
- (h) Test results/reports;

(2) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The Public Works Department will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.

(H) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

Health Hazard	60 days
Non-Health Hazard	90 days

(I) Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten days.
(Ord. passed 1-7-08)

' 51.57 TESTING AND REPAIR OF ASSEMBLIES.

(A) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester or may be contracted out to the Public Works Department Cross Connection Control Department at the customer=s expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by Public Works Department=s regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Public Works Department=s Cross Connection Control Department within ten business days after the completion of any testing and/or repair work.

(B) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Public Works Department, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

(1) Health hazard facilities - 14 days.

(2) Non-health hazard facilities - 21 days.

(3) All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by Public Works Department's regulations. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.

(4) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the Public Works Department. All test equipment shall be registered with the Public Works Department Cross Connection Control Department. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to Public Works Department as to such accuracy/calibration, employing a calibration method acceptable to Public Works Department.

(5) It shall be unlawful for any customer or certified tester to submit any record to the Public Works Department which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to Public Works Department any record which is required by this subchapter. Such violations may result in any of the enforcement actions outlined in ' 51.61.
(Ord. passed 1-7-08)

' 51.58 FACILITIES REQUIRING PROTECTION.

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

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

(1) Aircraft and missile plants: RP

- (2) Automotive services stations, dealerships and the like.
 - (a) No health hazard: DCVA
 - (b) Health hazard: RP
- (3) Automotive plants: RP
- (4) Auxiliary water systems:
 - (a) Approved public/private water supply: DCVA
 - (b) Unapproved public/private water supply: AG
 - (c) Used water and industrial fluids: RP
- (5) Bakeries:
 - (a) No health hazard: DCVA
 - (b) Health hazard: RP
- (6) Beauty shops/barber shops:
 - (a) No health hazard: DCVA
 - (b) Health hazard: RP
- (7) Beverage bottling plants: RP
- (8) Breweries: RP
- (9) Buildings - hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
 - (a) (Under five stories) no health hazard: DCVA
 - (b) (Under five stories) health hazard: RP division
 - (c) (over five stories) all: RP
- (10) Canneries, packing houses, and rendering plants: RP
- (11) Chemical plants - manufacturing, processing, compounding or treatment: RP
- (12) Chemically contaminated water systems: RP

- (13) Commercial car-wash facilities: RP
- (14) Commercial greenhouses: RI.
- (15) Commercial sales establishments (department stores, malls, etc.)
 - (a) No health hazard: DCVA
 - (b) Health hazard: RP
- (16) Concrete/asphalt plants: RP
- (17) Dairies and cold storage plants: RI
- (18) Dye works: RI.
- (19) Film laboratories: RI.
- (20) Fire systems - systems : (inch) to 2 (inch)
 - (a) No health hazard: DCDA
 - (b) Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA systems - 2 2 (inch) to 10 (inch) (or larger)
- (21) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
- (22) Industrial facilities:
 - (a) No health hazard: DCVA
 - (b) Health hazard: RP
- (23) Laundries:
 - (a) No health hazard: DCVA
 - (b) Health hazard: (i.e., dry cleaners): RP
- (24) Lawn irrigation systems (split taps):
 - (a) No health hazard: DCVA

(b) Health hazard: (booster pumps, chemical systems): RP

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- (25) Metal manufacturing, cleaning, processing, and fabricating plants: RP
- (26) Mobile home parks:
 - (a) No health hazard: DCVA
 - (b) Health hazard: RI
- (27) Oil and gas production, storage or transmission properties: RP
- (28) Paper and paper products plants: RP
- (29) Pest control (exterminating and fumigation): RP
- (30) Plating plant: RP
- (31) Power plants: RP
- (32) Radioactive materials or substances plants or facilities handling: RP
- (33) Restaurants
 - (a) No health hazard: DCDA
 - (b) Health hazard: RP
- (34) Restricted, classified, or other closed facilities: RP
- (35) Rubber plants (natural or synthetic): RP
- (36) Sand and gravel plants: RP
- (37) Schools and colleges: RP
- (38) Sewage and storm drain facilities: RP
- (39) Swimming pools: RP
- (40) Waterfront facilities and industries: RP

(B) All assemblies and installations shall be subject to inspection and approval by the Public Works Department.

(Ord. passed 1-7-08)

' 51.59 CONNECTIONS WITH UNAPPROVED SOURCES OF SUPPLY.

(A) No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Environment, Heath, and Natural Resources to the water system supplied by the Public Works Department. Any such connections allowed by the Public Works Department must be in conformance with the backflow prevention requirements of this subchapter.

(B) In the event of contamination of pollution of a public or consumer potable water system, the consumer shall notify the Public Works Department immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(Ord. passed 1-7-08)

' 51.60 FIRE PROTECTION SYSTEMS.

(A) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.

(B) All connections for fire protection systems connected with the public water system greater than two inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(C) All existing backflow prevention assemblies two and one-half inches and larger installed on fire protection systems (that were initially approved by the Public Works Department) shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this subchapter. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.

(Ord. passed 1-7-08)

' 51.61 ENFORCEMENT.

(A) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this subchapter shall be notified in writing with regard to the corrective action(s) to be taken. The time for compliance shall be in accordance with the provisions of this subchapter.

(B) The owner, manager, supervisor, or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, as outlined in the provisions of this subchapter shall be considered in violation of this subchapter, and may be issued a civil citation by the

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Public Works Department. Said citation shall specify the nature of the violation and the provision(s) of this subchapter violated, and further notify the offender that the civil penalty for said violation is as set forth in division (C) below and is to be paid to the Public Works Department/Town of Haw River at the office located at 403 East Main Street, Haw River, North Carolina, within 30 days. If the penalty prescribed herein is not paid within the time allowed, the Public Works Department may initiate a civil action in the nature of a debt and recover the sums set forth in division (C) below plus the cost of the action.

(C) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of \$1,000 per violation. Each day in which a violation of any provision of this subchapter shall occur or continue shall constitute a separate and distinct offense.

(D) If, in the judgment of Public Works Department, any owner, manager, supervisor, or person in charge of any installation found to be in non-compliance with the provisions of this subchapter, neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.

(E) Failure of a customer or certified tester to submit any record required by this subchapter or the submission of falsified reports/records may result in a civil penalty of up to \$1,000 per violation. If a certified backflow prevention assembly tester submits falsified records to Public Works Department, the Public Works Department shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty (as stated herein).

(F) Enforcement of this program shall be administered by the Director of the Public Works Department or his or her authorized representative.

(G) Requests for extension of time shall be made in writing to the Director of the Public Works Department or his or her authorized representative. All other appeals shall be made in accordance with the following procedures:

(1) Adjudicatory hearings. A customer assessed a civil penalty under this section shall have the right to an adjudicatory hearing before a hearing officer designated by the Director of the Public Works Department upon making written demand, identifying the specific issues to be contended, to the Director of the Public Works Department within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding.

(2) Appeal hearings. Any decision of the Public Works Department hearing officer made as a result of an adjudicatory hearing held under division (G)(1) may be appealed by any party, to the Town of Haw River Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with Town of Haw River

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Town Council hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Town of Haw River town Council shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) Official record. When a final decision is issued under division (G)(2) above, the Town of Haw River Town Council shall prepare an official record of the case that includes:

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

(4) Any customer against whom a final decision of the Public Works Department is entered, pursuant to the hearing procedure under division (G)(2) above, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the General Court of Justice of Alamance County or of the county where the order or decision is effective, along with a copy to the Town of Haw River Public Works Department. Within 30 days after receipt of the copy of the petition of judicial review, the Public Works Department shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in division (G)(3) above.
(Ord. passed 1-7-08)

CHAPTER 52: SEWERS

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GENERAL PROVISIONS

' 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 (Pub. L. 95-217; 33 USC 1251 et seq.), the General Pretreatment Regulations promulgated by the U.S. Environmental Protection agency (40 CFR 403), G.S. Ch. 160A, Art. 16 concerning public enterprises, and section .0900 of the

North Carolina Department of Environment, Health, and Natural Resources regulations. The town's legal authority under this chapter is derived from the above referenced laws and regulations that are hereby incorporated into this chapter.

(B) The objectives of this chapter are:

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

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

(D) This chapter shall apply to the town and to persons outside the town who are, by contract or agreement with the town, users of the town's POTW. Discharge of wastewater into the municipal system by industrial or other users inside or outside the town limits constitutes an agreement to abide by the provisions of this chapter. Other governmental or private owners of sanitary sewer systems which ultimately discharge to the town's POTW shall be responsible, in accordance with any executed contracts or agreements, for enforcement of the provisions of this chapter, including pretreatment provisions for users of their sanitary sewer system. Failure to comply with the provisions of this chapter, including enforcement provisions by such sanitary sewer system owners, shall constitute a violation of this chapter, and the town may take appropriate legal actions as required to ensure compliance and enforcement. Except as otherwise provided herein, the Manager or his or her designated representative of the town shall administer, implement, and enforce the provisions of this chapter.

(Ord. passed 8-1-94)

' 52.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

APPROVAL AUTHORITY. The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health, and Natural Resources or his or her designee.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. An **AUTHORIZED REPRESENTATIVE** of an industrial user may be:

(1) If the industrial user is a corporation:

(a) A principal executive officer of the level of president, secretary, or vice-president of the corporation in charge of a principal business function or another 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 if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the user is representing federal, state, or local governments, or an agent thereof, 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.

(4) A designated authorized representative of any of the above if that authorization is in writing, the authorization specifies the individual or position responsible, that individual or position has responsibility for the facility operation or the environmental matters of the company, and the authorization is submitted to the town.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

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

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards as defined by the U.S. EPA.

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

CONTROL AUTHORITY. The town based on the town=s approved Pretreatment Program under the provisions of 40 CFR 403.11.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state of North Carolina.

DIRECTOR OF PUBLIC WORKS AND UTILITIES. The person designated by the town to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative. Also referred to as POTW Director.

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.

FATS, OILS, GREASES (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple chain carbon triglyceride molecules. These substances may solidify or become viscous at temperatures between 32 degree Fahrenheit and 150 degrees Fahrenheit. It may be referred to as **FOG**.

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

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b), (c), or (d) of the Act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER. Any **INDUSTRIAL USER** of the town's wastewater treatment system. Any person/entity which is a source of indirect discharge.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal which causes or contributes to a violation of any requirement of the POTW's NPDES or nondischarge permit. The term includes the prevention of sewage sludge use or disposal by the POTW in compliance with specified applicable state and federal statutes, regulations, or permits under and in accordance with section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 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.

MANAGER. The Town Manager appointed by the Town Council.

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, subchapter N, 405471.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT. A permit issued pursuant to section 402 of the Act (33 USC 1342) or pursuant to G.S. ' 143-215.1 by the state under delegation from EPA.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE.

(1) Any source, the construction of which is commenced after the publication of proposed Categorical Pretreatment Standards under section 307(c) (33 USC 1317(c)) of the Act which will be applicable to such source, if such standard is thereafter promulgated in accordance with section 307(c), provided that:

(a) No other source is located at that site;

(b) The source completely replaces the process or production equipment of an existing source at that site; or

(c) The new wastewater generating process of the source is substantially independent of an existing source at that site, and the construction of the source creates a new facility rather than modifying an existing source at the site.

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

(a) Begun or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition as stated in 40 CFR 403.3(x).

NONDISCHARGE PERMIT. A disposal system permit issued by the state pursuant to G.S. ' 143-215.1.

NONDOMESTIC POLLUTANTS. Any substances other than human excrement and household gray water. ***NONDOMESTIC POLLUTANTS*** include the characteristics of the wastewater (including, but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor).

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in combination with discharges from other sources, causes a violation of the POTW's NPDES or nondischarge permit or a downstream water quality standard.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

POLLUTANT. Any Awaste@ as defined in G.S. ' 143-213(18) and any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

POLLUTION. The man-made or man-induced alteration of the natural, physical, biological, chemical, and/or radiological integrity of water.

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 to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes or process changes or other means, except as prohibited by 40 CFR 403.6(d) (dilution prohibited as a substitute for treatment).

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

PRETREATMENT STANDARDS AND REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, including national pretreatment categorical standards and prohibitive discharge standards imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the ***POTW*** treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, ***POTW*** shall also include any sewers that convey wastewaters to the ***POTW*** from persons outside the town who are, by contract or agreement with the town, users of the town's ***POTW***.

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the town's wastewater disposal system who:

- (1) Has a process wastewater discharge flow of 25,000 gallons or more per average work day,
- (2) Contributes more than 5% of any design capacity of the town's wastewater treatment plant receiving the discharge,
- (3) Is required to meet a national categorical pretreatment standard, or
- (4) Is found by the town, the NCDEM, or the U.S. EPA to have the reasonable potential for significant or adverse impact either singly or in combination with other contributing industrial users on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

SIGNIFICANT NONCOMPLIANCE. A status of noncompliance equivalent to reportable noncompliance as defined in 15A NCAC .0903(b)(10) and 40 CFR 403.8(f)(2)(vii). A status of noncompliance is defined as:

- (1) Violations of wastewater discharge limits.
- (2) Any other violation(s) of an effluent limit that the control authority believes has caused interference or pass-through or endangered the health of the sewage treatment plant personnel or the public.
- (3) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (4) Violations of compliance schedule milestones.

(5) Failure to provide reports for compliance schedules, self-monitoring data, baseline monitoring reports, and other reports required for compliance.

(6) Failure to accurately report noncompliance.

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

SLUG LOADINGS. Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in '52.060 of this chapter and is of nonroutine, episodic nature including, but not limited to an accidental spill or a noncustomary batch discharge.

STATE. State of North Carolina.

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.

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

TOTAL SUSPENDED SOLIDS (TSS). 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.

TOWN. The Town of Haw River.

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

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 caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

USER. Any person, including other governmental, public, or private owners of sanitary sewer systems, who contributes, causes, or permits the contribution of wastewater into the town's POTW, including contributions from mobile sources.

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 which may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER DISCHARGE (CONTRIBUTION) PERMIT. As set forth in " 52.035 through 52.043 of this chapter.

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

(Ord. passed 8-1-94; Am. Ord. passed 1-7-08)

' 52.003 ABBREVIATIONS.

The following abbreviations 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.
G.S.	North Carolina General Statutes.
NH ₃ N	Ammonia-Nitrogen.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act, 42 USC 6901 et. seq.
TKN	Total Kjeldahl Nitrogen.
TSS	Total Suspended Solids.

USC

United States Code.

(Ord. passed 8-1-94)

FEES**' 52.015 PURPOSE.**

(A) It is the purpose of this chapter to provide for the recovery of costs from users of the town wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the town's Schedule of Charges and Fees.

(B) All user fees shall be established by the Town Council and shall be nondiscriminatory and uniformly applied in accordance with the sewer user classifications as set forth in this chapter.

(Ord. passed 8-1-94)

' 52.016 CHARGES AND FEES.

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.

(Ord. passed 8-1-94)

' 52.017 BASIC USER FEE.

The basic user fee shall be determined from the costs of establishing, operating, and maintaining the sewer system. Based on all costs of operation, maintenance, and debt service, the user fee shall be established and approved by the Town Council and included in the Schedule of Charges and Fees. This fee is subject to annual review. Each user shall pay its proportionate cost based on volume of flow.

(Ord. passed 8-1-94)

' 52.018 INDUSTRIAL SURCHARGE.

(A) Any industrial user discharging wastes with pH, BOD, or suspended solids concentrations exceeding the waste treatment facilities design capability (pH 6-9, BOD 300 mg/l, and TSS 150 mg/l), may be charged a surcharge in addition to the basic user fee. Other parameters may subsequently be identified as eligible for surcharge. Parameters shall be measured at a point following any pretreatment works acting on the wastes. The amount of surcharge will be based on a concentration and mass loading rate (pounds per day) discharged in excess of the limits stated above and will be established in the town's Schedule of Charges and Fees. The surcharge shall be determined in accordance with applicable state and federal guidelines.

(B) The volume of discharge used for the determination of loading rates for calculation of surcharges shall be based on one of the following:

(1) Metered water consumption;

(2) Other flow monitoring device that measures the actual volume of wastewater discharge (if water consumption is not metered). This device shall be installed and maintained at the user's expense with approval from the town.

(C) The character and concentration of the wastewater used to determine surcharges shall be determined by the collection and analysis of samples representative of the actual discharge. Samples shall be collected and analyzed using procedures set forth in 40 CFR 136. The determination of the character and concentration of the discharge by the town or its duly appointed representative shall be binding as a basis for charges.

(Ord. passed 8-1-94)

' 52.019 ADDITIONAL FEES.

The town may assess fees necessary to carry out the requirements contained herein. These may include charges and fees for the cost of administering and implementing the pretreatment program. These may include, but are not limited to, costs associated with monitoring, inspections, surveillance, permitting, and review of construction plans and accidental discharge procedures.

(Ord. passed 8-1-94)

' 52.020 OUTSIDE CORPORATE LIMIT USER FEES.

All sewer users located outside the corporate limits, except other governmental units with whom the town may enter into formal written contract, shall be required to pay, in addition to the basic user fee, additional fees calculated to defray the proportionate share of the outside corporate user's responsibility for the administrative and support expenses, debt service costs, depreciation recovery costs, and/or other service costs not otherwise directly paid for by the Water and Sewer Fund and as now assumed and paid by inside corporate users through the ad valorem tax levy and/or other charges.

(Ord. passed 8-1-94)

WASTEWATER DISCHARGE PERMITS

' 52.035 MANDATORY PERMITS.

Each significant industrial user, if not connected to the town sewer, must apply for a wastewater discharge permit before connecting to or discharging into a town sewer. Existing industrial users who

are determined to be a significant industrial user by the POTW Director, shall obtain a wastewater discharge permit within 180 days of notification of the Director's decision. 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 contribution permit for nonsignificant industrial users.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.036 PERMIT APPLICATION.

Users seeking a wastewater discharge permit shall complete and file with the town an application in the form prescribed by the town. Any application fees will be established by the Town Council and included in the Schedule of Charges and Fees.

(A) The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and SIC code(s) of applicant;

(2) Volume of wastewater to be discharged;

(3) Analytical data on wastewater constituents and characteristics including, but not limited to those mentioned in " 52.060 through 52.075 as determined by a laboratory approved by the town. Included shall be analytical data on any priority pollutants (section 307(a) of the Act) present or suspected present in the discharge. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended;

(4) Time and duration of discharge;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;

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

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

(8) The type and amount of raw materials processed and each product produced by type, amount, process, and rate of production;

(9) Number and type of employees and hours of plant operation;

(10) Any other information as may be deemed by the town to be necessary to evaluate the permit application. Every industrial user subject to a categorical standard must submit a Baseline Monitoring Report (BMR) as specifically set out in 40 CFR 403.12(b) or 15A NCAC 2H .0908(a);

(11) Where known, the nature and concentration of any pollutants in the discharge which are limited by town, state, or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis. If pretreatment standards are not being met, a schedule of operation, maintenance, or pretreatment improvements, provided by the user, necessary to meet pretreatment standards on a consistent basis;

(B) (1) As outlined in 40 CFR 403.12(b), (d), or (1), all discharge permit applications and user reports must be signed by the authorized representative of the user and contain the following statement:

AI 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.@

(2) The town will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(Ord. passed 8-1-94)

' 52.037 APPLICATION REVIEW AND EVALUATION.

(A) The POTW Director is authorized to accept permit applications. Within 30 days of receipt, the Director shall acknowledge the application and begin the review process. If the application is incomplete, the Director will return the application with a statement of the additional information required.

(B) Upon review of the application and a subsequent on-site inspection, a tentative decision to issue or deny the permit will be made. If the decision is made to issue a user permit, a draft will be prepared. The draft permit will contain the pertinent information submitted with the application and the conditions imposed by the town on the discharger.

(C) The draft permit must be reviewed by the state and the user within 30 days. a synopsis of the application shall be prepared for submission to the applicant and the approval authority along with the draft permit.

(D) If the draft permit is not accepted by the user, the user may initiate the hearing process through the town. Final action on the permit application should not extend beyond 90 days unless the hearing process extends that time period.

(Ord. passed 8-1-94)

' 52.038 HEARINGS.

The permittee has the right to a hearing to address a permit denial, a permit issued with objectionable conditions, and a penalty assessment. The steps to be followed are:

(A) *Initial adjudicatory hearing.* An applicant whose permit is denied or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under ' 52.999, or one issued an administrative order under " 52.099 through 52.104 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the specified time, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

(1) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of the 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 the judicial review or until the parties reach a mutual resolution.

(B) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (A) of this section may be appealed to the Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings shall be conducted in accordance with the Town Council's normal procedures for public hearings. Failure to make written demand for a hearing within the specified time shall bar further appeal. The Council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(C) *Official record.* When a final decision is issued under division (B) of this section, the Town Council shall prepare an official record of the case that includes:

- (1) All notices, motions, and other like pleadings;
- (2) A copy of all documentary evidence introduced;

(3) A certified transcript of all testimony taken, if transcribed. If testimony is not transcribed, then a narrative summary of any testimony taken; and

(4) A copy of the final decision of the Town Council.

(D) *Judicial review.* Any person against whom a final order or decision of the Town Council is entered pursuant to the hearing conducted under division (B) of this section may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Alamance along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the Town Council shall transmit to the reviewing court the original or a certified copy of the official record. (Ord. passed 8-1-94)

' 52.039 PERMIT MODIFICATIONS.

Permit modifications that require changes in the conditions of the permit or character of the permitted discharge will fall under the same requirements as an application for a new discharge. Exceptions include:

(A) Changes in the ownership of the discharge when no other change in the permit is indicated;

(B) A single modification of any compliance schedule not in excess of four months;

(C) Modification of compliance schedules in permits for new sources where the new source will not begin to operate until the control facilities are operational. (Ord. passed 8-1-94)

' 52.040 PERMIT CONDITIONS.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other ordinances, regulations, charges, and fees established by the town, state, or federal authority. The conditions of wastewater discharge permits shall be uniformly enforced by the town in accordance with this chapter and applicable state and federal regulations.

(A) Permits shall contain the following:

(1) A statement of duration (in no case more than five years);

(2) A statement of nontransferability;

(3) Discharge limitations, including the average and maximum wastewater constituents and characteristics based on categorical standards, local limits, or both;

(4) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;

(5) Requirements for submission of compliance reports, technical reports, or discharge reports.

(6) Requirements for maintaining plant records relating to wastewater discharge as specified by the town and affording town access thereto. Records must be retained for a minimum of five years or longer in the case of unresolved litigation or request of the approval authority;

(7) Notification requirements for slug loads or accidental discharges;

(8) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(B) Permits may contain the following:

(1) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(3) Requirements for installation of inspection and sampling facilities;

(4) Pretreatment requirements;

(5) Requirements to develop a schedule of compliance, including interim dates and requirements, for the installation of technology required to meet a pretreatment standard, as indicated in 40 CFR 403.8(f)(1)(iv) and section .0905 of the DEHNR regulations.

(6) Mean and maximum mass emission rates or other appropriate limits when incompatible pollutants (as defined by ' 52.002) are proposed or present in the user's wastewater discharge.

(7) Other conditions as deemed appropriate by the town to insure compliance with this chapter.
(Ord. passed 8-1-94)

' 52.041 DURATION OF PERMITS.

Wastewater discharge permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period of less than five years or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the town during the life of the permit as limitations or requirements are modified. The user shall be informed of any proposed changes in his or her permit not less than 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the user's existing permit.

(Ord. passed 8-1-94)

' 52.042 PRIOR NOTICE OF CHANGE OF PERMITTED CONDITION.

Any substantial change in discharge or a new discharge shall require notification to the POTW and approval by the POTW for that change or new discharge prior to its initiation. The town retains authority to deny, approve, or conditionally approve a new or increased discharge. Such review and determination by the town shall be performed in accordance with permitting procedures outlined in this chapter.

(Ord. passed 8-1-94)

' 52.043 TRANSFER OF PERMIT.

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

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.044 REVOCATION OF PERMIT.

Any user who violates the following conditions of this section or applicable state and federal regulations is subject to having his or her permit revoked in accordance with the procedures of " 52.099 through 52.104 of this chapter:

(A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(B) Failure of the user 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.

(Ord. passed 8-1-94)

REGULATIONS**' 52.060 DISCHARGE PROHIBITIONS.**

(A) *General discharge prohibitions.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or

performance of the POTW or cause pass through. These general prohibitions apply to all such 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 discharge prohibitions.* A user may not contribute the following substances to any POTW:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140°F (60°C). At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants (including gases, vapors, or fumes) in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids 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.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged 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.

(7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(8) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetables 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.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).

(10) Any pollutants, including oxygen demanding pollutants (BOD and the like) released at a flow rate and/or pollutant concentration which will cause pass through or interference to the POTW is prohibited. The federal regulations provide for an affirmative defense (40 CFR 403.5(a)(2)) for the user. The user must demonstrate that it did not know that the discharge alone or combined with other wastes would cause pass through or interference. Furthermore there must have been a local limit set for the pollutant causing pass through or interference and that limit must have been met. If no local limit has been established, the user must demonstrate that its discharge did not change significantly from its prior discharge activity when the POTW was in compliance with its NPDES requirements.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the town in compliance with applicable state or federal regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

(13) Any trucked or hauled wastes, except at discharge points and times designated by the POTW Director, consistent with 40 CFR 403.5(b)(8). Such wastes are subject to all restrictions of this chapter and pertinent POTW rules.

(14) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, cooling water, and unpolluted industrial wastewater, unless specifically authorized by the POTW.

(15) Any industrial waste containing floatable fats, waxes, grease, or oils, or which become floatable at the introduction to the wastewater plant. The town may require grease, oil, or sand interceptors (traps) and proper maintenance of the same.

(16) Nonbiodegradable cutting oils (soluble oils) which form a persistent water emulsion and

nonbiodegradable complex carbon compounds.

(17) Any sludges, screenings, or other residue from the pretreatment of industrial wastes.

(18) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater contribution permit.

(19) Any material identified as hazardous waste according to 40 CFR 261 unless specifically authorized by the POTW Director.

(20) Recognizable parts of the human or animal anatomy.

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

(C) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system. All floor drains located in the process or materials storage areas must discharge to the industrial user=s pretreatment facility before connecting to the system.

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

(1) Advise the user(s) of the impact of the contribution on the POTW in accordance with " 52.099 through 52.104; and

(2) Take appropriate action to protect the POTW and develop effluent limitations for such user to correct the interference or pass through with the POTW.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.061 PRETREATMENT.

Users shall provide the necessary level of treatment to make wastewater acceptable under the limitations established herein before discharging into the town sewer. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review and shall be approved by the town before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the town prior to its initiation.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.062 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

(A) (1) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, subchapter N, 405-471 and incorporated herein. The federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(2) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of a user subject to such standards shall be revised to require compliance with such standard, incorporating the time frame prescribed by such standard. Where a user subject to a categorical standard has not previously submitted an application for a wastewater contribution permit, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable categorical standard.

(B) Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system for 95% of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), A General Pretreatment Regulations for Existing and New Sources of Pollution, @ promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.063 OUTSIDE ENFORCEMENT OF PRETREATMENT PROVISIONS.

(A) It shall be the responsibility of all other governmental, public, or private owners of sanitary sewer systems which ultimately discharge into the town's POTW and have approved pretreatment programs to enforce all applicable portions of the Federal Industrial Pretreatment Regulations, the North Carolina General Statutes, and town ordinances for industries having indirect discharges into their sanitary sewer systems. All discharge permits as required by this chapter shall be issued by such sanitary sewer system owners having an approved pretreatment program to industries in accordance with the requirements of this chapter. Monitoring requirements, including the installation of monitoring stations and equipment, shall be enforced by these system owners as provided for in this chapter, as required under the Federal Industrial Pretreatment Regulations, or as directed in a state approved Industrial Pretreatment Program.

(B) All monitoring reports, baseline reports, compliance reports, and the like as required under the State and Federal Industrial Pretreatment Regulations shall be completed by the sanitary sewer system owner having an approved pretreatment program for those industries requiring such. Properly completed and executed reports shall be submitted to the town in duplicate. The schedule for submission of these

reports shall be determined by the town. The town will be responsible for submitting these forms to the state as required.

(C) Enforcement actions of the provisions of this chapter and state and federal pretreatment regulations shall be the responsibility of the sanitary sewer system owners who have an approved pretreatment program. In the event of nonenforcement by the owners, the town may deem the owner in violation of this chapter and may take the appropriate legal actions to ensure enforcement of the provisions of this chapter.

(Ord. passed 8-1-94)

' 52.064 INDUSTRIAL WASTE SURVEY AND SPECIFIC POLLUTANT LIMITATIONS.

(A) An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following concentrations, as measured as a daily average discharge:

0.003 mg/l	Arsenic
0.003 mg/l	Cadmium
0.061 mg/l	Copper
0.017 mg/l	Cyanide
0.049 mg/l	Lead
0.0003 mg/l	Mercury
0.021 mg/l	Nickel
0.005 mg/l	Silver
0.05 mg/l	Total Chromium
0.175 mg/l	Zinc
0.100 mg/l	Total identifiable chlorinated hydrocarbons
1.00 mg/l	Phenolic compounds which cannot be removed by the town's wastewater treatment process
100 mg/l	Oil or grease (mineral, petroleum, animal, or vegetable origin)
150 mg/l	Total Suspended Solids (subject to surcharge)
300 mg/l	Biochemical Oxygen Demand (subject to surcharge)

(B) Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and shall be considered pretreatment standards. The POTW Director may impose mass limits in addition to or in place of concentration-based limits.

(C) When necessary, certain specific compounds or formulations may be banned from discharge into the town wastewater system. At present one type of compound is banned. It is tri-butyl tin oxides or hydrides - (biocides).

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.065 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 chapter.

(Ord. passed 8-1-94)

' 52.066 TOWN=S RIGHT OF REVISION.

The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in ' 52.001 or the general and specific prohibitions in ' 52.0601 of this chapter as allowed by 40 CFR 403.4.

(Ord. passed 8-1-94)

' 52.067 EXCESSIVE DISCHARGE/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 Federal Categorical Pretreatment Standards, unless expressly authorized by an applicable pretreatment standard or in any other pollutant-specific limitation developed by the town or state.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.068 BYPASS OF TREATMENT.

Bypass of treatment facilities is prohibited except under the conditions outlined in 40 CFR 403.17. Prior approval of the bypass should be obtained from the town.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.069 UPSET CONDITIONS.

The user shall control production or 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 (40 CFR 403.16).

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.070 ACCIDENTAL DISCHARGES.

(A) Each user shall provide protection from accidental and/or slug load discharges of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental and/or slug load

discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

(B) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. Operating procedures shall include, but are not limited to, inspection and maintenance of storage areas, materials handling and transfer, loading and unloading operations, control of site runoff, and employee training. The plan shall describe discharge practices (including nonroutine batch discharges), describe stored chemicals, and shall contain procedures to notify the POTW immediately of accidental and/or slug load discharges and to prevent adverse impacts from any accidental spill. All existing users shall complete such a plan before the permit renewal process is complete. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility, as necessary, to meet the requirements of this chapter.

(C) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions taken.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.071 WRITTEN NOTICE.

Within five days following an accidental discharge, the user shall submit to the town a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(Ord. passed 8-1-94)

' 52.072 NOTICE TO EMPLOYEES.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug load discharge. Employers shall insure that all appropriate employees are advised of the emergency notification procedure.

(Ord. passed 8-1-94)

' 52.073 USE OF SANITARY SEWER SYSTEM.

(A) All plumbing shall be connected to the town sanitary sewer system where available.

(B) New residences, commercial establishments, and industrial users within the service area are required to connect to the sanitary sewer prior to the final plumbing inspection and issuance of the certificate of occupancy. Such connections are governed by the North Carolina State Building Code and the North Carolina State Plumbing Code. Private sewage disposal systems are prohibited.

(C) Existing residences, commercial establishments, and industrial users within the service area that operate with existing septic tanks or other disposal systems shall be governed by the rules and regulations of the state (G.S. Ch. 130A, Art. 11) and the Alamance County Health Department. If inspection of such a facility determines that it is not in compliance with existing rules and regulations, the town, upon condemnation by the Health Department, shall require connection to the sanitary sewer.

(D) The discharge of any septic tank effluent, cesspool overflow, or trucked waste into any open drain, ditch, stream, or well penetrating water-bearing formation is prohibited.

(E) If there are areas under the town's jurisdiction that are not serviced by the publicly-owned sanitary sewer, the town and the Health Department may issue a permit to construct a sewage disposal system under the existing town code, the rules and regulations of the Health Department, and the state. Approval or rejection of such facilities would be in accordance with a standard set of plans and specifications.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.074 STORM SEWERS.

The discharge of sanitary wastewater to the storm sewer system is prohibited. The discharge of uncontaminated cooling water and uncontaminated condensate into the storm sewer system is allowed.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.075 SAMPLING AND ANALYTICAL REQUIREMENTS.

Sampling and analyses must be performed in accordance with procedures approved by EPA.

(A) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be collected using grab collection techniques. Samples for other parameters must be composited either by flow proportional or time proportional composite collection methods, depending on the feasibility of installing flow proportional equipment. Under special circumstances, the Director of Public Works and Utilities may authorize collection of a minimum of four grab samples representative of the discharge as a form of composite sample.

(B) All pollutant analyses submitted as part of the pretreatment application or compliance requirements shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.076 MONITORING FACILITIES.

(A) Users who propose to discharge, or who in the judgment of the town could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premises will be required to install a monitoring facility.

(B) When more than one user can discharge into a common building sewer, the town may require installation of a separate monitoring facility for each user. Also when, in the judgment of the town, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the town may require that separate monitoring facilities be installed for each separate discharge.

(C) Monitoring facilities that are required to be installed shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling, and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the town, it shall be provided, installed, and operated at the user's expense. The monitoring facility will be required to be located on the user's premises.

(D) If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for town personnel, such as a gate secured with a town lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in safe and proper operating condition by and at the expense of the user.

(E) The monitoring facilities shall be constructed in accordance with the town's requirements and all applicable local construction standards and specifications.

(F) When, in the judgment of the town, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following written notification unless a time extension is otherwise granted by the town.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.077 INSPECTION AND SAMPLING.

(A) Authority is hereby granted to the duly authorized town employees to enter upon all properties to make necessary inspections, tests, and measurements to insure compliance with all the regulations of this chapter. This includes the authority to examine and/or copy records required to be retained. The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative ready access at all times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The town, the approval authority, and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, 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 town, the approval authority, and the EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(Ord. passed 8-1-94)

' 52.078 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this division and wastewater permits issued and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out 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 division. 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, relocated 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 division.

(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 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. passed 1-7-08)

*ADMINISTRATION AND ENFORCEMENT***' 52.090 RIGHT TO DISCHARGE.**

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town or a duly authorized representative.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.091 DISCHARGE REPORTS.

The town may require that any person discharging or proposing to discharge wastewater into a town sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature or process, volume, average and maximum daily rates of flow, concentration of pollutants in the discharge, mass emission rate, production quantities, hours of operation, number and classification of employee, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to discharge reports, the town may require information in the form of wastewater discharge permit applications and self-monitoring reports.

(Ord. passed 8-1-94)

' 52.092 SCHEDULE OF COMPLIANCE AND REPORTING REQUIREMENTS.

Industrial users may be found out of compliance with either town, state, or federal pretreatment regulations and be required to develop a Schedule of Compliance with specific progress milestone dates, compliance dates, and reporting requirements. Requirements to develop a Schedule of Compliance for the installation of technology required to meet a pretreatment standard are outlined in 40 CFR 403.8(f)(1)(iv) and section .0905 of the DEHNR regulations. Compliance progress reports for Schedule of Compliance milestone dates must conform to 40 CFR 403.12(c) and section .0908(a) of DEHNR regulations. Industrial users not yet permitted but required to submit compliance schedule progress reports under federal regulations must also meet the requirements of 40 CFR 403.12(c) and section .0908(a) of DEHNR regulations. Progress and compliance reports must be submitted within 14 days of

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any date in the schedule and the final date of compliance. Enforcement of Schedule of Compliance requirements is included in this subchapter and the town's Pretreatment Enforcement Response Guide. (Ord. passed 8-1-94)

' 52.093 BASELINE MONITORING REPORTS AND CATEGORICAL DEADLINES AND COMPLIANCE REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the town a report containing the following:

- (1) Identifying information;
- (2) A list of all environmental permits held by or for the facility;
- (3) A description of operations including the nature, rate of production, and standard industrial classification(s) of the operations along with a diagram indicating the points of discharge to the POTW;
- (4) Flow measurements for average and maximum daily flows in gallons per day;
- (5) Measurements of pollutants including the categorical pretreatment standards for each regulated process, the sampling and analysis results identifying the nature, concentration, and/or mass of each regulated pollutant in the discharge, and any instantaneous daily maximum and long term average concentration data available, as required. The sample shall be representative of normal daily operations and analyzed in accordance with approved methods.
- (6) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) If additional pretreatment or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide the additional pretreatment or O&M shall be established. The completion date established in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule must meet the requirements set forth in ' 52.092 of this chapter.
- (8) All baseline monitoring reports must be signed and certified in accordance with ' 52.036 of this chapter.

(B) At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the town a report containing the information listed in subsections (A)(1) through (8) of this

section. A new source shall report the method of pretreatment it intends to use to meet the applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(C) As required by 40 CFR 403.12(d) and section .0908(a) of the DEHNR regulations, any industrial user subject to a categorical standard must submit a report within 90 days after the final date for compliance (or following the commencement of discharge from a new source) which contains flow and pollutant measurements and a certification of whether pretreatment standards are being met, and if not, a description of needed additional operation, maintenance, or pretreatment. This report must also contain a reasonable measure of the user's long-term production rate if mass or concentration limits were established under 40 CFR 403.6(c) or an actual measure of production for all other users subject to categorical pretreatment standards expressed as allowable pollutant discharge per unit production. Compliance reports must be signed and certified in accordance with ' 52.036(E) of this chapter.

(D) Any user subject to categorical pretreatment standards must submit a report, at least twice per year, indicating the nature and concentration of pollutants in its discharge which are limited by a categorical standard. The report must also include a record of measured or estimated average and maximum daily flows. Reports must be signed and certified in accordance with ' 52.036(E) of this chapter.

(E) If sampling by the industrial user subject to a categorical standard indicates a violation, the user must notify the POTW within 24 hours after becoming aware of the violation. The user must also resample and submit results of this resampling within 30 days.

(Ord. passed 8-1-94)

' 52.094 USER NOTIFICATION OF VIOLATIONS.

Industrial users must report immediately (within 24 hours) any instance of noncompliance after first knowledge of the violation. If the noncompliance is caused by a regulated parameter exceeding the permit limit, the user is responsible for resampling for that parameter and reporting the analytical results within 30 days.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.095 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES.

Any industrial user must notify, in writing, the POTW, the state, and the EPA of any discharge which would be considered a hazardous waste under 40 CFR 261, if disposed of in a different manner. Information in the notification must conform to the requirements of 40 CFR 261. All notifications must take place no later than 180 days after the discharge commences.

(Ord. passed 8-1-94) Penalty, see ' 52.999

' 52.096 SEARCH WARRANTS.

If the POTW Director, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the POTW Director, approval authority, or EPA may seek issuance of a search warrant from a Judicial Official of the Court (Magistrate, District, or Superior) of Alamance County.

(Ord. passed 8-1-94)

' 52.097 CONFIDENTIAL INFORMATION.

(A) All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

(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 to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, nondischarge permit, and/or 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) Information accepted by the town as confidential shall not be transmitted to the general public by the town until and unless prior and adequate notification is given to the user. Such records shall be made available to officials of the approval authority and EPA upon request.

(Ord. passed 8-1-94)

' 52.098 SPECIAL AGREEMENTS.

Special agreements and arrangements between the town and any persons or agencies may be established when in the opinion of the town unusual or extraordinary circumstances compel special terms and conditions. In no case will a special agreement allow a violation of federal or state law, including local limits.

(Ord. passed 8-1-94)

' 52.099 NOTIFICATION OF VIOLATION.

(A) Whenever the town finds that any user has violated or is violating this chapter, a wastewater contribution permit, or any prohibition or limitation of requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violation occurring before or after receipt of the notice of violation.

(B) The town must annually publish a list of industrial users who were in significant noncompliance with applicable pretreatment regulations during the previous 12 months. This notification will appear in the largest daily newspaper with general circulation in the municipality. This provision is in compliance with 40 CFR 403.8(f)(2)(vii) and section .0905 of the DEHNR regulations.
(Ord. passed 8-1-94)

' 52.100 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 ' 52.102.
(Ord. passed 8-1-94)

' 52.101 HARMFUL CONTRIBUTIONS.

(A) The town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, 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, to the environment, causes interference to the POTW, or causes the town to violate any condition of its NPDES permit.

(B) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the water and/or sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The town shall reinstate the wastewater contribution permit and/or the wastewater treatment service or water service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.
(Ord. passed 8-1-94)

' 52.102 ADMINISTRATIVE ORDERS.

When the POTW Director finds that an industrial user has violated or continues to violate this chapter, permits, 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:

(A) Immediately comply with all requirements;

(B) Comply in accordance with a compliance time schedule set forth in the order;

(C) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;

(D) Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.

(Ord. passed 8-1-94)

' 52.103 SHOW CAUSE HEARING.

(A) (1) The town may order any user who causes or allows an unauthorized discharge, has violated this chapter, or is in noncompliance with a wastewater discharge permit to show cause before the Town Council why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Town Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Town Council why the proposed enforcement action should not be taken. The notice of the hearing shall be sensed personally or by registered or certified mail (return receipt requested) at least ten days before the hearing service may be made on any agent or officer of a corporation.

(2) 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 ' 52.038.

(B) The Town Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the (assigned department) to:

(1) Issue in the name of the Town Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Council for action thereon.

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(D) After the Town Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities and these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(E) Any person against whom a final order or decision of the Town Council is entered, pursuant to the hearing process, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Alamance County along with a copy to the town. Within 30 days of receipt of a copy of the petition of judicial review, the Town Council shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. passed 8-1-94)

' 52.104 LEGAL ACTION.

If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the Town Attorney may commence an action for appropriate legal and/or equitable relief in a court of appropriate jurisdiction. This includes the right to seek a temporary restraining order or preliminary or permanent injunction to restrain or compel the activity in question. This authority also extends to nondischarge violations that result in noncompliance.

(Ord. passed 8-1-94)

' 52.999 PENALTY.

(A) *Civil penalties.*

(1) Any user who is found to have violated an order of the Town Council or who failed to comply with any provision of this chapter and/or the orders, rules, regulations, and permits issued hereunder may be assessed a civil penalty of not less than \$50, nor more than \$10,000 pursuant to G.S. ' 143-215.6A(b1). Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys= fees, court costs, court reporters= fees, and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

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

(a) The degree and extent of the harm to the natural resources, to the public health, to the POTW, or to public or private property resulting from the violation;

(b) The duration and gravity of the violation;

(c) The effect on ground or surface water quantity or quality or on air quality;

(d) The cost of rectifying the damage;

(e) The amount of money saved by the noncompliance;

(f) Whether the violation was committed willfully or intentionally;

(g) The prior record of the violator in complying or failing to comply with the pretreatment program;

(h) The costs of enforcement to the town.

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in ' 52.038.

(B) *Falsifying information.* The District Attorney for Judicial District 15A may, at the request of the town, prosecute any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter or the wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

(C) *Criminal violations.*

(1) The District Attorney for Judicial District 15A may, at the request of the town, prosecute any person who negligently violates any term, condition, or requirement of this chapter and any person who negligently fails to apply for or to secure a permit required by G.S. ' 143-215.1.

(2) The District Attorney for Judicial District 15A may, at the request of the town, prosecute any person who knowingly and willfully violates any term, condition, or requirement of this chapter and any person who knowingly and willfully fails to apply for or to secure a permit required by G.S. ' 143-215.1.

(3) The District Attorney for Judicial District 15A may, at the request of the town, prosecute any person who knowingly violates any term, condition, or requirement of this chapter and any person who knowingly fails to apply for or to secure a permit required by G.S. ' 143-215.1 and knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury.

(D) *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user.
(Ord. passed 8-1-94)

Statutory reference:

Enforcement procedures and criminal penalties, G.S. ' 143-215.6B

CHAPTER 53: WATER SHORTAGE RESPONSE PLAN

Section

- 53.01 Purpose
- 53.02 Definitions
- 53.03 Authority for WSRP implementation
- 53.04 Notification of WSRP activation and conservation measures
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- 53.06 Triggers and responses
- 53.07 Violation; enforcement
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- 53.10 Evaluation
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' 53.01 PURPOSE.

(A) It is the purpose and intent of this chapter to assure that available water resources are put to reasonable beneficial uses to avoid depletion of the town's water supply during a water shortage. This plan shall be liberally construed to effectuate such purpose and intent. This plan shall satisfy the requirements to develop and approve a water shortage response plan as required by the NC Division of Water Resources and compliance with 15A NCAC 02E .0607 with the authority of G.S. " 143-354(a)(l); 143-355(1); S.L. 2002-167; effective March 19, 2007.

(B) The Town of Haw River purchases water from the City of Burlington which owns three water supply reservoirs with over 10,700 million gallons of water storage. The combined 20-year safe yield of our lakes is approximately 53 million gallons per day (MGD) and the 50-year safe yield is approximately 50 MGD.

(Ord. passed 2-8-10)

' 53.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word ***SHALL*** is always mandatory and never directory.

CUSTOMER. Refers to any person who is an owner, occupant, or user of real property to which water is supplied by the town. The term shall also refer to any person who uses water supplied by the town, or to any person who is billed for the supply of water from the town, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by the town.

PERSON. Any natural person, any group of persons, any firm, partnership, association, corporation, company, or any other organization or entity.

RAW WATER. Water impounded in a Burlington, city-owned reservoir or conveyed through pumps and pipes to a city-owned water treatment facility for further treatment to make potable water.

TOWN. The Town of Haw River, a North Carolina Municipal corporation.

WATER. All water, except wastewater, supplied by the town to any customer.

WATER SHORTAGE. Shall be deemed to exist when the ordinary demands and requirements of water customers served by the town cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized.

WELL WATER or PRIVATE WATER. Water from sources other than the town water system. This can include groundwater from private wells, captured rainwater, or recycled water.
(Ord. passed 2-8-10)

' 53.03 AUTHORITY FOR WSRP IMPLEMENTATION.

The water shortage response plan establishes the authority of the Town of Haw River to declare a water shortage emergency and the authority of the highest town official (Mayor, Mayor-Pro-tem, Manager, etc.) available as able to declare a water shortage emergency.
(Ord. passed 2-8-10)

' 53.04 NOTIFICATION OF WSRP ACTIVATION AND CONSERVATION MEASURES.

(A) Declaration of a water shortage emergency will be announced based on the time-sensitive nature of the problem. Drought related shortages will be announced in open session of the Town Council, in local newspapers, and on the official town website. The town will also use bill stuffers and postings within the Municipal Building to inform the public of the severity of the shortage and the required measures.

(B) Shortages that develop more quickly (equipment failures, piping failures, process failures, contamination) may be announced using radio, website, and television media. The Public Works Director will coordinate with the Mayor, Manager, or other officials to make sure that these announcements are made in a timely manner. Measures enacted will be based on the severity of the event.

(Ord. passed 2-8-10)

' 53.05 MEASURING SEVERITY.

In response to the various types of water shortages, the stages spelled out below present the types of restrictions commensurate to the degree of severity. These stages are considered the minimum response actions and will be implemented as the trigger conditions occur. The Town Council may choose to enact more stringent measures not enumerated in this chapter.

(Ord. passed 2-8-10)

' 53.06 TRIGGERS AND RESPONSES.

(A) *Response to water shortage.*

(1) It shall be the duty of the Director of Public Works to report to the Town Manager conditions adversely affecting the town water supply. The Manager shall review all relevant and available information, and if deemed necessary, shall recommend that the Town Council declare water conservation measures contained herein be in full force and effect as necessary. Conditions to be considered include abnormally dry weather conditions, lake water levels below normal for the season, forecasts for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors. If there is a time sensitive emergency (system failure) the highest-ranking official available shall declare a water emergency and require appropriate water conservation measures.

(2) The Town of Haw River currently purchases water from the City of Burlington and will rely on the City of Burlington to determine when conservation measures are needed. The City of Burlington will rely on a study titled *Reservoir Analysis; Lakes Mackintosh and Cammack* performed by ARCADIS Engineering (March 2008) which will be used to determine the relationship between reservoir water level and remaining water supply storage.

(B) *Use of raw water.* It shall be unlawful for any person to remove water from city-owned reservoirs for any reason. The City of Burlington shall have sole access to the water for purposes of treatment or other official city needs.

(C) *Water conservation rates.* The Town of Haw River, if needed, will institute water conservation rates in response to any adjustments by the City of Burlington. The City of Burlington will use the following process to make those adjustments: in the event of a prolonged drought with worsening consequences, it shall be at the discretion of the City Manager to propose an adjustment to the water rates to help promote water conservation. The water conservation rate can be used to address residential, commercial and/or industrial water consumption by increasing the cost per unit volume according to a published rate schedule. The City Manager shall recommend as necessary the adoption of water conservation rates by the City Council. The town's response to water shortages shall follow the restrictions related to the following stages of severity. During a water shortage event, treated water pumped to the distribution system will be monitored to assess the effectiveness of the conservation measures. Because of daily variability in water use, 30-day trend charts will be used as an assessment tool.

(1) *Continuing voluntary conservation practices ongoing.* Customers shall be encouraged to observe water conservation measures to reduce the wasting of water as follows:

- (a) Check plumbing and toilets for leaks annually, and if necessary, repair.
- (b) Repair leaking faucets whenever they develop.
- (c) Store drinking water in the refrigerator to avoid trying to run it cool at the tap.
- (d) Use shower for bathing or reduce the depth of water used for tub baths. Limit showers to four minutes where possible.
- (e) Refrain from running faucets while shaving or rinsing dishes or brushing teeth.
- (f) Install water flow restrictive devices in shower heads.
- (g) Install water-saving devices such as plastic bottles or commercial units in toilet tanks.
- (h) Wash full loads in clothes washers and dishwashers.
- (i) Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

(2) *Stage I - Voluntary Conservation, water alert.*

(a) Customers shall be encouraged to observe the recommendations for ongoing conservation practices and to increase the level of the conservation effort as follows:

1. Limit the use of clothes washers and dishwashers, and when used, to operate fully loaded.

2. Reduce the flushing of toilets to the minimum whenever practical.
3. Limit lawn watering to only when grass shows signs of withering and apply water as slowly as possible to achieve deep penetration.
4. Limit shrubbery watering to the minimum reusing household water when possible.
5. Limit car washing to the minimum. Use a hose with a nozzle to control water flow and minimize waste.
6. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes.
7. Limit hours of operation of water-cooled air-conditioners if possible.
8. Use disposable dishes and utensils, both for residential and commercial purposes, where feasible.

(b) The Town of Haw River will use the following basis to implement Stage I - Voluntary Conservation measures in keeping in concert with our water service provider, City of Burlington. Stage I - Voluntary Conservation measures will be implemented based on the level of water in the city reservoirs (75% capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors.

(3) *Stage II - Moderate Mandatory Conservation, established drought.*

(a) Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I - Voluntary Conservation, and the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

1. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between 4:00 p.m. - 9:00 p.m. on Wednesday and 7:00 a.m. - 12:00 noon on Saturday. The use of well water or private water is the only exception to this rule.
2. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.
3. Use water to wash down outside areas such as sidewalks, patios, driveways, or for other similar purposes.

4. Introduce water into any decorative fountain, pool or pond except where the water is recycled.
5. Serve water in a restaurant or similar establishment except upon request.
6. Use water for any unnecessary purpose or intentionally waste water.
7. Wash the exterior of a motor vehicle or boat (travel or camping trailers) except where 50% or more of the water is recycled, or where a well or private water system is used.
8. Golf courses and institutions owning athletic fields (including artificial surfaces) shall be required to reduce water usage by 50% with watering only permitted between the hours of 10:00 p.m. and 5:00 a.m.

(b) Provided, however, any customer may secure a written license from the Town Manager or his or her designee to use water contrary to the Stage II - Moderate Mandatory Conservation measures where it can be shown to the Manager's satisfaction that use of water pursuant to conditions prescribed by the Town Manager in the license will result in a 30% or greater saving of water. Any license issued pursuant to this provision:

1. Must be in the possession of the licensee whenever water is used contrary to the Stage II- Moderate Mandatory Conservation measures; and
2. Is subject to amendment or revocation by the Town Manager at any time for good cause. Businesses with a privilege license for the Town of Haw River that use water to maintain their businesses may continue to operate under Stage II.

(c) Stage II - Moderate Mandatory Conservation measures will be implemented based on the level of water in the City of Burlington reservoirs (60% capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors.

(4) *Stage III - Severe Mandatory Conservation, prolonged drought.*

(a) Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I - Voluntary Conservation measures and required to continue observing the mandatory requirements in Stage II. The level of the conservation effort shall increase to require the following additional mandatory measures.

1. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except by hand-held hose (with shut-off nozzle), container, or drip irrigation system during the hours of 4:00 p.m. - 9:00 p.m. on Wednesday and 7:00 a.m. - 12:00 noon on Saturday. No automatic sprinkler system or un-attended watering shall be allowed. The use of well water or private water is the only exception to this rule.

b. Fill a wading pool or swimming pool or replenish any filled pool except to the minimum essential for operation of chemical feed equipment.

c. Make non-essential use of water for commercial or public use.

d. Operate water-cooled air conditioners or equipment that do not recycle cooling water, except when health and safety are adversely affected.

2. Request industry reduce consumption by 10%.

(b) Stage III - Severe Mandatory Conservation measures will be implemented based on the level of water in the City of Burlington reservoirs (45% capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors.

(5) *Stage IV- Stringent Mandatory Conservation, severe water loss.*

(a) Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I - Voluntary Conservation measures and required to continue observing the mandatory requirements in Stages II and III. The level of the conservation effort shall increase to require the following additional mandatory measures:

1. No person shall:

a. Use water outside a structure except in an emergency involving a fire.

b. Operate evaporative air conditioning units, which recycle water except during the operating hours of the business.

c. Use water to fill or refill any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used.

2. Request industry reduce consumption an additional 25%. Industries must submit water conservation plans for city review.

3. In addition to the conservation measures enumerated above customers of eating establishments shall use plates, cups and eating utensils that are disposable.

(b) Stage IV - Stringent Mandatory Conservation measures will be implemented based on the level of water in the city reservoirs (30% capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors.

(6) *Stage V- Rationing.*

(a) Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I - Voluntary Conservation measures and required to continue observing the mandatory requirements of Stages II, III, and IV. The level of the conservation effort shall increase to require the following mandatory measures:

1. Fire protection will be maintained, but where possible, tank trucks shall use raw water.

2. All industrial uses of water shall be prohibited, with the exception of water for domestic sanitation purposes.

3. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the Town Manager upon consultation with the Director of Public Works in light of conditions present.

(b) Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water-rationing restrictions shall be unlawful.

(c) Stage V - Rationing measures will be implemented based on the level of water in the City of Burlington reservoirs (15% capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, contamination of supplies, declarations by the Governor of North Carolina, or a combination of these factors.

(D) *Scope and duration.* In the event that the Town Council shall declare one or more stages of water conservation to be in effect, said proclamation shall be applicable to all persons using water supplied by the town. Continuing voluntary conservation practices of the water conservation measures shall remain in full force and effect at all times or until such time as this article is amended or repealed.

Whenever Stages I, II, III, IV, and V of the water conservation measures are declared, they shall remain in full force and effect until such time as this chapter be amended or repealed, or until the Mayor (or his or her designee) by proclamation declares that the particular stage of the water shortage is over and the measures applicable to it are no longer in effect. Repeal of any stage of mandatory water restrictions shall become effective 30 days following the Mayor's proclamation and ratification of such action by the Town Council. Measures in response to shortages caused by equipment, piping, process failure, or contamination may be repealed immediately upon resolution.

(E) *Effect of invalidity.* Should any section or provision of this section be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of this section as a whole or any part other than the part so held unconstitutional or invalid.

(Ord. passed 2-8-10)

' 53.07 VIOLATION; ENFORCEMENT.

(A) *Violation.* In the event that the Town Council shall declare one or more stages of water conservation as set forth herein, it shall be unlawful for any person to use or permit use of water supplied by the town in violation of any mandatory restrictions instituted. Records of violations shall be maintained and carried forward to be used for imposition of penalties and fines against violators in subsequent stages as long as mandatory restrictions remain in effect.

(B) *Enforcement.* It shall be the duty of the Director of Public Works to investigate violations of the mandatory restrictions and issue orders consistent with the purpose and intent of this chapter. All customers shall cease any violation of the mandatory restrictions upon the order of the Director of Public Works. Any customer who violates any provision of this chapter, or who shall violate or fail to comply with any order made hereunder shall be subject to penalty or a combination of the penalties as follows:

(1) *Assessment of fines or other fees for violation of mandatory restrictions.* The Town Manager shall recommend fines and fees for violations of mandatory restrictions and these fines and fees shall be approved by the Town Council. The schedule of fines and fees shall be announced.

(2) *Discontinuance of service.*

(a) The town may discontinue water service to any structure(s) or parcel(s) when the Town Manager upon recommendation of the Director of Public Works gives written notice of any violation of mandatory restrictions and intent to discontinue service. Water service shall be discontinued within 24 hours notice of any such violation unless the violation shall cease voluntarily.

(b) When service is discontinued pursuant to the provisions of this section, service shall not be re-instituted unless and until the Town Manager upon recommendation of the Director of Utilities determines that the risk to the town's water supply has been alleviated.

(c) The customers shall have a right of appeal to the Town Council, upon serving written notice of appeal on the Town Manager within five days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by the Town Manager of the time and place for the hearing of the appeal. The Town Council shall act on the appeal as expeditiously as possible and shall notify the appellant in writing not later than two days after the final decision.

(3) *Equitable relief.* The provisions of this section may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.

(4) *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

(C) *Penalties.* For the first offense, violators will be issued a warning. For the second violation of this chapter a civil penalty in the amount of \$100 shall be assessed. For the third violation of this chapter a civil penalty in the amount of \$250 shall be assessed. The fourth violation of this chapter shall result in interruption of water service to the offending customer. The town will issue written notification to the customer and occupant of intent to interrupt water service and 24 hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If water service has been interrupted due to repeat violation of this chapter, service will not be re-instated until the Public Works Director has determined that the risk to the town water supply has been alleviated or the Public Works Director is otherwise assured of compliance. Violation of this chapter may be punished by any of the means available to the town through the provisions of G.S. ' 160A-175.

(Ord. passed 2-8-10)

' 53.08 PUBLIC REVIEW.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be posted at Town Hall and on the Town of Haw River website. A public hearing will be scheduled with notice printed in all customer water bills and local newspaper to collect comments on the draft. All subsequent notices of revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Haw River's Town Council.

(Ord. passed 2-8-10)

' 53.09 VARIANCE.

(A) If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the municipality for a variance. For these purposes *EXTRAORDINARY HARDSHIP* means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by

other water users subject to this water rationing chapter. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted by the Town Manager and a revised water use reduction requirement for the particular customer may be established.

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

(C) Any person aggrieved by a decision relating to such a variance may file a complaint with the Town Council in accordance with established procedures.

(Ord. passed 2-8-10)

' 53.10 EVALUATION.

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

(Ord. passed 2-8-10)

' 53.11 REVISION.

The water shortage response plan is considered part of the local water supply planning process and will be reviewed at a minimum of every five years during preparation of the local water supply plan. The water shortage response plan can be reviewed more frequently. Examples of when the plan might be reviewed are when there is an actual water shortage situation or when there are significant changes to the water supply, treatment, and distribution network. The Public Works Department will be responsible for reviewing the plan and communicating necessary modifications to the Town Manager.

(Ord. passed 2-8-10)

