

CHAPTER 52: SEWER USE AND PRETREATMENT

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GENERAL PROVISIONS

§ 52.01 PURPOSE AND POLICY.

- (A) This chapter sets forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW) and enables the local government to comply with all applicable state and federal laws and the pretreatment regulations (40 C.F.R. § 403).
- (B) The objectives of this chapter are:
 - (1) To prevent discharges to the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent discharges to the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - (4) To provide for equitable distribution of the cost of the wastewater disposal system.
- (C) This chapter provides for the regulation of discharges to the POTW through the issuance of permits and enforcement of general requirements, authorizes monitoring and enforcement activities, and provides for the setting of fees for the equitable distribution of expenditures. This chapter shall apply to the town and to persons who are, by contract or agreement with the local government, users of the POTW. Except as otherwise provided herein, the Superintendent shall administer the provisions of this chapter.

(Ord. passed 6-8-1987)

§ 52.02 **DEFINITIONS.**

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

ACT. The Federal Water Pollution Control Act, as amended.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

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

BILLABLE BIOCHEMICAL-OXYGEN DEMAND. The discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l.

BILLABLE CHEMICAL OXYGEN DEMAND. The discharge in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of 750 mg/l.

BILLABLE FLOW. Recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, and less any sewer-exempt measured water, times the local government approved percentage factor for wastewater entering the wastewater disposal system. Alternatively, industrial users may have their billable flow determined by continuously measuring their discharge in a manner approved by the local government. Residential users on unmetered wells shall have their billable flow estimated by averaging the billable flow of all other residential users.

BILLABLE TOTAL KJELDAHL NITROGEN. The discharge in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater in excess of 40 mg/l.

BILLABLE TOTAL SUSPENDED SOLIDS. The discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/l.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in milligrams per liter utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20 degrees Centigrade.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives wastewater only and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins 5 feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the sanitary sewer or other discharge location.

CHEMICAL OXYGEN DEMAND (COD). The total amount of oxygen required to oxidize the organic matter in a waste as described in Standard Methods.

COMPATIBLE POLLUTANT. BOD, TSS, pH, and fecal coliform bacteria; plus any additional pollutants identified in the POTW NPDES permit, where the POTW is designed to treat such pollutants and in fact does treat such pollutants to the degree required by the NPDES permit.

COOLING WATER. The water used for air conditioning, refrigeration, or other cooling applications.

DIRECT DISCHARGE. The discharge of wastewater directly to the waters of the state.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

GARBAGE. The animal or vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the commercial handling, storage, and sale of produce.

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

INCOMPATIBLE POLLUTANT. All pollutants other than compatible pollutants.

INDIRECT DISCHARGE. The discharge of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) to the POTW.

INFILTRATION. The extraneous groundwater entering the wastewater disposal system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

INFLOW. The surface water entering the wastewater disposal system from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

LOCAL GOVERNMENT. The town acting through its Mayor and Board of Commissioners.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge to the navigable waters of the United States.

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

NEW SOURCE. Any wastewater source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a **NEW SOURCE** means any source, the construction of which is commenced after the date of promulgation of the standard.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, not including debt service and capital related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewaters necessary to assure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

PERSON. Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH. The term used to express the intensity of the acid or base condition of a solution as determined by *Standard Methods*.

PRETREATMENT. 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 such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes of other means, except as prohibited by 40 C.F.R. § 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

PRIVATE SEWER. A sewer which is not owned by the town.

PUBLIC SEWER. A sewer which is owned and controlled by the town and is separate from and does not include sewers owned by other governmental units.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned 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.

QUALIFIED LABORATORY. Laboratories currently certified by the state to perform wastewater analyses.

SANITARY SEWER. A sewer which carries wastewater.

SHALL; MAY. SHALL is mandatory and requires compliance; ***MAY*** is permissive and compliance is subject to the discretion of the local government.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the POTW who:

- (1) Is subject to pretreatment standards;
- (2) Discharges more than 50,000 gallons per day to the POTW;
- (3) Discharges more than 5% of any design capacity of the POTW; or
- (4) Is found by the local government, DEM, or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, the receiving stream, or air emissions generated by the system.

SLUG. Any discharge of wastewater which exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flow during normal operation or which causes interference.

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, 1972.

STANDARD METHODS. The laboratory procedures set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation or any other procedures recognized by the DEM and EPA.

STORM SEWER. A sewer that carries only storm waters, surface runoff, street wash, and drainage and to which wastewater is not intentionally admitted.

SUPERINTENDENT. The authorized representative of the town.

TOTAL KIELDAHL NITROGEN (TKN). The sum of organic nitrogen and ammonia nitrogen content of a wastewater as determined by Standard Methods.

TOTAL SUSPENDED SOLIDS (TSS). Total suspended matter that either floats on the surface of, or is in suspension with, water, wastewater, or other liquids and is removable by laboratory filtration as described in Standard Methods.

TOXIC SUBSTANCES. Any substances, whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment process or to constitute a hazard to recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of Clean Water Act § 307(a) or other acts.

UNPOLLUTED WATER. Water of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged to waters of the state.

USER. Any person who discharges, causes or permits the discharge of wastewater to the POTW.

USER CHARGE SYSTEM. The system of charges levied on users for the cost of operation and maintenance of the wastewater disposal system.

WASTEWATER. The combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water, holding tank waste, and infiltration/inflow.

- (1) ***SANITARY WASTEWATER.*** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
- (2) ***INDUSTRIAL WASTEWATER.*** A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

WASTEWATER DISPOSAL SYSTEM. The structures, equipment and processes owned and controlled by the town (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of the effluent and accumulated residual solids.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, water courses, 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 6-8-1987)

§ 52.03 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
C.F.R.	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
DENT	Division of Environmental Management, Department of Natural Resources and Community Development of the State of North Carolina
EPA	Environmental Protection Agency
mg/l	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act
U.S.C.	United States Code
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids

(Ord. passed 6-8-1987)

§ 52.04 REVENUE SYSTEM.

- (A) Fees shall be assessed to users for discharges to the POTW and for executing or enforcing the provisions of this chapter. These charges shall be developed by the Superintendent and approved by the local government no less frequently than biennially in accordance with the user charge system and other ordinances and policies of the local government and applicable statutes of the state.
- (B) Charges shall be developed for the following purposes:
 - (1) Industrial monitoring, inspections, and surveillance procedures;
 - (2) Reviewing accidental discharge procedures and construction;
 - (3) Reviewing permit applications;
 - (4) Reviewing appeals;
 - (5) Special industrial discharges;
 - (6) Recovering capital related expenditures;
 - (7) Other charges, including user charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system.

- (C) Charges for items (1) through (4) shall be based on the actual cost to the local government for each specific user or incident. However, a fixed rate may be proposed by the Superintendent, subject to local government approval, for those procedures that are repetitive and do not differ substantially within each class of users. Charges for items (5) through and (7) shall be developed and assessed in accordance with the user charge system. The local government may, under applicable state statutes and local government ordinances, levy ad valorem taxes for general obligation bond principal and interest payments, and any other purpose provided by law, not related to the operation and maintenance costs of the wastewater disposal system. The charges and fees developed in accordance with the provisions of this chapter shall be presented to the local government for approval in the form of a sewer rate ordinance.

(Ord. passed 6-8-1987)

§ 52.05 AUTHORITY.

This chapter is adopted under the authority granted by G.S. Ch. 160A.

(Ord. passed 6-8-1987)

§ 52.06 CONFLICT.

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

(Ord. passed 6-8-1987)

§ 52.07 ENFORCEMENT.

- (A) *Revocation of permission to discharge.* The local government may order a permission to discharge be revoked upon finding that the discharger has violated a provision of this chapter. A user whose permission to discharge has been revoked shall immediately stop all discharges. The local government may disconnect or permanently block from the wastewater disposal system the private sewer of any discharger whose permission to discharge has been revoked if such action is necessary to insure compliance with the order of revocation. A user whose permission to discharge has been revoked may apply for new permission to discharge and shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the local government. Costs incurred to revoke the prior permission to discharge and disconnecting the private sewer shall be paid for by the discharger before new permission to discharge shall be granted.

- (B) *Reasons for revocation of permission to discharge.* Any user who violates the following conditions of this chapter or applicable state and federal regulations is subject to having his permission to discharge revoked in accordance with the procedures in division (A) of this section:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of a user to report significant changes in operations or wastewater constituents or characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of §§ 52.23, 52.25, 52.27, and 52.28 of this chapter.

(Ord. passed 6-8-1987)

REGULATIONS

§ 52.20 USE OF PUBLIC SEWERS REQUIRED.

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property in areas under the jurisdiction of the local government any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet in areas under the jurisdiction of the local government any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and with regulations of the DEM, Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (B) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes abutting on any street, alley, or right-of-way in which there is a public sanitary sewer is required at the expense of the owner to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter within 120 days after date of official notice to do so, provided that the public sewer is within 200 feet of the property line.

(Ord. passed 6-8-1987) Penalty, see § 52.99

§ 52.21 PRIVATE WASTEWATER DISPOSAL.

- (A) Where a sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain written approval by the Superintendent. The application for such permit shall be made on a form furnished by the local government which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. Approval for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect

the work at any stage of construction. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Yadkin County Health Department and the DEM. No septic tank shall be permitted to discharge to a natural outlet. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the local government.

- (B) At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 120 days. Under unusual or special circumstances the local government may waive this provision.

(Ord. passed 6-8-1987)

§ 52.22 BUILDING SEWERS AND CONNECTIONS.

- (A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written approval from the Superintendent. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the local government from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer; provided, however, that such indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the local government. Excluding industrial plant sites or other sites which have written approval from the Superintendent for single discharge points, a separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the local government does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter. Existing building sewers may be kept in service if, in the opinion of the Superintendent, they are in acceptable structural condition and operate satisfactorily. All new building sewers, including any necessary replacement of existing building sewers, must comply with the North Carolina State Building Code, Volume IT, Plumbing.
- (B) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (C) It shall be the responsibility of the property owner to keep and maintain the building sewer connected to the public sewer in good repair. The owner shall be responsible for making necessary repairs, at his own expense, to the building sewer within 5 days after receiving written notification by the local government that such repairs are necessary.

- (D) Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the state, Yadkin County, or the Superintendent. Any removal and hauling of collected materials must be performed according to applicable state, federal, and local regulations.

(Ord. passed 6-8-1987)

§ 52.23 PROHIBITED DISCHARGES.

- (A) It shall be unlawful for any person to discharge wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to pretreatment standards or any other federal, state, or local regulations.
- (B) A user shall not discharge the following substances to the POTW:
- (1) Unpolluted waters such as infiltration/inflow to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Superintendent and DEM. Unpolluted cooling water or process waters may be discharged on approval of the Superintendent and DEM to a storm sewer or natural outlet;
 - (2) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall 2 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 % nor any single reading over 10% of the lower explosive limit of the meter. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, and any *other* substances which the local government, the state or EPA has notified the user is a fire hazard or a hazard to the system;
 - (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: floatable oil, garbage with particles greater than 1/2 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;

- (4) Wastewater having a pH less than 5.0 or greater than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW;
- (5) Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW;
- (6) Noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;
- (7) Wastewater, liquid, or vapors having a temperature higher than 150 degrees Fahrenheit;
- (8) Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable federal or state regulations;
- (9) Wastewater which constitutes a slug as defined herein.

(Ord. passed 6-8-1987)

§ 52.24 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of pretreatment standards for an industrial subcategory, each Pretreatment Standard, if more stringent than the corresponding limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(Ord. passed 6-8-1987)

§ 52.25 SPECIFIC POLLUTANT LIMITATIONS.

- (A) When the 6-month average concentration for biochemical oxygen demand or total suspended solids exceeds the specific limitation given below by more than 40%, the user shall be in significant violation. When the 6-month average concentration for the remaining parameters exceeds the specific limitation given below by more than 20%, the user shall be in significant violation. The local government may find the user in significant violation when the 6-month average concentration exceeds any specific limitation listed in this section.

- (B) When the concentration of an individual sample exceeds the specific limitation for biochemical oxygen demand or suspended solids by more than 40%, the user shall be in noncompliance. When the concentration of an individual sample exceeds the specific limitation for the remaining parameters by more than 20%, the user shall be in noncompliance. The local government may find the user in noncompliance when the concentration of an individual sample exceeds any specific limitation listed in this section. When the noncompliance remains uncorrected for 45 days, the user shall be in significant violation.
- (C) A significant violation shall require a compliance schedule with a specified period, determined by the local government, at the end of which the user shall cease violations. The local government may issue a compliance schedule for noncompliance.

0.03 mg/l	Cadmium
0.2 mg/l	Copper
0.1 mg/l	Lead
0.1 mg/l	Nickel
0.25 mg/l	Total Chromium
0.5 mg/l	Zink
250 mg/l	BOD
250 mg/l	TSS

(Ord. passed 6-8-1987)

§ 52.26 STATE REQUIREMENTS.

State requirements and limitations shall apply in any case where they are more stringent than pretreatment requirements and standards or limitations in this chapter.

(Ord. passed 6-8-1987)

§ 52.27 DILUTION PROHIBITION.

No user shall deliberately 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 pretreatment standards or other limitations developed by the local government or state.

(Ord. passed 6-8-1987)

§ 52.28 ACCIDENTAL DISCHARGES.

- (A) Users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the owner. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and shall be approved by the

local government before construction of the facility. No person who commences discharge to the POTW after the effective date of this chapter shall be permitted to discharge until accidental discharge procedures have been approved by the local government. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Superintendent of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (B) Within 5 days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken 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 wastewater disposal system, 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 subchapter or other applicable law.

(Ord, passed 6-8-1987)

DISCHARGE OF INDUSTRIAL WASTEWATER

§ 52.40 APPLICATION REQUIREMENTS.

- (A) Any person desiring to discharge industrial wastewater shall complete an official application and file it with the local government. Approval shall be evidenced by written notice from the Superintendent.
- (B) The person shall provide all data required by the current official application, copies of which shall be obtained from the Superintendent. The Superintendent will evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the Superintendent may grant permission to discharge subject to the terms and conditions provided herein. The Superintendent may issue a permit with limitations different from those indicated in § 52.26 if he determines that the user will comply with the remaining provisions of this chapter. Significant industrial users which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall require a new application filed prior to making the change or alteration.

(Ord. passed 6-8-1987)

§ 52.41 PERMIT MODIFICATIONS.

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require

compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a pretreatment standard, has not previously submitted an application for a permit, the user shall apply for a permit within 180 days after the promulgation of the pretreatment standard. In addition, the user with an existing permit shall submit to the local government within 180 days after the promulgation of an applicable pretreatment standard information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.

(Ord. passed 6-8-1987)

§ 52.42 CONTROL STRUCTURE.

When required by the local government, the owner of any property served by a building sewer carrying industrial wastewater shall build a control structure in the building sewer from his premises just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring his wastewater. Plans for this structure shall be approved by the local government. There shall be ample room in or near such sampling facility to allow accurate flow measurement, sampling, and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

(Ord. passed 6-8-1987)

§ 52.43 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION.

Notice by the user shall be given to the Superintendent in advance or at the earliest possible time when normal operations of the industry will be interrupted for 48 hours or longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter demands on the POTW.

(Ord. passed 6-8-1987)

§ 52.44 USER RECORDS.

Users shall maintain and retain for 3 years all plant records as specified by the local government and afford the local government access thereto. These records include but are not limited to wastewater self monitoring records, records related to compliance with pretreatment standards, and other state and EPA required records.

(Ord. passed 6-8-1987)

§ 52.45 CONFIDENTIALITY.

Information and data on a user obtained from reports, questionnaires, discharge applications and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the local government that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portions of a report which might disclose trade

secrets or secret processes shall not be made available for inspection by the public. It will, however, be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, or the pretreatment program. The information shall be available for use by the state in judicial review or enforcement proceedings involving the person furnishing the information. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted as confidential shall not be given to any governmental agency until and unless a 10-day notification is given to the user.
(Ord. passed 6-8-1987)

§ 52.46 PRETREATMENT.

Users shall provide pretreatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards within the specified time limitations. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the owner. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent. Submittal of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the local government under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the local government prior to the initiation of the changes.
(Ord. passed 6-8-1987)

§ 52.47 SPECIAL DISCHARGES.

- (A) Any person engaging in the activities permitted by this section shall be referred to as contractors. Contractors (who have been permitted by the Yadkin County Health Department) shall be permitted to discharge holding tank waste at the Wastewater Treatment Plant.
- (B) This discharge is subject to the following limitations and conditions:
 - (1) The contractor shall empty all wastewater only at the designated structure at the Wastewater Treatment Plant and shall keep this area maintained and clean;
 - (2) The contractor shall provide accurate and complete information as to the origin of the wastewater;
 - (3) Discharge of any wastewater other than from residential septic tanks is forbidden without special permission from the local government and only after laboratory analyses of the waste. The cost of the laboratory analyses shall be paid by the contractor;
 - (4) Spot checks shall be made at the discretion of the Superintendent and laboratory analyses performed. Should any wastewater be found in violation of this chapter, the following penalties shall be assessed by the contractor:

- | | | |
|-----|-----------------|---|
| (a) | First offense: | \$500 fine; |
| (b) | Second offense: | Permission to discharge to the POTW shall be revoked. |

(Ord. passed 6-8-1987)

SAMPLING AND MONITORING

§ 52.60 RIGHT OF ENTRY.

Whenever it shall be necessary for the purposes of this chapter and upon presentation of proper credentials and identification, local government personnel shall be permitted to enter upon any property of users for the purpose of inspection, observation, measurement, sampling, or testing in the area of the control structure. Any user completing and filing an application to discharge wastewater shall thereby grant the local government permission to enter his premises for said purposes. 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, local government personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. passed 6-8-1987)

§ 52.61 COMPLIANCE DETERMINATION.

- (A) Compliance determinations with respect to §§ 52.24 *et seq.* prohibitions and limitations shall be made on the basis of composite and discrete samples of wastewater. Composite samples may be taken over a 24 hour period, or over a different time span, as determined necessary by the Superintendent to meet the needs of specific circumstances.
- (B) The local government shall annually provide public notification in the largest local daily newspaper of industrial users which, during the previous 12 months, were significantly violating applicable pretreatment standards and state and local limitations or requirements. A significant violation is a violation:
 - (1) As defined in § 52.25;
 - (2) Of §§ 52.23 and 52.27;
 - (3) Which involves a failure to accurately report noncompliance (in reference to self-monitoring); or
 - (4) Which results in the revocation of permission to discharge to the wastewater disposal system,

(Ord. passed 6-8-1987)

§ 52.62 ANALYSIS OF INDUSTRIAL WASTEWATERS.

All measurements, tests and analyses of the characteristics or properties of wastewater to which reference is made in this chapter shall be made in accordance with Standard Methods, herein defined, and shall be performed by a qualified laboratory.

(Ord. passed 6-8-1987)

§ 52.63 SAMPLING FREQUENCY.

Sampling of industrial wastewater for the purpose of compliance determination with respect to §§ 52.20 *et seq.* prohibitions and limitations shall be done at such intervals as the Superintendent may designate. However, it is the intention of the local government to conduct compliance sampling or to cause such sampling to be conducted for all significant industrial users at least twice in every I-year period.

(Ord. passed 6-8-1987)

§ 52.99 PENALTY.

- (A) Any person found to be in significant violation or noncompliance may be fined in the amount not exceeding \$500 for each day the person is in violation of the ordinance or permit condition. Any person found to be violating any provision of this chapter except divisions (C) and (D) of this section shall be served by the local government with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations.
- (B) Any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (C) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the wastewater disposal system. Any person violating this provision shall be subject to immediate arrest. In addition such person shall be liable to reimburse the local government for any damages resulting from such violations.
- (D) If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person responsible for such discharge shall be billed and shall pay for the expenses incurred by the local government in cleaning out, repairing or rebuilding the sewer as well as damages incurred by the local government arising from claims of private property owners which are caused by such obstruction or damage.

(Ord. passed 6-8-1987)