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COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

WASTEWATER TREATMENT/PRETREATMENT

Sewer Use Ordinance (SUO)

SUO

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ARTICLE I - WASTEWATER DISCHARGE REQUIREMENTS

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

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

The objectives of this Ordinance are:

(a) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;

(c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;

(d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(f) To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

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

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

1.2 Definitions And Abbreviations

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

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

(2) Approval Authority. The Director of the Division Of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

(3) Authorized Representative of the Industrial User.

(i) If the industrial user is a corporation, authorized representative shall mean:

(A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(B) the manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment RECOMMENDATIONS, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(iii) If the industrial user is a Federal, State, or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.

(v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW Director prior to or together with any reports to be signed by an authorized representative.

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

(5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.

(6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.

(7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

(8) Control Authority. Refers to the POTW Organization if the POTW Organization's Pretreatment Program approval has not been withdrawn.

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

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

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

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

(13) Industrial User or User. Any person which is a source of indirect discharge.

(14) Interference. The inhibition, or disruption of the POTW collection system treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's NPDES collection system or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33

U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

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

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

(17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(18) New Source.

(i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:

(A) the building, structure, facility, or installation is constructed at a site at which no other source is located; or

(B) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (i)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

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

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

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

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

(20) National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.

(21) Non-discharge Permit. A permit issued by the State pursuant to G.S. 143.215.1 (d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the State.

(22) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's (and/or the POTW's, if different from the Control Authority) NPDES collection system or Non-discharge Permit, or a downstream water quality standard even if not included in the permit.

(23) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.

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

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

(26) POTW Director. The Brunswick County Public Utilities Director is designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.

(27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

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

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

(30) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

(31) Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.

(32) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by Section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the County who are, by contract or agreement with the County, or in any other way, users of the POTW of the County.

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

(34) Significant Industrial User or SIU. Any industrial user that discharges wastewater into a Publicly Owned Treatment Works and that:

(A.) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater; or

(B.) contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or

(C.) is required to meet a National categorical pretreatment standard, or

(D.) is found by the County, the Division Of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

(E.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, [or for contributing to violations of the POTW's receiving stream standard,] or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.

(F.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3 (v)(2) and thus is a Non-Significant Categorical Industrial User.

(G.) Subject to division approval under 15A NCAC 02H.0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12(e)(3).

(35) Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in subparagraph (A) (35), Parts (C), (D), or (H) shall also be SNC.

A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1);

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, fats, oil, and grease, 1.2 for all other pollutants except flow and pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3 (1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference, or pass through (including endangering the health of POTW personnel or the general public);

D. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health/welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8 (f) (1) (vi)(B) and Section 8.1 (e) of this SUO to halt or prevent such a discharge.

E. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

F. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day (90) compliance reports, and periodic compliance reports within thirty (30) days from the due date.

G. Failure to accurately report noncompliance.

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

(36) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in Section 2.1 of this Ordinance.

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

(38) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(39) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

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

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

(42) Wastewater Permit. As set forth in Section 4.2 of this Ordinance.

(43) Waters of the State. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(b) This Ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.

(c) Shall is mandatory; may is permissive or discretionary.

(d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(e) The following abbreviations when used in this Ordinance, shall have the designated meanings:

(1)	BOD	Biochemical Oxygen Demand
(2)	CFR	Code of Federal Regulations
(3)	COD	Chemical Oxygen Demand
(4)	EPA	Environmental Protection Agency

(5)	gpd	Gallons per day
(6)	l	Liter
(7)	mg	Milligrams
(8)	mg/l	Milligrams per liter
(9)	N.C.G.S.	North Carolina General Statutes
(10)	NPDES	National Pollution Discharge Elimination System
(11)	O & M	Operation and Maintenance
(12)	POTW	Publicly Owned Treatment Works
(13)	RCRA	Resource Conservation and Recovery Act
(14)	SIC	Standard Industrial Classification
(15)	SWDA	Solid Waste Disposal Act
(16)	TSS	Total Suspended Solids
(17)	TKN	Total Kjeldahl Nitrogen
(18)	U.S.C	United States Code.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

(a) General Prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140ºF (60ºC) using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.

(3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(4) Any wastewater having a pH less than 5.0 or more than 12.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

(5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

(6) Any wastewater having a temperature greater than 150º F (66º C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104º F (40º C).

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with Section 2.9 of this Ordinance.

(9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.

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

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l unless authorized by the POTW Director.

(15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

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

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director.

(19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.

(20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(21) Recognizable portions of the human or animal anatomy.

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

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

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

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

1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with Section 8.1; and

2) take appropriate actions in accordance with Section 4 for such user to protect the POTW from interference or pass through.

2.2. National Categorical Pretreatment Standards

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

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

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

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

BOD	250	mg/l	
TSS	250	mg/l	
NH_3	25	mg/l	
Arsenic	0.003	mg/l	
Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	mg/l	
Cyanide	0.015	mg/l	
Lead	0.049	mg/l	
Mercury	0.0003	mg/l	
Nickel	0.021	mg/l	
Oil & Grease	100	mg/l	
Silver	0.005	mg/l	
Zinc	0.175	mg/l	

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

2.4 State Requirements

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

2.5 Right of Revision

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

2.6 Dilution

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

2.7 Pretreatment of Wastewater

(a) Pretreatment Facilities

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

(b) Additional Pretreatment Measures

1. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

2. The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

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

4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.8 Accidental Discharge/Slug Control Plans

(a) At least once every two (2) years, the POTW Director shall evaluate whether each significant industrial user needs a plan to control and prevent slug discharges and accidental discharges as defined in Section 1.2(a)(36). All SIUs must evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.

(b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see Sections 5.5 and 5.6.

(c) An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by Section 5.6 of this Ordinance; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

2.9 Hauled Wastewater

(a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the County. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The

POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 3 - FEES

3.1 Purpose

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

3.2 User Charges

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

(a) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.

(b) Each user shall pay its proportionate cost based on volume of flow.

(c) The Manager of the County shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Council or Board serving the County for adjustments in the schedule of charges and fees as necessary.

(d) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

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

(a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(1) Metered water consumption as shown in the records of meter readings maintained by the County; or

(2) If required by the County or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.

(3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.

(b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(c) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his duly appointed representatives shall be binding as a basis for charges.

3.4 Pretreatment Program Administration Charges

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

(a) reimbursement of costs of setting up and operating the Pretreatment Program;

(b) monitoring, inspections and surveillance procedures;

(c) reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;

(d) permitting;

(e) other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

4.1 Wastewater Dischargers

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

4.2 Wastewater Permits

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

(a) Significant Industrial User Determination
All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.

(b) Significant Industrial User Permit Application
Users required to obtain a significant industrial user permit shall complete and file with the County, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in 4.2(a) above. The application shall include at a minimum:

(A) Name of Industrial User;

(B) Address of Industrial User;

(C) Standard Industrial Classification (SIC) code (s) or expected classification and industrial user category;

(D) wastewater flow;

(E) types and concentrations (or mass) of pollutants contained in the discharge;

(F) major products manufactured or services supplied;

(G) description of existing on-site pretreatment facilities and practices;

(H) locations of discharge points;

(I) raw materials used or stored at the site;

(J) flow diagram or sewer map for the industrial user;

(K) number of employees;

(L) operation and production schedules; and

(M) description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g).

(c) Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or Municipality as defined in Section 1.2(a)(3) and contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(d) Application Review And Evaluation

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

(1) The POTW Director is authorized to accept applications for the County and shall refer all applications to the POTW staff for review and evaluation.

(2) Within thirty (30) days of receipt the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(e) Tentative Determination and Draft Permit

(1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

(2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:

(i) proposed discharge limitations for those pollutants proposed to be limited;

(ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

(3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the general permit conditions of the County into a significant industrial user permit.

(f) Permit supporting documentation. The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.

(1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

(2) The basis, or rationale for the pretreatment limitations, including the following:

(A) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and

(B) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12 (e)(2).

(g) Final Action On Significant Industrial User Permit Applications

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

(2) The POTW Director is authorized to:

(i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this Ordinance and N.C.G.S. 143-215.1;

(ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

(iii) modify any permit upon not less than sixty (60) days notice and pursuant to Section 4.2(i) of this Ordinance;

(iv) revoke any permit pursuant to Section 8.1 of this Ordinance;

(v) suspend a permit pursuant to Section 8.1 of this Ordinance;

(vi) deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(h) Hearings: The local government may conduct hearings in accordance with its regular hearing procedure.

(1) Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under Section 8.2, or one issued an administrative order under Section 8.1 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

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

(ii) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under Section 4.2(h)(1) above may be appealed, to the Commissioners serving the County upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Commissioners serving the County shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) Official record. When a final decision is issued under Section 4.2(h)(2) above, Commissioners serving the County shall prepare an official record of the case that includes:

(i) All notices, motions, and other like pleadings;

(ii) A copy of all documentary evidence introduced;

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

(iv) A copy of the final decision of the Commissioners serving the County .

(4) Judicial Review. Any person against whom a final order or decision of the Commissioners serving the County is entered, pursuant to the hearing conducted under Section 4.2(h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Brunswick County along with a copy to the County. Within thirty (30) days after receipt of the copy of the petition of judicial review, the Commissioners serving the County shall transmit to the reviewing court the original or a certified copy of the official record.

(i) Permit Modification

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance

(i) changes in the ownership of the discharge when no other change in the permit is indicated,

(ii) a single modification of any compliance schedule not in excess of four (4) months,

(iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

(2) Within nine (9) months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 4.2(b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National categorical pretreatment standard.

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

(j) Permit Conditions

(1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

(i) a statement of duration (in no case more than five years);
(ii) a statement of non-transferability;
(iii) applicable effluent limits based on categorical standards or local limits or both;
(iv) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
(v) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a)(36);
(vi) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2(a)(36), if determined by the POTW Director to be necessary for the User and,
(vii) requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 1.2(a)(36). Also see Sections 5.5 and 5.6;

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

(2) In addition, permits may contain, but are not limited to, the following:

(i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.

(ii) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(iii) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(iv) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

(v) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(vi) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(vii) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).

(viii) Compliance schedules for meeting pretreatment standards and requirements.

(ix) Requirements for submission of periodic self-monitoring or special notification reports.

(x) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 5.13 and affording the POTW Director, or his representatives, access thereto.

(xi) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.

(xii) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.

(xiii) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the terms of the permit.

(k) Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(l) Permit Transfer

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

(m) Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.2 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.10 of this Ordinance.

(iii) Sampling must be performed in accordance with procedures set out in Section 5.11 of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) Certification. A statement, reviewed by the user's current authorized representative as defined in Section 1.2(a)(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 5.2 of this Ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.2 Compliance Schedule Progress Reports

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

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the POTW Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the POTW Director.

5.3 Reports on Compliance with Categorical Pretreatment Standard, Deadline

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

Director a report containing the information described in Section 5.1(b)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.4 Periodic Compliance Reports

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

(a) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Section 5.10 and 5.11 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

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

5.5 Reports of Changed Conditions

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

(a) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.2 of this Ordinance.

(b) The POTW Director may issue a wastewater discharge permit under Section 4.2 of this Ordinance or modify an existing wastewater discharge permit under Section 4.2 of this Ordinance in response to changed conditions or anticipated changed conditions.

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

5.6 Reports of Potential Problems

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36).

5.7 Reports from Unpermitted Users

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

5.8 Notice of Violation/Repeat Sampling and Reporting

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

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

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

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

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

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

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

5.9 Notification of the Discharge of Hazardous Waste

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

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 5.5of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical

pretreatment standards under the self-monitoring requirements of Sections 5.1, 5.3, and 5.4 of this Ordinance.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulation under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

5.10 Analytical Requirements

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

5.11 Grab and Composite Sample Collection

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

(b) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and ninety (90) Day Compliance Reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.

(c) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

5.12 Timing

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

5.13 Record Keeping

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

5.14 Electronic Reporting

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

SECTION 6 - COMPLIANCE MONITORING

6.1 Monitoring Facilities

The County requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

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

6.2 Inspection and Sampling

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

6.3 Search Warrants

If the County, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County Director, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the County.

SECTION 7 - CONFIDENTIAL INFORMATION

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

SECTION 8 - ENFORCEMENT

8.1 Administrative Remedies

(a) Notification Of Violation

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

(b) Consent Orders

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

(c) Show Cause Hearing

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

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

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

(d) Administrative Orders

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

(1) Immediately comply with all requirements;

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

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

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

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

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

(1) Failure to accurately report the wastewater constituents and characteristics of his discharge;

(2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(4) Violation of conditions of the permit or permission to discharge, conditions of this Ordinance, or any applicable State and Federal regulations.

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

8.2 Civil Penalties

(a) Any user who is found to have failed to comply with any provision of this Ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars ($25,000) per day per violation.

a. Penalties between $10,000 and $25,000 per day per violation may be assessed against a violator only if:

i. For any class of violation, only if a civil penalty has been imposed against the violator with in the five years preceding the violation, or

ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this Ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

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

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

(ii) The duration and gravity of the violation;

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

(iv) The cost of rectifying the damage;

(v) The amount of money saved by noncompliance;

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

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

(viii) The costs of enforcement to the County.

(c) Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 4.2(h).

8.3 Other Available Remedies

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

(a) Criminal Violations.

The District Attorney for the applicable Judicial District may, at the request of the County, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i).

(b) Injunctive Relief

Whenever a user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(c) Water Supply Severance

Whenever an industrial user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

(d) Public Nuisances
Any violation of the prohibitions or effluent limitations of this Ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate Ordinances of the County governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

8.4 Remedies Nonexclusive

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

SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the POTW Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(34), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

SECTION 10 - ADJUDICATORY HEARINGS

See Section 4.2 (h).

SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.

(b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the POTW Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11.2 Prohibited Discharge Standards Defense

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

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

11.3 Bypass

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

(b)

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(c)

(1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under paragraph (b) of this section.

(2) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

SECTION 12- SEVERABILITY

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

SECTION 13- CONFLICT

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

SECTION 14- EFFECTIVE DATE

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

ARTICLE II – CONNECTION FEES, POLICIES, AND REQUIREMENTS

SECTION 1 – GENERAL PROVISIONS

1.1 Administrative Authority

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

1.2 Intent of Regulation of Sewer Use

a. It is intended that this Ordinance include provisions for prohibiting the discharge by any wastewater customer into a public sanitary sewer of substances that may endanger the public health and safety or of unpolluted waters that do not require treatment and therefore reduce the effectiveness of the biological operations of the treatment facilities.

b. It is further understood that the biological and chemical operations that can be designed for wastewater treatment do, by their scientific nature, limit the types of constituents in wastewater treatment that may be treated by facilities constructed and maintained within a reasonable cost to the public. Consequently, the County's treatment facilities into which the County system discharges are designed for the primary purpose of treating domestic wastewater in sufficient manner to protect public health. Certain industrial wastewater constituents and portable toilet waste can be treated without interference at the wastewater facilities, but only in a limited quantity or concentration. To ensure that discharges of industrial wastewater and portable toilet wastes into the public sanitary sewer are within such quantity and concentration limits, reasonable and adequate regulations are provided in this Ordinance.

1.3 Applicability of Sewer Use Provisions

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

1.4 Special Agreements

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

SECTION 2 - USE OF PUBLIC SEWERS

2.1 Requirement of Sewer Use

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

b. Whenever a building sewer or collecting sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer or collecting sewer collects wastewater shall, upon notification by the director, reconstruct, alter, clean, or repair the building sewer or collecting sewer as the condition of such may require within **ten (10) days** after receiving notification.

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

2.2. Prohibition of Septic Tanks, Privies

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

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

b. At such time, in the judgment of the DES and/or PUD, or duly authorized representative, the public sewer becomes available to property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within six (6) months. Unusual or special circumstances, as determined by the Director, may result in a waiver of this requirement by the County.

c. A facility for the treatment and/or disposal of non-domestic wastewater will be permitted when approved by EPA/DWQ, prior to any wastewater discharge, under the regulations and procedures of EPA/DWQ.

2.3 Discharge to Natural Outlets

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

2.4. Unsanitary Methods of Discharge

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

SECTION 3 - CONNECTIONS AND SERVICE LINES

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

3.1 Connection Required - Proximity to County Utility Line

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

3.2. Connection Fees

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

3.3. Separate Connections Required

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

3.4. Methods of Sewer Connection

a. All connections to the County sanitary sewer system shall be made in accordance with provisions and requirements of the plumbing code and the County's sewer construction standard specifications. All such connections shall be made at access points prescribed and provided by the County; the applicant is responsible for constructing the service line(s) in a manner necessary to ensure connection at such access point.

b. If any connection exists between a service line and public sanitary sewer at a point other than the access point prescribed and provided by the County, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; and if service is disconnected, the owner may receive access to a public sanitary sewer only by applying for and paying all applicable connection fees.

3.5. New Systems and Connections

a. New sewer connection applicants who discharge non-domestic waste shall be required to have an approved sampling point prior to connection.

b. All connections for sewers on private property shall be inspected by the County's Building Inspections Department before the trench is backfilled, whether the pipes have been installed within the building or not. Sewer pipes or main drains are not to be raised, lowered, or otherwise changed except under the authorization of the Building Inspections Department.

c. The plumbing system of each new building and of new work installed in any existing building on premises abutting a street in which there is a sanitary sewer shall be separate from and independent of that of any other buildings and every building shall have an independent connection with a sanitary sewer where available, except as provided below:

(1) *Exception*. When one (1) building stands in the rear of another building on a common interior lot and no private sewer is available or can be constructed to the rear building through an adjoining

alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole be considered as one (1) building sewer.

(a) *Exception*. A common sewer connection will be permitted to serve more than one (1) building in the following categories:

(1) Apartments;

(2) Townhouse developments;

(3) Condominium developments;

(4) Planned unit developments;

(5) Hotels, motels;

(6) Hospitals;

(7) Warehouses, industrial buildings engaged in only one (1) business,

(8) Schools;

(9) Mobile home parks;

(10) Shopping centers;

(11) Churches;

(12) Other buildings under common management.

(b) A common sewer connection, including a private sewer collection system, will be permitted to serve the above categories of buildings meeting the following minimum requirements:

(1) The building or buildings to be served are in compliance with the County's zoning and Subdivision Ordinances.

(2) The building permit and plat show a single owner or several owners with a common management agreement and indicates that the complex of buildings will be constructed on a single tract.

(3) All sewer construction with easements shall be in accordance with County, State, and Federal standards and specifications; and all other sewer construction shall be in accordance with the North Carolina plumbing code. Any construction that requires only cleanouts to be installed shall be performed by a North Carolina licensed master plumber or a North Carolina licensed utility contractor. All construction requiring manholes shall be performed by a North Carolina licensed utility contractor. The owner(s) or management of such complexes shall remain the owner of said private sanitary sewer systems and be responsible for the operation and maintenance.

(4) Should a building within such a complex be conveyed to a new owner without a common management contract, the County shall require a sewer connection from that building(s) to the County's sewer main.

3.6 Elevation of Sewer Connection

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

3.7 Backwater (Backflow) Device Requirement

All plumbing fixtures or outlets connected to sanitary sewer that are located below the level of the top of the first upstream manhole shall be equipped with an approved backwater device, or building sewer shall be so equipped.

3.8 Prohibited Connections

a. No connections that will allow inflow to enter the County's wastewater collection system shall be permitted. Such prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains, or other sources of stormwater or groundwater to a service line that is connected directly or indirectly to a public sanitary sewer.

b. If any connection exists between a service line and public sanitary sewer that allows inflow to enter to the County's wastewater collection system, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; the owner shall be responsible for removing all such connections, at their own expense, according to County specifications and may be subject to penalty.

3.9 Service Line Construction - Public Hazard

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

3.10 Preliminary Treatment Devices

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

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

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

   (2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.

b. *Sand and Grit Removal*. Sand and grit traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the County and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their solids contents as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of waste waters to the public sanitary sewer. The operation, maintenance and repair of such

equipment shall be at the sole expense of the owner. Failure to comply may result in the implementation of enforcement procedures.

(1) Wastes removed from sand and grit interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

(2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.

3.11. Unapproved Connections Prohibited

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

3.12. Connection to County Water System

a. Connection to the County's water system shall be required for all persons, groups, or corporations desiring to connect to County-owned and operated wastewater collection systems, if said water system is available and accessible. If requester is not currently connected to the County's water system at the time of application for connection to the County's wastewater collection system, said requester shall connect to the County's water system, at his or her expense, when available and accessible. Requester shall be subject to all connection fees associated with connection to the County's water and sewer systems accordingly prior to initiation of said services.

b. If water is not available or accessible, requester can be allowed to connect to the County's wastewater collection system. The requester shall be required to connect to the County's water system at the time it is available and accessible to the requester's property, subject to payment of all connection fees. The requester shall be required to pay rate (flat or otherwise) as approved by the Board of Commissioners.

SECTION 4 - REQUIRED CONNECTION

4.1 Procedure

a. *Notification by County*. When a public sanitary sewer becomes available to a property served by a private wastewater disposal system, or when a public sanitary sewer becomes available to a non-County wastewater collection system, the County shall provide notification to the owner of such property. The notification shall include the following:

(1) A notice that the owner is required to make application and connection to the public sanitary sewer within twelve (12) months of the date of the notice, unless waiver is obtained pursuant to Section 2.2;

(2) A statement summarizing the applicable connection procedures as more fully described in Section 4.5 for private sewer systems, and subsection (c) of this section for all other owners;

(3) A statement summarizing the applicable one-time sewer charges and basic user charges, as more fully described in the fee schedule, which shall include a review of payment and billing options available to the owner;

(4) A statement summarizing the penalties for failure to comply with this section; and

(5) A statement summarizing the application procedures, as specified in subsection (b) of this section, for obtaining the required connections discussed in this Ordinance.

b. *Application Procedures for New Connections*. Upon notification by the County that the public sanitary sewer is available to a residential or non-residential property, the owner must obtain a permit for connection to the public sanitary sewer. To obtain a permit for connection, the owner of such property shall make application for connection to the public sanitary sewer within twelve (12) months of notification as follows:

(1) If the owner of a residential or non-residential property is a resident of the County:

(a) The owner must apply to Brunswick County in Bolivia, NC.

(b) The owner must complete and sign all required documents and all required fees, as specified in Section G of this Ordinance, must be paid at the time application is made.

(c) All required fees must be paid prior to the issuance of any permits by the County's Building Inspections Department.

(2) If the owner of a residential or non-residential parcel resides outside the County, and/or a contractor, developer, or other party will be obtaining a permit on behalf of the owner, the following application procedures shall be required:

(a) Upon payment of all required fees, the contractor, developer, or other party may obtain a permit on behalf of the owner.

(b) The contractor, developer, or other party shall provide the mailing address of the owner so that all required documents may be mailed directly to the owner for completion. A service fee set from time to time may be charged to cover the cost of mailing the documents.

(c) The owner must complete, sign and have notarized all required documents and return the documents to Brunswick County in Bolivia, NC, within thirty (30) days from the date of notification by the County.

(d) At the time Building Inspections requires a clean-out inspection of the sewer system for the residential or non-residential property, in order to issue a Certificate of Occupancy (CO), the inspection will not be approved nor the Certificate of Occupancy (CO) issued until such time as the owner submits all documents and payment for all applicable fees and charges to Brunswick County.

(3) The owner shall be responsible for all fees until such time as notification of change in ownership of the property is made to the County. Upon notification of a change in ownership, a new application for service shall be made by the new owner in accordance with subsections b(1) and b(2) of this section.

(4) If a residential or non-residential property is located in a part of the County where the public sanitary sewer is not yet available to the property, all applicable fees associated with the treatment plant capacity, if applicable, must be paid prior to issuance of any permit by the Building Inspections Department. The owner's application is not required for payment of the treatment plant capacity fee; however, the owner's application will be required when the public sanitary sewer is available to the property and all other fees become due.

c. *Application Procedures for Changes in Service*. The owner must notify the County of the following:

(1) Change in ownership;

(2) Request for change in billing methods;

(3) Transfer of ownership between properties within the County; and

(4) Request for termination of service.

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

d. *Installation of the connection*. Most connections to the public sanitary sewer will require the construction and addition of a service line, a connection (tap) and a cleanout. The responsibilities for provision of these elements are separately discussed below and further requirements are stated in Section C of this Ordinance.

(1) *Service line*. The owner is solely responsible for constructing the service line that connects each building to the public sanitary sewer.

(2) *Connection (tap)*. Upon the owner's payment of a sewer service connection fee pursuant to the fee schedule, the County will provide a tap that will provide the owner's service line access to the sewer lateral.

(3) *Water Connection*. Connection to County water system, when available, shall be required prior to obtaining sewer service. Whenever the Director determines that the County or other public water service provider is available to a property requesting a sewer service, connection to the applicable water system shall be required prior to approval of sewer connection.

(4) *Water Meter*. Except in cases where the owner is eligible for flat rate billing (if available), a meter must be installed to measure the owner's water usage. For owners of residential property, except residential property classified as new development, electing the metered option, the County shall furnish and install one (1) meter per property. If a meter is provided by another utility service (i.e. water) the County shall read the existing meter for billing purposes. Owners of residential property classified as new development electing the metered option, all commercial and industrial properties, and all other owners shall pay the cost of meter installation specified in Section 5. The County will neither install, read, nor bill for individual meters in a townhouse subdivision, multifamily project or other collection of attached dwelling units, which are not individually owned and individually metered by the utility providing other service (i.e. water). However, any owner may install one or more master meters for sewer billing purposes. The type, location, method of installation, and brand of meters must be approved by the County prior to installation.

(5) *Sewage Meter*. In certain cases the County may require the owner to install and pay for a sewage meter in lieu of a water meter; such installation shall be in accordance with plans and specifications approved by the County.

(6) *Metal Ccleanout Boxes Required*. All sewer cleanouts on public and/or private property shall be protected with a cast iron cleanout box for commercial and industrial sewer customers, when applicable. The cleanout stack shall include threaded cleanout cap, or other approved device, under the cast iron cleanout box; however, in lieu of a metal cleanout box, a twelve (12) inch, square concrete pad around the cleanout, with a recessed plug, may be used.

e. *Voluntary requests* for connections to the County's sewer system may arise in several situations: request for County acceptance of a previously constructed sewer system in the County; request for County approval and acceptance of a newly created sewer system in the County; or a developer's construction in the County's sewer jurisdiction of an extension connecting his system to the County's system. The first two cases involve situations in which the private system is presumably adjacent to the County's existing system; the last case anticipates an applicant's desire to extend sewer service to an area covered by the County's Master Plan in advance of the County's construction time frame. In all cases, however, the application procedures for County acceptance of a private sewer system remain the same. Consequently, acceptance procedures for all sewer systems are described in Section 4.1, while specific additional requirements for extensions are described in Section 4.4.

Development located outside the proximity of the County's sewer system, as described in ***Appendix 1***, may desire to connect to the County's sewer transmission/collection system. Such extensions can be approved by the County on a voluntary basis and shall be installed in accordance with the County's construction standard specifications and details.

f. *Tracts of land adjacent to or spanning the limits* of the active construction phase of the County sewer plan may receive service through the County provided adequate capacity in the County system and treatment facility is available. Such connection required to provide the service will be temporary. The proposed collection system will be designed to permanently tie into the County system at a future date.

All costs of the proposed collection systems and connections to the County systems will be at the expense of the developer. "Adjacent" is defined as a parcel or tract of land within the distance described in ***Appendix 1*** and shall be within the distance described to a right-of-way containing sewer collection/transmission system owned and operated, or operated on behalf of, the County.

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

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

(1) The County's minimum standard pipe size for sewer transmission lines shall be eight (8) inches. Whenever the County's minimum requirement for an eight-inch transmission line exceeds the size line required to serve the applicant's specific property, the applicant/developer shall construct the size line designated on the County's Wastewater Master Plan. In cases in which a sewer transmission line is not designated on the Master Plan, the size shall be determined by an engineering study prepared by the developer, or as required and approved by the Public Utilities Director. When sound engineering demonstrates the proposed new development(s) or project(s) requires a sewer transmission line greater than eight (8) inches (nominal diameter) then that size becomes the minimum pipe size by which the agreement is based unless a larger size is required by the County Public Utilities Director.

(2) The developer's engineer shall designate on the development engineering plans the sewer transmission line to be constructed through the reimbursement policy.

(3) All transmission line reimbursement agreements must be submitted to and approved by the Board of Commissioners prior to the construction of the improvements. To initiate a sewer transmission line reimbursement agreement the developer shall complete the **Application for Sewer Transmission Line Agreement** form **(Appendix 2).**

(4) The developer or his designee shall comply with all applicable provisions of the North Carolina General Statutes regulating public contracts. Primarily, this involves the North Carolina General Statute 143-129 "Formal Bidding Procedure" or NCGS 143-131 "Informal Bidding Procedure" whichever shall apply based upon the total cost of the sewer transmission line constructed as part of a Reimbursement Agreement.

(5) The bid shall include unit prices for the actual line size to be constructed as a part of the reimbursement. The developer or his designee shall provide copies of all bid proposals received, a copy of the executed contract between the developer and the selected contractor, and a bid tabulation which is signed and sealed by a professional engineer registered in the State of North Carolina certifying the bids received and the award of the contract in accordance with this policy. The County Public Utilities Director and/or the County Manager will determine if the bid is reasonable and acceptable.

(6) The selected contractor shall be properly licensed to perform the water or sewer line construction. The County Public Utilities Director or the County Manager will determine if the bid is reasonable and acceptable.

(7) The developer or his designee shall submit an **Application for Sewer Transmission Line Reimbursement (Appendix 3),** including the construction quantities. The Application shall be signed and sealed by a professional engineer registered in the State of North Carolina and shall designate to whom the reimbursement should be payable including the applicable address.

(8) The developer or his designee shall provide a Certified Tax Statement from the contractor for the sewer transmission line as part of the reimbursement request.

(9) The Application for Reimbursement shall be submitted to the County Engineering Department for review prior to being approved by the Board of Commissioners.

(10) All sewer transmission lines extended under the provisions of this policy shall be installed and constructed in accordance with the approved plans, specifications, and other requirements of the County. Upon completion of the construction of main by the developer and acceptance of the sewer force main by Brunswick County, the sewer force main shall become the property of Brunswick County.

(11) The maximum term of the reimbursement contract shall not exceed twenty-five (25) years from the date of the agreement. No reimbursement shall be made after the ten-year term or after the developer or coalition of developers has recovered all eligible reimbursement cost of the sewer transmission line extension, whichever occurs first. The term of any reimbursement agreement shall run from the execution of the agreement by all parties until the County's obligation for reimbursement has been met. The agreement may be terminated (at any time) by unanimous consent of all parties.

(12) Costs eligible for reimbursement under this policy shall include the construction of all off-site sewer transmission lines of a regional nature as determined by the Public Utilities Director and/or the County Manager. No costs associated with engineering design, permitting, bidding, or construction oversight shall be eligible for reimbursement.

(13) All reimbursement agreements shall be two-party agreements between Brunswick County and a developer or coalition of developers and shall be approved by the Board of Commissioners prior to construction of the wastewater facilities.

(14) There is hereby established a Sewer Transmission Capital Recovery Fee that shall be $1,000.00 per REU. The Sewer Transmission Capital Recovery Fee may be amended from time to time by the Board of Commissioners. Said fee shall be collected by the County from developers that connect to a sewer transmission line constructed by another developer or a transmission line constructed by the County. The Sewer Transmission Capital Recovery Fee must be paid by the developer or property owner at the time of application for sewer service and shall be based on Residential Equivalent Units (REU's). Individual property owners connecting directly to the transmission line will also be subject to the Sewer Transmission Capital Recovery Fee. Individuals shall pay the Sewer Transmission Capital Recovery Fee when they apply for sewer service. Said fee shall be in addition to the Sewer Capital Recovery Fee, Sewer Tap Fee, and any other fees associated with connection to the County's sewer system.

(15) Reimbursements paid to the developer would come from the Sewer Transmission Capital Recovery Fees paid by other subsequent developing properties within the service area benefiting from the transmission line to include individuals or individual properties. Sewer Transmission Capital Recovery Fees collected by the County that exceed the documented initial construction cost of a particular transmission line shall be retained by the County and used for sewer system upgrades, expansions, and payment of debt service. Reimbursements paid to the developer shall not exceed the total amount of Sewer Transmission Capital Recovery Fees collected for that project.

(16) A developer that is required to construct a sewer transmission line to serve a development must pay the Sewer Transmission Capital Recovery Fee.

(17) The reimbursement payments shall be made annually on or before 31 January of each year (not to exceed twenty-five (25) years from the time of approval by the Board of Commissioners) from the Sewer Transmission Capital Recovery Fees collected from developers and individuals for connection to a particular transmission line.

(18) Transmission Pump Station Agreements may be requested by developer of property adjacent to force mains where all of the transmission capacity has been allocated but actual transmission capacity is available in the force main due to other properties not fully utilizing their allocated capacity. Under the terms of the agreement, the County would let the developer connect to the force main without having to construct facilities that would increase the transmission system capacity in the transmission system. The developer would pay a Contribution in Lieu of Construction amount to the County to offset the cost of constructing the facilities needed to provide the additional transmission capacity in the future. The Contribution in Lieu of Construction Amount would be based upon the estimated cost of constructing the facilities needed to increase the capacity in the transmission system. The basis for this calculation shall be as follows:

(a) Cost of Transmission System Improvements/ (Total Expanded Transmission System Capacity – Total Current Transmission System Capacity) = Cost Per Gallon of Additional Capacity

(b) The Developer would make application for a Transmission Pump Station Agreement using the Sewer Transmission Pump Station Agreement Application shown as Appendix 4.

(c) The developer would receive reimbursement of the Contribution in Lieu of Construction based upon the payment of Transmission Fees within the development outlined in the Transmission Pump Station Agreement Application. The reimbursement amount would be limited to the amount paid as the Contribution in Lieu of Construction. Reimbursement to the developer will be made in accordance with Article II Section 4.1 g (11), (13), and (17).

h. *Expansion of the County's sewer transmission/collection system* shall be done in accordance with the County's Master Plan and/or 201 Facilities Plan and shall be contingent upon available funding. The requirement to extend a sewer transmission line to connect a new development project, commercial or residential to the County's sewer system shall not be avoided or circumvented by one or more property owners by subdividing a tract of land or change in ownership. A tract or parcel of land shall be evaluated based on the total development potential of the tract using a conservative factor of 2.7 units per acre as it existed on **December 1, 2003**. The total acreage of a tract as of **December 1, 2003** will be used to determine the requirement to extend the transmission line in accordance with Appendix 1. (Example: If the owner of a 100-acre tract of land subdivides the tract into five 20 acre tracts and sells the subdivided parcels to five different developers to develop smaller residential subdivisions, the developer of the first 20-acre tract would be required to extend the sewer transmission line based on the size of the tract before being subdivided) the total acreage shall not be adjusted for delineated wetlands existing on a tract. The approval of a development project site plan to be constructed in multiple phases shall not eliminate the obligation or requirement of the owner/developer of a tract of land to construct a transmission line to connect a proposed development to the County's sewer system.

4.2 Sewer Construction Requirements

a. *Required Sewer Improvements in Subdivisions*

(1) All subdivisions in the County that receive approval after September 1, 2002, shall be required to install a sewage collection system that shall be designed and built in accordance with the provisions of Article I, EPA/DWQ requirements as stated in Section 2.2.c, shall meet or exceed the County construction standard specifications and such provisions of the Brunswick County Subdivision Ordinance as may be applicable.

(2) A subdivision may be granted an exemption upon the review and approval of the Director of Engineering Services provided the following conditions are met:

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

(3) *Extensions to County's Sewer System*. All extensions to connect to the County's sewer system shall be designed with maximum use of gravity flow pipeline facilities wherever feasible. In any case where sewer service is required and a choice exists for pumped service versus gravity service,

then gravity service shall be constructed unless proven otherwise infeasible by the developer/owner or the developer/owner's engineer to the satisfaction of the County.

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

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

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

(a) The availability of County reuse water distribution/transmission lines in the area of the development and/or project.

(b) Availability of sufficient open space for disposal of treated effluent on the golf course or other allowable uses within the development.

(c) The use of groundwater shall be prohibited for golf courses if the County's reuse system is available.

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

b. *Non-County Sewers; Interim Arrangements*. If the private sewer system operator uses a package treatment plant to provide interim treatment, the plant will be operated and maintained by the County. The developer/owner shall provide a five (5) year performance bond set from time to time to ensure proper operation and maintenance. The County shall have the right to use the bond funds to operate, repair, and/or maintain the system if the County determines that the plant requires additional repair and maintenance as a result of poor plant performance or incorrect plant design. When the County system is available, the collection system will be separated from the plant and the plant will be removed according to the agreement between the County and the developer/owner within six (6) months of the County's written notification. This part is only applicable if the development or project is located within the County's current Master Planning area or 201 Facilities Planning area.

c. *Use of Septic Systems; Interim Arrangements*. If County sewer is not available to the development or project, but is scheduled to be available according to the County's Master Plan, the developer may choose to use septic tanks or some approved variation thereof. These systems shall be approved and constructed in accordance with the County Health Department and all other applicable regulatory agencies. The owner/developer shall connect all septic tank systems to the public sewer system, at his expense, once public sewer is made available by the County.

4.3 Acceptance Procedures for All Sewer Systems

a. Written application shall be made to the County by the owner who intends to construct sewer improvements in the County's sewer jurisdiction after **September 1, 2002**; offer previously

constructed sewer improvements in the district for county acceptance; or construct an extension in the district connecting his sewer system to the County system. All such applications and all such sewer improvements constructed and connected to the County's sewer system shall be subject to the following requirements:

(1) All sewer systems shall be designed and constructed in conformance with the County construction standard specifications.

(2) The applicant shall employ a North Carolina registered engineer at its expense to prepare plans for the proposed sewer improvements.

(3) The completed plans and specifications shall be submitted to the County for review and approval prior to submittal to other agencies. Approval of plans and specifications by the County does not relieve the applicant from obtaining any and all approvals necessary for the construction of the sewer project.

(4) The County shall have the authority to release plans and specifications approved by the Engineering Services Department to the State of North Carolina (DWQ) for approval. By the adoption of this section, the County authorizes the Director of Engineering Services to approve final, record drawings ("as-built") and accept sewer systems, utility easements, rights-of-way, and other elements as offered. Applications to other agencies shall be submitted in the name of the Brunswick County. All application fees and other applicable fees shall be paid by the applicant.

(5) The applicant shall engage a North Carolina licensed utility contractor, acceptable to the County, to construct the proposed sewer mains and appurtenances.

(6) The County shall, from time to time, observe the installation and construction of sewer mains and associated appurtenances as required. Prior to placing sewer infrastructure and related equipment in service, the applicant shall satisfy the County that the sewer mains and appurtenances were built in accordance with the approved plans and specifications. The applicant's engineer shall certify, in writing, that inflow and infiltration rates are within the limitations required in the specifications.

(7) The applicant's engineer shall modify the original approved drawings as necessary to provide accurate reproducible record drawings ("as-built") to the County upon completion of construction of the sewer lines.

(8) Through appropriate legal documents such as deeds, lien waivers, and recorded plats, the applicant shall offer to dedicate to the County all sewer infrastructure and related equipment and all easements, rights-of-way, or fee simple parcels on which the sewer infrastructure and related equipment may be located. When applicable, encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be twenty (20) feet unless the Director of Engineering Services determines that exceptional topographic characteristics justify a greater width.

(9) If any sewer improvements have been constructed within one (1) year of application, the applicant shall provide the County a notarized certification of payment of all contractors.

(10) The applicant shall indemnify the County for any damages or injury to property by reason of the sewer system or its construction, maintenance, or repair.

(11) No construction of any sewer improvements shall be initiated until approvals have been granted by the County and all other appropriate agencies.

(12) Any developments to which or in which the sewer system is to be extended must be approved by the County and by the State of North Carolina.

(13) The County must have sufficient treatment capacity, without affecting prior commitments, in the treatment plant that will receive the wastewater.

(14) The minimum size gravity collection sewer line will be eight (8) inches inside diameter, unless deemed otherwise by the Director of Engineering Services.

(15) If the applicant is seeking to connect a private collection system which existed prior to the County's sewer collection system, subsections (a)(1), (2), (3), (5), (6) and (7) of this section shall apply only in respect to the construction of the connection from the applicant's system to the County's system. All other requirements of this section shall apply in their entirety, and the following additional information shall be submitted:

(a) Reproducible original plans depicting the "as-built" system.

(b) Dates of construction.

(c) Construction materials.

(d) Total value of assets.

b. No provisions in this section shall be construed to obligate the County to accept any system or parts of a system. The County may reject any system or parts of a system that fails to comply with the requirements of this section and/or with the County's construction standard specifications.

4.4 Additional Acceptance Procedures for Sewer Extensions

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

a. At the request of the applicant, and as time allows, the County shall provide manpower to acquire rights-of-way at all of the applicant's sewer line locations that coincide with the County sewer jurisdiction and Master Plan. Prior to purchase of the rights-of-way, the applicant shall pay all costs associated with the acquisition, including personnel, legal, and property owner compensation costs, etc.

b. The applicant shall pay all costs involved in constructing the extension, including but not limited to trunk sewer lines, force mains, sewer laterals, and right-of-way acquisitions.

c. When sufficient County funds are available, the County may require the applicant to construct a proposed trunk extension, sewer laterals, force main extension, pump station, outfall extension, treatment plant, or other improvement at a size greater than otherwise required by County minimum requirements. In such cases, the County shall reimburse the applicant for the installation cost difference between the facilities required by the County and the otherwise applicable minimum requirements. County reimbursement shall be by one (1) of the following methods, at the option of the County:

(1) Cash payment to the applicant, with payment occurring on the date that the improvement was scheduled to be constructed by the County; or

(2) In the case of outfall extensions, or collection lines with excess capacity, assignment by the County to the applicant of the County's rights to future sewer connection fees from adjoining property owners served by applicant's oversized sewer improvements.

d. Upon request by the applicant and where practical and legal, an extension may be included in the County's construction as a change order. In such cases, the applicant shall pay the County for all acquisition, design, and construction costs prior to the commencement of construction.

e. The County will design and construct sewer lines as part of the Master Plan for all habitable structures which are occupied on the date that the design field survey is completed in that particular area; provided that the Director of Engineering Services may waive service to some structures as provided by Section 2.2.

f. Service lines for structures occupied after the date described in Section 2 shall be constructed at the applicant's cost in accordance with Section 3.2.

g. The applicant shall submit any required special agreements for sewer extensions to the County Attorney for approval. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated in the permit.

4.5. Obtaining Building Permit Prior to Certification

a. If a developer or builder desires to obtain a building permit prior to certification of the sewer system by the Engineer, he must furnish a surety bond set from time to time, cash deposit or letter of credit for each unit. Upon furnishing bond, application for sewer service may be obtained not more than sixty (60) days prior to certification of sewer system.

b. If multiple units are being constructed, however, the total bond may be reduced by either of the following means:

(1) If a developer or builder desires to obtain building permits for more than five (5) units prior to certification of the sewer, the developer or builder need submit no more than a surety bond, cash deposit, or letter of credit.

(2) If the developer or builder has already posted a bond for construction of the sewer system with a new subdivision, and if that bond also includes language satisfactory to the County to cover the sewer certification bonding requirement for all developers or builders seeking building permits within that subdivision as allowed by this section, separate sewer certification bonds shall not be required by the County for that subdivision

SECTION 5 - FEE SCHEDULE

5.1 Purpose

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

5.2. User Charges

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

a. The user charge shall reflect at least the cost of debt service, operation, and maintenance (including replacement) of the POTW.

b. Each user shall pay its proportionate cost based on volume of flow.

c. The County Manager, or duly authorized representative, shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW, and will make recommendations to the County Commissioners for adjustments in the schedule of charges and fees as necessary.

d. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

5.3 Surcharges

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

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

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

a. The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

   (1) Metered water consumption as shown in the records of meter readings maintained by the County; or
   (2) If required by the County or at the individual dischargers option, other flow monitoring devices that measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
   (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.

b. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in ***40 CFR Part 136***.

c. The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director/Superintendent or his duly appointed representatives shall be binding as a basis for charges.

5.4 Billing Procedures

a. *Owner of Property to be Customer of County*. Notwithstanding any language to the contrary appearing elsewhere in this Ordinance, the owner of real property being served by the public sanitary sewer shall be the customer of the County for the purpose of billing the basic user charges for such service. If the owner resides within the County, the account shall be placed in the owner's name and mailed to the owner's primary residence. If the owner resides outside the County, the account may be mailed to the property being served.

b. *Billing Periods*. The County shall bill the basic user charges for sewer service either monthly or bimonthly. While the number of days in a billing period may vary, there shall only be six (6) or twelve (12) billings per calendar year.

c. *Billing Start Date for New Development*. A customer's billing period begins on the date of the issuance of the Certificate of Occupancy by the Building Inspections Department of the County.

d. *Change of Ownership*. The owner, as customer, of property served by the public sanitary sewer is responsible for all basic user charges incurred on their account until the County is notified of a change in ownership. Upon notification, the new owner of the property becomes the customer of the County and is responsible for all basic user charges incurred as of the later of the closing date of the sale or the date of notification by the owners.

e. *Multifamily Parcels*. Each unit of a multifamily parcel, when each dwelling unit comprising the multifamily parcel is individually owned, will be treated as a single-family unit; and each unit will be responsible for all applicable charges, fees, and penalties pursuant to Section 5.2.

f. *Notification of Rate Changes*. All sewer customers shall be notified of changes in the sewer rate schedule either by direct mail or by printing said changes on the monthly or bimonthly billing notice, or both.

5.5 One-Time Sewer Charges

a. *Sewer Service Connection Fees (tap fees).* Sewer service connection fees (tap fees) shall be charged to cover the cost of providing a tap to the sewer lateral. Tap fees shall be in the amounts as established by the Board of Commissioners:

(1) An owner may have tap installed by a North Carolina licensed utility contractor, provided he:

(a) Requests approval at the time of making application for connection to the public sanitary sewer.

(b) Gives five (5) days notice to the County of the date the tap is to be made.

(c) Constructs the tap with materials specified by the County and installed by a North Carolina licensed utility contractor.

(d) Arranges for the presence of a County representative when the tap is made.

(e) Pays the tap fee according to the fee schedule, with the understanding that the County will refund the tap fee, less an administration/inspection fee, upon the owner's completion of the tap in an improved manner.

(2) During construction of the public sanitary sewer, the owner of an undeveloped residential or non-residential property may obtain a tap at the same rate as developed residential and non-residential property provided the following conditions are met:

(a) The property must be adjacent and contiguous to or must front upon a proposed County sewer line.

(b) The property owner must request in writing that a tap be placed on the undeveloped property.

(3) If a developer, as owner, installs the tap to the public sanitary sewer for the development, the developer or subsequent owner of each property in the development will only incur applicable fees.

(4) Rental property or property on the market for sale may be connected to the public sanitary sewer at the cleanout only by a licensed plumber.

b. *Capital Recovery Fee.* All new development and non-residential development obtaining a certificate of occupancy shall pay this fee specified in Section 5.8, based on average daily flow. Swimming pools will be exempt from the treatment plant capacity fee. Average daily flow for the purposes of these fees shall be determined as follows:

(1) *Residential Unit.* For a residential unit, see Section 5.8.

(2) *Non-Residential Unit.* For a non-residential unit, flow criteria as recommended by the North Carolina Division of Water Quality, or equivalent, for sewer system requirements. If a flow is not specified by the NC Division of Water Quality, or equivalent, for a particular usage, the flow shall be based on water usage of similar facilities as determined by the County .

(3) *Non-Residential Unit (industrial wastewater).* Industries that generate industrial wastewater, have a National Pollutant Discharge Elimination System (NPDES) permit, and maintain a wastewater treatment facility with capacity sufficient to cover the average daily wastewater flow may be exempted from this fee by the Board of Commissioners based on these and other criteria. This section does not exempt any non-process domestic wastewater. When the County's wastewater system becomes available to a non-residential unit having industrial wastewater, this fee shall be paid prior to connection.

5.6 Basic User Charges

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

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

(c) *Metered Rate Option for All Other Property*. All residential property owners not eligible for the flat rate option, all commercial and industrial properties, and all other properties shall be charged based on metered rates. Metered rates shall be either residential or non-residential rates. The owner shall pay an administration/inspection fee set from time to time. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, the County may remove the meter and charge the flat rate.

5.7 Extra-Strength Wastewater Surcharges

(a) Standard-strength wastewater shall be defined as that wastewater having a maximum BOD^5, COD, suspended solids and ammonia nitrogen concentration as referenced in the rate schedule currently in force.

(b) Industrial wastewater surcharges shall be assessed to any industrial users discharging wastewater, including constituents, at a concentration exceeding any of the limits established in this Ordinance. The surcharge rate shall be as set forth in Section 5.

5.8 Specific Fees

a. *Sewer Service Connection Fees (tap fees)*.

(1) Whenever the County constructs sewer collection lines into a new service area, all development is required to connect to the sewer within twelve (12) months of the initial availability of the sewer system. During the twelve (12) month period the residential and non-residential tap fees shall be as follows for a lot on which is situated a structure requiring waste disposal:

(a) For four (4) inch and six (6) inch taps, installation cost shall be as set from time to time and contained in the County's fee schedule as adopted by the Board of Commissioners.

Provided, however, a vacant lot for which a sewer tap is installed shall pay the above-referenced tap fees regardless whether application is made within the initial twelve (12) months of sewer availability.

(b) For eight (8) inch and larger, installation cost shall be estimated by the County and paid at time of application. Taps for eight-inch and larger only include the actual connection to the collection system.

(2) All development shall pay tap fees set from time to time as adopted by the Board of Commissioners, except development that complies with either subsection a(1) in this section or Section 5.

b. *Basic User Charges (user fees)*. User fees consist of the sum of a fixed fee plus gallonage rate as set from time to time and adopted by the Board of Commissioners contained in a schedule of rates and fees.

c. *Availability of Service Fee (AV)*. This fee shall be charged to all customers available and accessible to the County's sewer collection system. For collection systems installed in developments where dwelling structures existed prior to the construction of the sewer system, this fee shall be charged to all applicable properties deemed accessible and available to the County's sewer collection system twelve (12) months from the date the sewer system is made available for use, or upon initiation of service, whichever is less.

d. *Cost of Installation of Meters*. The cost of installation of meters shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees .

e. *Capital Recovery Fee*. This fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. This fee will be determined as specified in Section G.2b; however, the minimum fee will not apply in the following circumstances:

(1) Building permits for new development where there is no plumbing in the entire structure. If plumbing is added later, the fee for new development will apply.

f. *Other Charges*.

(1) *Administration/Inspection Fees*. An administration/inspection fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. The fee is applicable in the following specific situations (not all inclusive):

(a) Change in billing options (i.e. flat rate or metered rate).

(b) Installation of tap by owner as described in Section 5.

(c) Service call to test meter accuracy and meter is found to be accurate.

(d) Discontinue service as described in Section 4.

(2) *Industrial application fee*. The industrial application fee shall be the current County fee.

(3) *Cancellation penalty*. The cancellation penalty shall be twenty percent (20%) of all applicable fees paid, with a minimum penalty set from time to time by the Board of Commissioners and contained in a schedule of rates and fees.

5.9 Pretreatment Program Administration Charges

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

a. Reimbursement of costs of setting up and operating the Pretreatment Program;

b. Monitoring, inspections, and surveillance procedures;

c. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;

d. Permitting;

e. Other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

EXTENSION REQUIREMENT DETERMINATION TABLE

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

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

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

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

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

APPENDIX 2

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

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

Size of transmission line installed_____

Total acreage to be developed_____

Size of utility required to serve project_____

Total number of residential equivalent units included in project_____

Project Name_____

Location_____

Date of County Approval of Project_____

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

Company Name Address*_____

City, State, Zip_____

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

Project Consultant/Engineer_____

Contact Person_____ Phone Number (____)_____

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

APPENDIX 3

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

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

Size of transmission line installed_____

Size of utility required to serve project_____

Project_____

Location_____

Date of County Approval of Project_____

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

Company Name Address*_____

City, State, Zip_____

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

Has the project been publicly bid in accordance with North Carolina General Statute 143-129 or NCGS 143-131? _____ Yes _____ No
If no, when do you anticipate accepting public bids?_____

Project Consultant/Engineer_____

Contact Person_____ Phone Number (____)_____

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

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

_____1. Has the project been accepted for maintenance by the Brunswick County?

_____2. Has an estimate of eligible reimbursable costs with linear footage of utility, number of valves and linear footage of bore and jack, signed and sealed by a professional engineer registered in the State of North Carolina been submitted with this application?

_____3. Has documentation of public bid including certified bid tab statement by a professional engineer or architect registered in the State of North Carolina been submitted with this application?

_____4. Has a copy of the executed contract between the developer and the selected contractor been submitted with this application?

_____5. Has a Certified Sales Tax Statement from the contractor for the materials used as a part of the reimbursement been submitted with this application?

_____6. Has a copy of the final payment to the contractor, including final invoice, been submitted with this application?

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

By_____
(Print Name)

Signature_____
(Developer/Owner)

Date_____

****

BRUNSWICK COUNTY STAFF USE ONLY

Approved by_____

Date_____

APPENDIX 4

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

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

Project_____

Location_____

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

Company Name Address*_____

City, State, Zip_____

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

Project Consultant/Engineer_____

Contact Person_____ Phone Number (____)_____

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

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

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

By_____
(Print Name)

Signature_____
(Developer/Owner)

Date_____

****

BRUNSWICK COUNTY STAFF USE ONLY

Approved by_____

Date_____

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT
Wastewater Treatment Division
Pretreatment Section

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

ENFORCEMENT RESPONSE PLAN (ERP)

A. Introduction.

It is the responsibility of the Brunswick County, Northeast Brunswick Regional Water Reclamation Facility (NPDES Permit No. NC0086819) to enforce all applicable Federal, State, and local pretreatment regulations. These regulations are outlined in the local Sewer Use Ordinance (SUO). This Enforcement Response Plan, hereafter referred to as "ERP", has been established as an element of the POTW's pretreatment program. The purpose of the ERP is to provide for fair and equitable treatment of all Users for anticipated enforcement situations. In general, enforcement actions will be taken in accordance with this ERP. However, the enforcement actions available are not exclusive as discussed in ***SUO Section 8*** - ***Enforcement****.* Therefore, any combination of the enforcement actions can be taken against a noncompliant User.

B. Enforcement Actions Available to the County.

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

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

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

In determining the amount of civil penalties for a particular violation the Director/ Superintendent shall consider the following factors:

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting for the violations;

2. The duration and gravity of the violation;

3. The effect on ground or surface water quantity or quality or on air quality;

4. The cost of rectifying the damage;

5. The amount of money saved by noncompliance;

6. Whether the violation was committed willfully or intentionally;

7. The prior record of the violator in complying or failing to comply with the pretreatment program;

8. The costs of enforcement to the County.

C. Investigation of Noncompliance.

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

1. On-site inspections of the User to include scheduled and unscheduled visits;

2. Scheduled and unscheduled sampling of the Users' effluent;

3. Review of self-monitoring data, if required, from the User.

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

D. Types of Violations.

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

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

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

Self-Monitoring Violations. A User who fails to adequately conduct all the monitoring required in the permit, including monitoring frequencies and sampling methods specified, is in violation. This includes a User who does not resample per their permit when a limit violation occurs.

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

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

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

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

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

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

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

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

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

ENFORCEMENT RESPONSE PLAN

ENFORCEMENT CHART

UNPERMITTED DISCHARGES

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

Items in **BOLD** are Absolute Minimums

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7/10/03

APPENDIX A

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

ENFORCEMENT RESPONSE PLAN

ENFORCEMENT CHART

PERMIT LIMITS VIOLATIONS

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

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APPENDIX B

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

ENFORCEMENT RESPONSE PLAN

ENFORCEMENT CHART

OTHER VIOLATIONS

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

Items in **BOLD** are Absolute Minimums

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7/10/03

APPENDIX C