



Chapter 26

UTILITIES*

* **Cross References:** Any well ordinance saved from repeal, § 1-10(17); any sewer use ordinance saved from repeal, § 1-10(18); any ordinance setting fees, charges or rates for any county service saved from repeal, § 1-10(19); administration, ch. 2; buildings and building regulations, ch. 6; environment, ch. 10; roads, ch. 20; solid waste management, ch. 22; telecommunications, ch. 24.

State Law References: Authority to operate public enterprises, G.S. 153A-275; special provisions for water and sewer services, G.S. 153A-283 et seq.

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ARTICLE I.

IN GENERAL

Secs. 26-1--26-30. Reserved.

ARTICLE II.

SEWER USE

DIVISION 1.

GENERALLY

Sec. 26-31. Purpose.

This article, for the county water and sewer districts, sets forth uniform requirements for direct or indirect contributors into the wastewater collection system of county water and sewer districts, hereinafter referred to as "the district", and enables the district to comply with all applicable state and local laws including



the Clean Water Act (33 USC 1251 et seq.), general pretreatment regulations (40 CFR 403) and The City of Rocky Mount's Code of Ordinances (chapter 21, article II). Objectives of this article are to:

- (1) Prevent the introduction of pollutants into the district's wastewater system which will interfere with the operation of the system;
 - (2) Prevent the introduction of pollutants into the district's wastewater system, which will pass through the system to the POTW of the City of Rocky Mount and if inadequately treated, into any waters of the state or otherwise be incompatible with the system;
 - (3) Protect both district personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
 - (4) Provide for the recovery of the costs of operations, maintenance and improvement/replacement of the wastewater system; and
 - (5) Provide legal means for enforcing required actions.
- (Ord. of 10-6-2003, § 2-1)

Sec. 26-32. Definitions and abbreviations.

(a) *Definitions.* This article is gender neutral and the masculine gender shall include the feminine and vice versa. Shall is mandatory; may is permissive or discretionary. 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. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings designated in this section:

Act and *the Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, (33 USC 1251 et seq.)

Ammonia nitrogen means the quantity of ammonia in wastewater expressed as milligrams of nitrogen per liter by weight.

Approving authority means the county water and sewer districts, it's designated representatives, The City of Rocky Mount or it's designated representatives, or the director of the division of environmental management of the state department of environmental health and natural resources or its designee.

Authorized representative of the industrial user means:

- (1) If the industrial user is a corporation, authorized representative shall mean:
 - a. The president, secretary, or vice-president of the corporation in charge of a principle 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, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or a sole proprietorship; an authorized representative shall mean a general partner or the proprietor, respectfully.
 - (3) 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.
 - (4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is presented 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 district.

Biological oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l)

Building sewer means a sewer conveying wastewater from the premises of a user To the POTW.

Bypass means the intentional diversion of wastewater from any portion of a user's treatment facility.

Categorical standards means national categorical pretreatment standards or pretreatment standard.

Color means the true color due to the substances in solution expressed in milligrams per liter.

Director means the water services director or his designee for the county water and sewer districts that is designated to oversee the operation of the districts.

District means the county water and sewer districts.

Environmental Protection Agency and EPA mean 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.

Grab sample means 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.

Hauled wastes means wastewater (domestic, industrial, holding tank, or seepage) which is transported to the POTW by any means other than through the collection system.

Indirect discharge and discharge mean the discharge or introduction from any nondomestic source



regulated under section 307 (b), (c), or (d) of the Act (33 USC 1317) into the POTW (including holding tanks waste discharged into the system).

Industrial user and *user* mean any person or entity which is a source of indirect discharge.

Industrial wastes means wastes other than domestic sewage resulting from industrial processes.

Infiltration means water other than domestic or industrial wastes that enters the sewers by means of cracks, breaks, or other problems of the wastewater system.

Inflow means water other than wastewater that enters the wastewater system from such as roof leaders, cellar drains, springs, sumps, manhole covers, and cross connections to storm drains.

Interference means the inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or nondischarge permit 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 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substance 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.

Medical wastes means 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.

Milligrams per liter (mg/l) means the standard unit of measurement used in the sewerage and wastewater industries.

National categorical pretreatment standard and *categorical standard* mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users, and which appears in 40 CFR chapter one, subsection N, parts 405-471.

National Pollution Discharge Elimination System permit and *NPDES permit* mean a permit issued pursuant to G.S. 143-2152.1.

National prohibitive discharge standard and *prohibitive discharge standard* mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in this article and are developed under the authority of 307 (b) of the Act and 40 CFR 403.5.

New source means:

- (1) 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 the:

- a. Building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. Building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. Building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - d. Production of wastewater generating processes of the building, structure, facility, or installation are 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.
- (2) 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 subsection (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) For purposes of this definition, construction of a new source 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.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondischarge permit means a disposal system permit issued by the state pursuant to G.S. 143-215.1.



Pass through means 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 POTW's NPDES or nondischarge permit, or a downstream water quality standard.

Person means any individual, partnership, copartnership, 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.

pH means 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.

Pollutant means any "waste" as defined in 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, BOD, COD, toxicity, or odor).

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment and *treatment* mean 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.

Pretreatment program means the program for the control of pollutants introduced into the POTW from nondomestic sources.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards means prohibited discharge standards, categorical standards, and local limits.

Publicly owned treatment works (POTW) and *wastewater system* mean a treatment works as defined by section 212 of the Act, (33 USC 1292) which is owned in this instance by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this article, the term "publicly owned treatment works" shall also include any sewers that convey wastewater to the POTW from persons outside who are by contract or agreement with, or in any other way, users of the POTW.

Severe property damage means 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.

Significant industrial user means any industrial user of the wastewater disposal system who:

- (1) Has an average daily process waterflow of 50,000 gallons or more;
- (2) Contributes more than five percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is found by the city, the division of environmental management 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.

Significant noncompliance and *reportable noncompliance* mean a status of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits:
 - a. *Chronic violations.* Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - b. *Technical review criteria (TRC) violations.* Thirty-three percent or more of the measurements are greater than the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:
 1. *For conventional pollutants:* BOD, TSS, fats, oil and grease: TRC = 1.4
 2. *For all other pollutants:* TRC = 1.2
 - c. Any other violation of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of the sewage treatment plant personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement



order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

- (3) Failure to provide reports for compliance schedule, self-monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
- (4) Failure to report accurately noncompliance.
- (5) Any other violation or group of violations that the control authority considers to be significant.

Slug load means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 26-91.

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

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent means the person charged by the director as responsible for the operation of the wastewater system. If no such person has been designated it shall refer to the water services director.

Suspended solids means 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.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond 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.

Wastewater means 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 stormwater that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW including but not limited to:

- (1) *Domestic*. Being wastewater (i) from the noncommercial preparation, cooking and handling of food, (ii) from washing or bathing water of various types, and (iii) from sanitary conveniences containing human excrement and similar substances of dwellings, commercial buildings, industrial facilities and institutions.
- (2) *Holding tank*. Being wastewater from nontreatment holding tanks, including but not limited to chemical toilets, campers, trailers, and vacuum pump tank trucks.
- (3) *Industrial*. Being wastewater from industrial manufacturing, commercial, trade or business establishments as distinct from domestic wastewater.



- (4) *Septage*. Being domestic wastewater removed from a septic or Imhoff sewage treatment system or domestic sewage sludge from a package treatment plant.

Wastewater permit means as set forth in section 26-161.

Waters of the state means 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) *Abbreviations*. 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 - Public Owned Treatment Works Act.
- (13) RCRA - Resource Conservation and Recovery.
- (14) SIC - Standard Industrial Classification.
- (15) SWDA - Solid Waste Disposal Act.
- (16) TSS - Total Suspended Solids.



(17) TKN - Total Kjeldahl Nitrogen.

(18) USC - United States Code.

(Ord. of 10-6-2003, § 2-2)

Cross References: Definitions generally, § 1-2.

Sec. 26-33. Connections to sewer system.

(a) *Permit required.* No person shall make any connection to the wastewater system under the control of and operated by the district nor use a connection made by a previous owner unless and until a permit shall be issued for connection only after the director or his designee has determined the type of connection required by the district, an approved plumbing system has been installed within the dwelling, building, or structure desiring connection.

(b) *Authorization of work and persons performing inspections.* All connections to the wastewater system under the control of and operated by the district shall be made by authorized employees of the district in Accordance with the requirements of the state plumbing code and/or with such other applicable local, state, and federal regulations. If authorized by the director connections may be made by plumbers licensed to perform plumbing work in the state. Any sewer connection to the wastewater system made by any authorized licensed plumber shall be inspected by the director or his designee after said connection is made and prior to covering the connection.

(c) *Connection charge.* A connection charge shall be made for each and every connection made to the wastewater system under the control of and operated by the district and shall be paid to the district prior to the issuance of any permit for a connection. Such connection charge shall be set by the district board and adjusted from time to time as the director determines the need to.

(d) *System impact fee.* In conjunction with permit and connection charges, any connection made to the wastewater system whether made by district forces or licensed plumbers shall also pay an impact fee for the added impact that each connection will put on the system's functioning capabilities. This fee shall be paid prior to issuance of the permit, shall be set by the district board and adjusted from time to time as the director determines the need for.

(e) *Separate connections for each building.* Each individual dwelling, structure, or other building served by a sanitary sewer under the control of and operated by the district shall have a separate connection to the system; provided, that apartments or other multiuse occupancy buildings may have one combined connection. Furthermore, any new structure requiring sanitary sewer facilities and located within 300 feet of an existing district sewer main shall be required to make connection to said main. All required connections shall be a minimum of four inches, located at the property line and shall have a cleanout at finished grade level, with a metal plug or enclosed in a cement collar with a minimum circumference of 12 inches and be a minimum of four inches thick.

(f) *Maintenance; repairs.* Whenever any service to any building or premises becomes clogged, broken, out of order, or in any condition detrimental to the use of the sewer service, the owner, agent or



occupant having charged of such shall be held responsible for the immediate removal or repair of such sewer service necessary to maintain an uninterrupted sewer disposal system. Renewal or repair of the sewer services from the main to the property line shall be made at the expense of the abutting property owner, agent or occupant. Whenever any repair work is required to said portion of the sewer source line it shall be done by authorized employees of the district, unless the director grants permission otherwise, and said property owner shall be billed according to cost involved. Whenever the director allows others to do such repairs it shall be done by a licensed plumber in the state and shall be inspected before covering the work.

(g) *Alternative facilities.* In these cases provided for subsection (a) of this section where a connection to the sanitary sewer system is not required, installations of septic tanks or other facilities shall be constructed in accordance with the requirements of the county health department and approved by them.

(h) *Unacceptable discharges into sewer; alternative disposal.* Under no circumstances will the discharge of treated or untreated domestic sewage or industrial wastes to the storm sewer of the district or to any pond, open ditch, stream or watercourse be permitted within the jurisdiction of the district, except that uncontaminated cooling water may be discharged provided that such a discharge is constructed and within the laws of the state, where the district decides that it is not in the best interest of district to accept any particular industrial waste into the system, such waste may be discharged within the district provided it meets the requirements of the state and county.

(Ord. of 10-6-2003, § 2-3)

Sec. 26-34. Fees.

(a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the district wastewater system for the implementation of the program established in this article and to generate sufficient revenue to pay at least the cost of the operation and maintenance, capital additions, and total debt service necessary to the proper operation and maintenance, (including replacement and additions) of the system. All applicable charges or fees shall be set by the district board and set forth in the schedule of charges and fees that is adopted by the district.

(b) *Authority.* Pursuant to the provisions of Public Law 92-500, section 240(b), the district having received a federal grant for the construction of treatment works shall adopt a system of charges to ensure that each person (or user) receiving waste treatment services within the districts jurisdiction will pay its proportionate share of the costs of operation and maintenance, including replacement, of any waste treatment services provided by the system.

(c) *User charges.* A user charge shall be levied on all users that discharge into the wastewater system.

(1) The user charges shall reflect at least the cost of O & M, capital additions and all related debt service.

(2) Each user shall pay its proportional share of the cost based on the volume of flow and other costs of services.



- (3) The director shall review annually the sewage contributions of users, total cost of debt source, capital additions, O & M, (including replacement) of the wastewater system and will make recommendations to the board for adjustments in the schedule of charges and fees as necessary,
- (4) Charges for flow into the system not directly attributable to the users shall be distributed among all users of the wastewater system based upon the volume of flow of the user.

(d) *Surcharges.* All commercial and industrial users of the wastewater system are subject to surcharges on wastes discharges which exceed the following levels:

- (1) BOD - 200 mg/l.
- (2) TSS - 200 mg/l.
- (3) TKN - 48 mg/l.
- (4) COD - 600 mg/l.
- (5) NH3 - 20 mg/l.

The amount of the surcharge will be based on the current method of billing surcharges charged to the district by the City of Rocky Mount, plus a ten percent administrative charge.

Chapter 21.28.3 of the Code of the City of Rocky Mount shall hereinafter govern and be a part of this section and take precedence in establishing policy for this section. Copies of said section shall be available in the office of water services director for the county water and sewer districts and available upon request.

(e) *Billing.*

- (1) The user charges, as set forth in this section, shall be billed and payable monthly on a separate bill rendered to the proper persons by the billing department of districts.
- (2) Notice of delinquency and termination of service shall be in accordance with this Code.

(f) *Damaging, tampering with equipment or materials.* No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the district and used for the purpose of making tests, metering, or examinations and left upon the premises of a person discharging into the districts sewers.

(g) *Violations; penalties, remedies.* If any person violates any provisions of this article, the district shall at a minimum recover from that person the cost of repairing the damages and/or additional wastewater treatment and sewage collection operational and maintenance expenses resulting from that violation.

(Ord. of 10-6-2003, § 2-4)

Sec. 26-35. Confidentiality.



(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection 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 director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, nondischarge 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 report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. of 10-6-2003, § 2-13-1)

Sec. 26-36. Monitoring facilities.

(a) The district 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 district may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the district's requirements and all applicable local construction standards and specifications.
(Ord. of 10-6-2003, § 2-13-2)

Sec. 26-37. Inspection and sampling.

The district will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the district, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling records examination and copying or in the performance of any of their duties. The 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 the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the district, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the director, approval authority, or EPA access to the user's premises shall be a violation of this article. Unreasonable delays may constitute denial of access. If sampling discloses exceeding maximum contaminant levels, the user shall reimburse the district for all cost associated with sampling. (Ord. of 10-6-2003, § 2-13-3)

Sec. 26-38. Search warrants.

If the director, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and or sample as a part of routine inspection and sampling program of the district designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director, approval authority, or EPA may seek issuance of a search warrant from any magistrate of the general court of justice, judge, clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction encompasses the building, structure, or property to be inspected. (Ord. of 10-6-2003, § 2-13-4)

Secs. 26-39--26-60. Reserved.

DIVISION 2.

ENFORCEMENT

Sec. 26-61. Publication of significant noncompliance.

At least annually, the director shall publish in the daily newspaper with general circulation in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15a NCAC 2h .0903(b) (10), with applicable pretreatment standards and requirements, during the previous 12 months. (Ord. of 10-6-2003, § 2-14-1)

Sec. 26-62. Administrative remedies.

(a) *Notification of violation.* Whenever the director, finds that any industrial user has violated or is violating this article, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the director may serve upon such person, a written notice stating the nature of the violation, within 30 days from the date of the notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the director by the user. Submission of the 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 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 26-37.

(c) *Show cause hearing.*

- (1) The director may order any industrial and commercial user who causes or is responsible for an unauthorized discharge, has violated this article 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 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 reason 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 days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.
- (3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 26-37.

(d) *Administrative orders.* When the director finds an individual user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement, the 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.*

- (1) The 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 nondischarge permit.



- (2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated.
- (3) In the event of a failure to comply voluntarily with the suspension order, the 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 director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliance 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 director prior to the date of the above-described hearing.

(f) *Termination of permit.* Any user, who violates conditions of this article, or applicable state and federal regulations, is subject to having its permit terminated.

(g) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued under this article, the director through the district 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.

(h) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this article or an order or permit issued under this article, 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.

(i) *Public nuisances.* Any violation of the prohibitions or limitations of this article or of a permit or order issued under this article, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person creating a public nuisance requiring abatement by the district shall reimburse the district for any costs incurred in removing, abating or remedying said nuisance.

(Ord. of 10-6-2003, § 2-14-2)

Sec. 26-63. Civil penalties.

(a) Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued under this article, may be fined up to \$10,000.00 per day the violation continues to exist.

- (b) In determining the amount of the civil penalty, the director shall consider the following:
 - (1) The degree and extent of the harm to the natural resources to the public health, or to public or private property resulting from the violation;
 - (2) The duration and gravity of the violation;



- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
- (8) The costs of enforcement to the city.

(c) Appeals of civil penalties assessed in accordance with this section shall be as provided in subsection 26-164(b).
(Ord. of 10-6-2003, § 2-14-3)

Sec. 26-64. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. The director shall be empowered to take more than one enforcement action against any noncompliant user.
(Ord. of 10-6-2003, § 2-15)

Sec. 26-65. Affirmative defense to discharge violations.

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

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

- (1) An upset occurred and the user can identify the cause 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 submitted the following information to the director within 24 hours orally or within five days in writing of becoming aware of the upset.
 - a. A description of the indirect discharge and cause of noncompliance.
 - b. The period of noncompliance, including exact dates and times and if not corrected the anticipated time the noncompliance is expected to continue.
 - 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 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 all applicable categorical pretreatment standards in the event of facility failure and shall so do until such time as facilities are back in service.

(Ord. of 10-6-2003, § 2-15-1)

Sec. 26-66. Noncompliance.

Whenever any user is found to be noncompliant with district standards, the director may, if he deems necessary to protect the health of the public and or the environment, shall have authority to sever the sewer connection to any facility until the user brings his discharge into compliance. In such cases the director will notify the appropriate official at the facility of his intentions to sever said sewer connection until the discharge is in compliance.

(Ord. of 10-6-2003, § 2-16)

Secs. 26-67--26-90. Reserved.

DIVISION 3.

REQUIREMENTS

Sec. 26-91. 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 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.

(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 collection system or POTW, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
- (2) Solids such as garbage, rags, textile remnants or scraps, except fibers of scraps that will pass through a 0.25 inch mesh screen and will be carried freely in suspension under flow conditions



normally prevailing in public sewers 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 0.50 in any dimension).

- (3) Any wastes or water containing more than 200 mg/l of suspended solids.
- (4) Petroleum or derivatives thereof, nonbiodegradable Oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (5) Any wastewater having a ph of less than five or more than ten or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
- (6) Any wastewater containing pollutants, including oxygen demanding pollutants. (BOD, COD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (7) Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the intake of the treatment plant to exceed 104 degrees Fahrenheit or 40 degrees Celsius.
- (8) Any pollutants or nor 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 or which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (9) Any trucked or hauled wastewater, except at discharge designated by the director, in accordance with 26-93.
- (10) Any material that would be identified as hazardous waste according to 40 CFR 261 except as may specifically authorized by the director, and the director of water resources for the City of Rocky Mount.
- (11) 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 into the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (12) Any wastewater which imparts color and can not 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 plants effluent to render the waters injurious to public health or secondary reaction 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 use.

- (13) Any wastewater containing any radioactive wastes or isotopes except as approved by the director and complies with any state or federal regulations.
- (14) Stormwater, surface water, groundwater, and artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless authorized by the director.
- (15) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 300 mg/l whether emulsified or not. Also prohibited are any waste containing the above substances which may solidify or become viscous in the system at temperatures between 32 and 150 degrees Fahrenheit.
- (16) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (17) Any medical wastes, except as specifically authorized in writing by the director.
- (18) Any material containing ammonia, ammonia salts or other chelating agents which will produce metallic complexes that interfere with the wastewater system.
- (19) Any wastes having more than 20 mg/l by weight of ammonia when expressed as nitrogen.
- (20) Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the system.
- (21) Any wastewater causing the treatment plant effluent to violate state law water quality standards for toxic substances as described in 15 A NCAC 2B 0200.
- (22) Wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail toxicity test.
- (23) Recognizable portions of the human or animal anatomy.
- (24) Any waters or wastes which in concentration of any given constituent or if quantity of flow exceeds more than 1.5 the average 24 hour concentration or flows during normal operations.
- (25) Any pollutant discharged except in compliance with federal standards promulgated, pursuant to the Clean Water Act of 1977, and any more stringent standards established by the state, City of Rocky Mount and the districts.

(Ord. of 10-6-2003, § 2-5-1)

Sec. 26-92. Pretreatment standards.

Pretreatment standards established by the federal and state governments and the City of Rocky Mount



shall be considered to be the standards for the districts and an integral part of this article. The districts reserve the right to impose more stringent limits if deemed necessary by the director.
(Ord. of 10-6-2003, § 2-5-2)

Sec. 26-93. Local limits.

(a) An industrial waste survey will be required of any user or potential user whose wastes or potential wastes exceed typical domestic waste concentrations or whose wastes contain pollutants which contribute greater than one percent of the design or treatment capacity of the wastewater treatment plant. The industrial waste survey will be used to implement the general and specific discharge prohibitions listed in this division. Industrial user specific local limits will be developed ensuring that the POTW's maximum allowable head works loading is not exceeded for particular pollutants of concern for each industrial user.

(b) The following limits will be considered to be domestic limits for purposes of initiating the industrial waste survey:

- (1) 200 mg/l BOD.
- (2) 600 mg/l COD.
- (3) 200 mg/l TSS.
- (4) 20 mg/l NH₃.
- (5) 48 mg/l TKN.
- (6) 2 mg/l fluoride.
- (7) 0.003 mg/l arsenic 0.041 mg/l cyanide.
- (8) 0.003 mg/l cadmium.
- (9) 0.050 mg/l chromium, total.
- (10) 0.061 mg/l copper.
- (11) 0.049 mg/l lead.
- (12) 0.0003 mg/l mercury.
- (13) 0.0003 mg/l molybdenum.
- (14) 0.36 mg/l nickel.
- (15) 0.05 mg/l silver.



(16) 0.03 mg/l selenium.

(17) 0.100 mg/l zinc.

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The director, may impose mass limits in addition to, or in place of the concentration based limits listed in subsection (b) (1) through (17) of this section.
(Ord. of 10-6-2003, § 2-5-3)

Sec. 26-94. 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 article.
(Ord. of 10-6-2003, § 2-5-4)

Sec. 26-95. Right of revision.

The districts reserve the right to establish limitations and requirements which are more stringent than those required by either the state or federal regulation if deemed necessary to comply with the objectives presented in this article.
(Ord. of 10-6-2003, § 2-5-5)

Sec. 26-96. 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 state, City of Rocky Mount or the districts.
(Ord. of 10-6-2003, § 2-5-6)

Sec. 26-97. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the districts and any person, group or corporation as long as the agreement does not violate any applicable laws that would prevail.
(Ord. of 10-6-2003, § 2-5-7)

Sec. 26-98. Storage tanks; control manholes; controlling devices.

- (a) Persons discharging into the districts wastewater system shall meet the following requirements:
 - (1) *Storage tanks.* In order to equalize flows over a 24-hour period, each person discharging a waste into the wastewater system having a volume of flow of 20,000 gallons or more a day shall construct and maintain at his own expense a suitable storage tank as determined by the director.



Such tank will have the capacity of 100 percent of the normal flow of one 24-hour period and an outlet to the wastewater system that is controlled by a water works type rate controller or other approved devices. The setting of the rate controller shall be determined by the director.

- (2) *Control manhole.* Any person discharging industrial or commercial wastes into the wastewater system shall construct and maintain at his own expense a control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurement and sampling of all wastes being discharged, The control manhole shall be constructed at a suitable location and approved by the director.
- (3) *Controlling devices.* The control manhole shall be, unless authorized by the director not to, equipped with a permanent-type measuring device such as a flume, weir, nozzle, or other suitable device approved by the director. Further, it may be required to have an automatic sampling device for the collection of samples within the control manhole. These, when required, shall be installed and maintained at the discharger's expense to ensure a safe and accessible operation.

(b) Plans for the construction of such tank, control manhole, and controlling devices shall be approved by the director prior to any construction of said devices.
(Ord. of 10-6-2003, § 2-5-8)

Secs. 26-99--26-130. Reserved.

DIVISION 4.

PRETREATMENT OF WASTEWATER

Sec. 26-131. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and wastewater permits issued under division 5 of this article. The user shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set in section 26-91. Time restrictions shall be as specified by EPA, the state, or the director according to the most stringent.

- (1) 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 district for review, and shall be approved by the director and the water resources director for the City of Rocky Mount 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 districts under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the director prior to the user's initiation of the changes.
- (2) Additional pretreatment measures.



- a. Whenever deemed necessary, the director may require users to restrict their flows during peak flows periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this article.
- b. The 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 time distributed equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand. All interception units shall be of type and capacity approved by the 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.
- d. Users with the potential to discharge flammable substances may required to install and maintain an approved combustible gas detection meter.

(Ord. of 10-6-2003, § 2-6-1)

Sec. 26-132. Accidental discharge/slug control plans.

The director may require any user to develop, submit for approval, and implement an accidental discharge/slug control plan.

(Ord. of 10-6-2003, § 2-6-2)

Sec. 26-133. Hauled wastes.

The disposal of hauled wastes through the district's wastewater system shall be under the control of the director and shall be in accordance with any conditions set by him, the City of Rocky Mount or district Board.

- (1) Septic tank wastes may be introduced into the district's wastewater only at approved locations designated by the director and only at approved times. Such wastes shall not violate section 26-34 or any other requirements established by the district. At his discretion, the director may require haulers to obtain a permit.
- (2) The director shall require haulers of wastes to obtain written permission from the director which said hauler shall have in his possession or readily available at all times.
- (3) The director may require that all waste be subject to supervision of district personnel during dumping of wastes into the wastewater system and that all additional cost be paid at his expense.



- (4) Waste haulers shall provide to the district a waste tracking form which shall include at a minimum the name and address of the waste hauler, the name and address of the generator of the waste, the approximate amount of the load, and the type of waste (ex: domestic sewage, grease etc.).
- (5) The director may require that the generator of the hauler of waste provide to the district wastewater samples for any given load at their expense.
- (6) All wastes haulers shall obtain prior approval from the director before introducing any industrial or institutional generated wastes into the wastewater system of the district.
- (7) Fees for waste haulers shall be established by the district board and set forth in the schedule of fees for the water and sewer districts.

(Ord. of 10-6-2003, § 2-6-3)

Secs. 26-134--26-160. Reserved.

DIVISION 5.

PERMITS

Sec. 26-161. Wastewater discharges.

It shall be unlawful for any person or entity located inside or outside the district to connect to or discharge into the wastewater system without first obtaining the permission of the district. By discharging into the wastewater system the user agrees to comply with all the terms and conditions of this article, as well as any permits, enforcement actions, or orders issued hereunder. When requested, by the director, a user must submit information on the nature and characteristics of its wastewater within 30 days of request.

(Ord. of 10-6-2003, § 2-8-1)

Sec. 26-162. Industrial or commercial permits.

(a) All industrial or commercial establishments that desire to discharge into the district's wastewater system shall obtain a permit from the director. Each applicant shall furnish to the director any information that he requests in regards to the characteristics of the wastes to be discharged. This may include but not limited to an engineer's report of the expected levels of contaminants in the wastewater. The director shall review this information with the director of water resources for the City of Rocky Mount and then determine if the classification of the user should be a significant industrial wastewater user.

(b) The county water and sewer districts, as a customer of The City of Rocky Mount's POTW, must make sure that all it's users conform to the City of Rocky Mount's standards. The following shall apply: When an industrial user or commercial establishment is determined, prior to or after connection, to be a significant industrial wastewater user, it shall be subject to applicable standards imposed by the City of Rocky Mount on it's significant industrial wastewater users. More specifically, article II section 21-33.2 of the Code of Ordinances for the City of Rocky Mount, which hereafter is a part of this article in its entirety. Copies of this



article shall be made available to interested parties by request to the director.
(Ord. of 10-6-2003, § 2-8-2)

Sec. 26-163. Power; authority for inspection.

The approving authority and other duly authorized employees of the district bearing proper identification shall be permitted to enter upon all nonresidential properties discharging into the wastewater system for the purpose of inspection observation, measurement, sampling or testing. Nothing in this article shall be construed to relieve any person from liability in the event such representative is injured while performing said inspection, observation, measurement, or sampling and any other related activities.

(Ord. of 10-6-2003, § 2-8-3)

Sec. 26-164. Contesting decisions involving permits and enforcement.

- (a) *Initial adjudicatory hearing.*
- (1) *Right to a hearing.* A user shall have the right to an adjudicatory hearing before the county manager if:
 - a. Its application for a permit is denied;
 - b. Its application for a permit is granted subject to conditions the user contends is unacceptable;
 - c. It is assessed a civil penalty pursuant to section 26-63; or
 - d. It is issued any administrative order, including an ex parte order pursuant to section 26-62(d).
- (2) *Request for a hearing.* It is the policy of the districts that all reasonable efforts should be made to attempt and settle any disputes arising between the user and the districts through informal procedures. Nevertheless, any user wishing to exercise the right to a hearing in subsection (a)(1) of this section must make written demand for the hearing to the director, within 30 days following receipt of permit denial, the granting of a significant industrial user permit subject to conditions the user contends are unacceptable, a civil penalty assessment, or an administrative order it wishes to contest. The written request for a hearing must identify the specific issues to be contested, and must state whether the user contends that the director, in taking the action at issue, has (1) exceeded his authority or jurisdiction (2) failed to use proper procedure (3) acted arbitrarily or capriciously; and or (4) failed to act as required by law. Unless such written demand is made within the time specified, and contains the information specified, the actions of the director shall constitute final action of the district and shall be binding.
- (3) *Conduct of the hearing.*
 - a. All adjudicatory hearings shall take place at the Edgecombe County Administration



Building, 201 Saint Andrews Street, Tarboro, N.C. The county manager shall give the user at least ten days prior written notice of the date time and place of the hearing.

- b. The user and the district shall be allowed to introduce into evidence at the hearing any arguments on the issues of the law and policy, and any documentary evidence and testimony relevant to the actions of the director at issue. All documentary evidence shall become part of the official record. Any testimony admitted must be given under oath. The user and the district shall have the right to cross examine any witnesses called by the other party. Both the user and the district may offer rebuttal evidence.
 - c. The county manager may, in his discretion, issue notices requiring the attendance and testimony of any witness and the production of any evidence relative to any matter involved in the hearing.
 - d. The hearing shall be recorded by the clerk. The transcript from the hearing shall become part of the official record.
- (4) *Manager's decision.* The county manager shall render his written decision with respect to the action of the director within 45 days of receipt by the director of a request for a adjudicatory hearing. The county manager may either uphold, overturn, or modify the directors action at issue. The director shall forward a copy of the county manager's written decision to the user by certified mail.
- (b) *Final appeal hearing.* Any decision made by the county manager pursuant to subsection (a)(4) of this section may be appealed, to the district board by the user. In order to obtain such a final hearing, the user must serve upon the director a written notice of appeal within ten days of receipt of notice of the county manager's written decision. If the user fails to give such notice, the user shall lose the right to further appeal, and the district action, as set forth in the manager's decision, shall become final. If such notice is properly given, the district board shall consider the record developed before the county manager and shall hear any arguments relevant to the district action at issue. If the board determines that further evidence is needed, it will remand the issue to the county manager for further fact-finding proceedings, to which the provisions of subsection (a)(3) and (4) of this section shall apply. The board shall make a final written decision reviewing the manager's decision within 90 days from the date the appeal was received. The board shall uphold, reverse, or modify the decision of the county manager. A copy of the written decision of the board shall be forwarded to the user by certified mail.
- (c) *Status of permits pending administrative or judicial appeal.*
- (1) *New permit.* Upon appeal, including judicial review in the general courts of justice, of the terms and conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and 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.

(d) *Official record.* When a final decision is issued under subsection (b) of this section the board shall have prepared an official record of the case that includes:

- (1) All notices, motions, and other like pleadings;
- (2) A copy of all documentary evidence introduced;
- (3) A certified transcript of all testimony taken; and
- (4) A copy of the final decision of the district board.

(e) *Judicial review.* Any person against whom a final order or decision of the district board is entered, pursuant to subsection (b) of this section may seek judicial review in the nature of certiorari of the order or decision by filing a written petition within 30 days after receipt of a copy of such order or decision, but not thereafter, with the county superior court along with a copy of such notice to the district. Within 30 days after receipt of the copy of the petition of judicial review, the board shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. of 10-6-2003, § 2-8-4)

Secs. 26-165--26-190. Reserved.

DIVISION 6.

ANALYTICAL AND REPORTING REQUIREMENTS

Sec. 26-191. Analysis and sampling techniques.

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 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 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 the EPA.

(Ord. of 10-6-2003, § 2-9-1)

Sec. 26-192. Sampling collection.

(a) Except as indicated in subsection (b) of this section, the user must collect wastewater samples using flow or time proportional composite collection techniques as required by their individual permits. The director may authorize the use of a minimum of four grab samples where the user demonstrated that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.



(b) Samples for oil and grease, temperature, ph, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
(Ord. of 10-6-2003, § 2-9-2)

Sec. 26-193. 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 the report shall govern.

(Ord. of 10-6-2003, § 2-9-3)

Sec. 26-194. Record keeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article 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 taking the samples and the dates the 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 years. This period shall be automatically extended for the duration of any litigation concerning the user or the district or where the user has been specifically notified of a longer retention period by the director.

(Ord. of 10-6-2003, § 2-9-4)

Sec. 26-195. Baseline monitoring reports.

(a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsection (b) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in subsection (b) of this section. 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 in subsection (a) of this section shall submit the following information:

- (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 operations 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 wastestream formula set out in 40 CFR 403.6(e).
- (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated process. Instantaneous, daily maximum, and longterm 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 subsection 26-191.
 - c. Sampling must be performed in accordance with procedures set out in section 26-192.
- (6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indication 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 26-196.
- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified.
(Ord. of 10-6-2003, § 2-10-1)

Sec. 26-196. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 26-195:

- (1) The schedule shall contain progress increments in the form of dates for 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);
- (2) No increment referred to on subsection (1) of this section shall exceed nine months;



(3) The user shall submit a progress report to the director, no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with 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

(4) In no event shall more than nine months elapse between such progress reports to the director.
(Ord. of 10-6-2003, § 2-10-2)

Sec. 26-197. Compliance with categorical pretreatment standard deadline report.

Within 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 director a report containing the information described in subsection 26-195(b)(4) through (6). 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 longterm 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 21-33.2 of the Code of Ordinances for the City of Rocky Mount and county water.

(Ord. of 10-6-2003, § 2-10-3)

Sec. 26-198. Periodic compliance reports.

The following conditions shall apply to all permits that are required to submit periodic compliance reports:

(1) All significant industrial users shall, at a frequency determined by the director, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 21.33.2 of the Code of Ordinance for the City of Rocky Mount and section 26-196 of this Code.

(2) 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 rounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in subsection 26-195(b), the results of this monitoring shall be included in the report.

(Ord. of 10-6-2003, § 2-10-4)



Sec. 26-199. Reports of changed conditions.

Each user must notify the 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 30 days before the change.

- (1) The 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.
- (2) The director may issue a wastewater discharge permit or modify an existing wastewater discharge permit under the same in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(Ord. of 10-6-2003, § 2-10-5)

Sec. 26-200. Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the 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 days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 article.

(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 subsection (a) of this section. Employers shall ensure that all employees, who may have cause such a discharge to occur, are advised of the emergency notification procedure.

(Ord. of 10-6-2003, § 2-10-6)

Sec. 26-201. Reports from unpermitted users.

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

(Ord. of 10-6-2003, § 2-10-7)



Sec. 26-202. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the director within 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 district within 30 days after becoming aware of the violation. The user is not required to resample if the director monitors at the user's facility at least once a month, or if the district samples between the user's initial sampling and when the user receives the results of this sampling.
(Ord. of 10-6-2003, § 2-10-8)

Sec. 26-203. Notification of the discharge of hazardous waste.

The discharge of hazardous wastes is prohibited.
(Ord. of 10-6-2003, § 2-10-9)

Secs. 26-204--26-230. Reserved.

ARTICLE III.

WATER AND SEWER SYSTEM

DIVISION 1.

GENERALLY

Sec. 26-231. Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall use the following meanings when used in this article.

Administrator means the water services director for the county water and sewer districts or any other person designated by the board of commissioners to perform the functions and exercise the responsibilities assigned by this article.

BOD (biological oxygen demand) means the quantity of oxygen (expressed in mg/l) required to satisfy the five-day oxygen demand of a million pounds of domestic sewage in industrial wastes (or a combination of both) when tested in accordance with the procedures given in the latest edition of Standard Methods of the Examination of Water and Sewage, published by the American Public Health Association. BOD is a measure of the polluttional strength of wastes of any nature.

Combined sewer means a sewer receiving both surface runoff and sewage.

Domestic sewage means liquid wastes from bathrooms, toilet rooms, kitchens and home laundries.

Garbage means solid waste from the preparation, cooking, handling and dispensing of foods.



Industrial wastes means liquid wastes from institutional, commercial, or industrial process and operations as distinct from domestic sewage.

Liquid wastes means waste products that are either dissolved in or suspended in a liquid.

Natural outlet means the body of water, stream, or watercourse, receiving the discharge waters from the sewer plant or formed by the discharge water from the sewer plant.

pH means the logarithm (base ten) of the reciprocal of the concentration of the hydrogen ions in grams per liter of solution. It indicates the acidity and alkalinity of a substance. A pH of 7.0 is considered neutral. A stabilized pH is one that does not change beyond the specific limits when the waste is subject to aeration. A pH value below 7.0 is acidic and above 7.0 is alkaline.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food, shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with particles no greater than one-half inch in any dimension.

Sanitary sewer means a pipe or conduit that carries sewage or polluted industrial wastes and to which storm water, surface water and ground water or unpolluted industrial wastes are not intentionally admitted.

Sewage. See *liquid wastes*.

Sewage collection system. See *sanitary sewer system*.

Sewage treatment plant means the facility where sewage is collected and treated.

Suspended solids means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Water system means the water utility system owned and operated by the districts, including all devices and facilities for the treatment, storage, and distribution of water.

Cross References: Definitions generally, § 1-2.

Sec. 26-232. Penalties and remedies.

(a) As provided in section 26-78, termination of service is a remedy available to the district to enforce any of the provisions of this article.

(b) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. 14-4; G.S. 17-26, 17-61(a), and (b), 17-76, 17-77, 17-138, 17-145, 17-147.

(c) A violation of any of the sections listed in subsection (b) above shall subject the offender to a civil penalty of \$100.00 dollars. If a person fails to pay this penalty within ten days after being cited, the district may recover the penalty by filing a civil action.



- (d) The district may seek to enforce any of the provisions of this chapter through any appropriate action.
- (e) Each day that a violation continues after the offender has been notified of such shall constitute a separate offense.
- (f) If a violation of any of the provisions of this chapter results in a danger to the public health or safety, the director may abate such through any legal means available.
- (g) The district may seek to enforce this chapter by using any one, or combination thereof, the foregoing remedies stated throughout this chapter.

Secs. 26-233--26-260. Reserved.

DIVISION 2.

SERVICE REGULATIONS

Sec. 26-261. Application for service.

Application for water or sewer service shall be made at the district's office during normal business hours. Applications shall be made on the forms prescribed, shall be made in the name of the person responsible for payment of the bill, and shall be signed by the customer or his authorized agent.

Sec. 26-262. Denial of service for nonpayment of prior accounts.

(a) The districts may reject an application for service if there is an outstanding amount owed to the district for water or sewer in the applicant's name. The districts reserve the right to discontinue service to a customer when it is discovered the customer has used another name or the name of another individual to avoid paying an outstanding balance owed to one of the districts for the active account or a previous account.

(b) A lessee making an initial application for service to his leased dwelling or building shall not be refused service by the district solely because of an outstanding balance owed to the district by another for services previously to that same address.

Sec. 26-263. Deposits.

(a) Every application for service shall make a cash deposit with the District in the amount set forth in the schedule of charges. The purpose of the deposit is to provide security for the payment of all charges by the customer. The district retains the right, with 30 days written notice, to require the customer to increase the deposit no more than twice the amount of the highest monthly bill rendered in the previous 12 months.

(b) Initial deposits shall be made with the initial service application. Additional deposits, if required from subsection (a) of this section, shall be made within 30 days after receiving the written notice.



(c) A separate deposit shall be paid for each service installed.

(d) No interest shall be paid on such deposit by the district to the depositor.

(e) Upon termination of service, the deposit shall either be applied to any outstanding bill or refunded to the customer.

Sec. 26-264. Rates.

Rates, deposits, service charges and fees shall be established by resolution of the board of commissioners. Such rates shall be kept on file in the district's office. The director of water services shall review said rates from time to time and report to the commissioners the need to adjust. The director will at a minimum review these rates annually.

State Law References: Authority to fix and enforce rates, G.S. 160A-314.

Sec. 26-265. Minimum service charge.

(a) The minimum service charge as provided in the rate schedule shall be billed to each metered account monthly.

(b) Minimum charges and reduced tap fees. From time to time the districts may, in an effort to increase the customer base or to solicit customers in an area where construction is to take place, offer customers a reduced fee for tap installation. Customers utilizing the reduce tap fee shall pay a minimum monthly charge as established by the board regardless of weather or not the tap is in use until such time as the initial fee paid and the minimum monthly charges paid equal the amount of a full tap fee as determined by the cost at the time the reduced fee was paid. The customer shall have 90 days from the date the meter is installed and made available before this charge will be applied to the account.

(c) The minimum charge shall apply from the date the meter is installed and shall not be waived for nonoccupancy of the structure served unless the customer has paid a full tap fee with no discount and has requested service be discontinued until further notice.

Sec. 26-266. Service fees.

Service fees in amounts as determined by the board from time to time and listed in the schedule of fees maintained in the districts' office shall be charged for the connection, reconnection, cutting on or off, transfer of account and rereading after the third reread of a meter when the reread shows no error in readings.

Sec. 26-267. Returned check fee.

A service charge in an amount determined from time to time by the board and listed in the schedule of charges maintained in the districts' office shall be charged for a check received in payment of utility bills, deposits, or other charges, which are dishonored by the customer's bank because of insufficient funds or a closed account.



Sec. 26-268. Past due charge.

A past due charge as determined by the board from time to time and listed in the schedule of charges maintained in the districts' office shall be charged to any account which has a balance greater than the past due charge on the date established as the past due date in section 26-70.

Sec. 26-269. Delinquent charge.

A delinquent fee as determined by the board from time to time and listed in the schedule of charges maintained in the districts' office shall be charged to an account with a balance greater than the minimum monthly bill on the date established in section 26-70.

Sec. 26-270. Access to premises.

Duly authorized agents of the district shall have access at all reasonable hours to the premises of the customer for the purpose of installing and removing district property, inspecting piping or apparatus, reading or testing meters, or for any other purpose in connection with the district's service or facilities. Application for service shall constitute consent by the customer to access his premises for these purposes.

Sec. 26-271. Meter reading and determination of charges.

(a) Ordinarily, meters will be read once per month and bills rendered once per month. However, the district reserves the right to vary this schedule if necessary or desirable.

(b) When two or more meters are installed in the same premises for different customers, the district shall clearly identify which meter serves which customer.

(c) Where there are multiple dwelling units on one lot, unless separate meters are installed, the property owner shall be responsible for the bill of all usage.

(d) Unless there is a combination meter installed, readings from different meters shall not be combined into one account.

(e) Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

(f) It shall be the policy of the districts to read all meters monthly to render an accurate reading for calculating bills. However, the districts reserve the right to estimate the reading when circumstances require for but not limited to the following:

- (1) Inclement weather.
- (2) Natural disasters.
- (3) Meters obstructed by property of the customer.



- (4) Special requirements for flow.
- (5) Meters located where a threatening animal is not restrained in a manner acceptable to the meter reader.

When estimates are used for subsections (f)(3) and (5), the customer can request a special reading to determine the accuracy of the estimate, in which case the customer must be present to correct the situation which prevented the reading from being taken.

Sec. 26-272. Bills.

- (a) Bills are due upon receipt and become past due on the 15th day of the month after the close of business or on after the close of business on the next business day when the 15th falls on a weekend or holiday. Past due charges are applied thereafter before the next business day.
- (b) Bills shall notify customers of the provisions of subsection (c) of this section, and shall contain a phone number where a district employee can be contacted concerning questions about the bill.
- (c) Bills become delinquent at the close of business on the 25th day of the month or on the next business day thereafter when the 25th falls on a weekend or holiday. Delinquent charges are thereafter applied before the next business day and the service will be disconnected. Delinquent charges are applied regardless of whether the account has been disconnected for nonpayment or not.

Sec. 26-273. Meter testing.

If the customer believes that a water meter on his premises is not registering his water consumption accurately, he may request the meter be tested. The standard of accuracy shall be 2 1/2 percent of volume measured. If there is no inaccuracy in the standard of measurement all costs associated with the testing of the old meter and the cost of the new meter shall be paid by the customer. If the test reveals inaccuracy of the meter no charges shall be applied to the account. These fees shall be billed to the customer during the next billing cycle and are payable, as part of the water bill. Failure to make payment as prescribed shall result in termination of service and other actions as are necessary to use as outlined in this chapter.

Sec. 26-274. Calculation of bills where equipment fails.

- (a) If the seal of a meter is broken by other than district personnel or if the meter fails to register the use of water, the customer shall be charged the amount computed using the appropriate following formula for the period in which the meter failed to register:
 - (1) If the customer has occupied the premises for three years or more the customer will be charged the average of the three corresponding months in the previous three years.
 - (2) If the customer has occupied the premises for less than three years he shall be billed for the average monthly consumption.



(b) If the customer demonstrates to the reasonable satisfaction of the district that a break or leak in the line or system of the premises plumbing has contributed to an extraordinary charge for the billing period, the district may recompute the bill using the following procedure: The average of the three preceding monthly bills shall be used to compute the average consumption rate and this amount of usage shall be used to compute the bill.

(c) Any customer having his bill computed by subsection (b) of this section shall not have it calculated in this manner again for the next 12 months.

Sec. 26-275. Prohibited activities.

No unauthorized person shall:

- (1) Supply or sell water from the district's system to other persons or carry away water from a hydrant, public water fountain, or other such public outlet without written permission from the district.
- (2) Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main or other appurtenances or any other part of the water or sewer system including but not limited to any testing equipment, or other devices for inspecting, testing, and or measuring water or sewer systems performance.
- (3) Tamper with the water meter so as to alter the true reading for the amount of water consumed.
- (4) Attach or cause to be attached any connection to the water system prior to the service line going through the meter.
- (5) Cause any unauthorized dumping of wastewater or sludge into the sewer system.

Sec. 26-276. District property; maintenance.

(a) All meters, cut-offs located before the meter, and the meter box shall remain the property of the district and shall be kept in good repair and working order by the district. The customer is responsible for all devices located after the meter including the meter coupling, backflow preventer, cut-off and piping.

(b) The district shall:

- (1) Maintain the water lines within the highway right-of-ways and district easements at its expense.
- (2) Provide immediate repair in the event of leaks or damage to the system in these right-of-ways or easements.
- (3) Reserve the right to refuse service if there is a cross connection to a private water supply or no backflow preventer.



- (4) Assume no liability for damage only if such damage results directly from the district's negligence.
- (5) Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises.
- (6) Assumes no liability resulting from negligence of a third person.

Sec. 26-277. Customer responsibility.

The customer shall:

- (1) Maintain all piping be it water or sewer on his premises at his expense.
- (2) Contact the district of any problems with the district's water or sewer system located in any easement or right-of-way.
- (3) Guarantee protection for district facilities, equipment, or apparatuses located on his property.
- (4) Pay cost associated with the relocation of district facilities, pipes or other apparatus if done at the owner's request.
- (5) Not make or cause to be made any cross connection with another water supply.
- (6) Install and maintain adequate back-flow devices.
- (7) Install pressure-reducing valves if deemed necessary.
- (8) Install a sewer cleanout if not one at the property line at his expense.
- (9) Be responsible to the district for damage to the districts property that is the fault of the customer. The cost of such repairs will be added to the customer's bill.

Sec. 26-278. Service termination.

- (a) The district may terminate service for any of the following reasons:
 - (1) Refusal by customer to pay in full an account that remains delinquent in excess of five days.
 - (2) Prevention of fraud or abuse by the customer.
 - (3) Failure of the customer to comply with this chapter.

Before termination the customer shall be notified of the intent to terminate the service under the grounds of



subsection (a)(3) of this section and given an opportunity to be heard on the matter.

(b) The district reserves the right to discontinue or interrupt service temporarily for any of the following:

- (1) Emergency repairs.
- (2) Insufficient supply or treatment capacity.
- (3) Strike, riot, flood, accidents, acts of god, or any other unavoidable cause.

(c) The district shall make a good faith effort to notify affected customers before service is temporarily halted. However, the customer, by making application for service, agrees to hold the district harmless from liability for any damages that may occur as a result of the temporary discontinuance of service for the causes stated in this section.

State Law References: Authority to fix and enforce rates, G.S. 160A-314; discontinuance of service for nonpayment, G.S. 160A-314(d).

Sec. 26-279. Notice of proposed termination of service; right of hearing.

(a) On the day that an account becomes delinquent or as soon thereafter as possible, the district shall mail to the customer a notice informing him of the amount owed and stating that:

- (1) The account is delinquent.
- (2) The customer is entitled to be heard before service termination by a specified employee at a specific address or telephone number during normal business hours if there is a dispute over the amount of the bill.
- (3) Unless the bill is paid in full by a specified date the district may terminate service without further notice.

(b) The service termination date stated in the notice shall be five days after the account has become delinquent.

(c) If the district proposes to terminate the service without any reason other than nonpayment, the district shall first mail the customer a notice, which will state:

- (1) The district proposes to terminate the service.
- (2) The reason for termination of service and what the customer can or can not do to avoid the termination.
- (3) That the customer is entitled to be heard by a designated employee prior to the termination at a specified address or telephone number during normal business hours if there is any discrepancy



for the reason given for termination.

Sec. 26-280. Hearing.

(a) The hearing provided for in section 26-79 may be held by phone or at the request of the customer in person at the district office as specified in the notice.

(b) The hearing shall be conducted informally. The customer shall be given every reasonable opportunity to bring to the attention of the designated employee information that bears upon the reasons for the proposed termination.

Sec. 26-281. Stay of termination pending hearing outcome.

(a) So long as the hearing provided for in section 26-79 is requested and held before the termination date indicated in the notice, the district shall postpone the proposed termination date until three days after the written decision is served on the customer.

(b) As soon as practical after the hearing, the employee conducting the hearing will inform the customer in writing of his decision and the reason thereof. If the proposed termination relates to an unpaid account, the writing shall also inform the customer that unless the account is paid in full within three days after the notice is served the service will be terminated. The decision may be served upon the customer in person or by certified mail, return receipt requested.

(c) If the customer fails to make timely request for the hearing provided for in section 26-79, or, following a hearing fails to comply with the decision of the district within the time specified; the district may terminate the service without further notice.

Sec. 26-282. Lessee may take responsibility for payments.

(a) Whenever a water meter serves a single dwelling unit or, in the case of nonresidential structures, a single tenant, and the occupant of the dwelling unit or the tenant is not the person responsible for water or sewer payments, and the customer's account becomes delinquent, then a copy of the notice of proposed termination notice required in section 26-79 shall be sent to the occupant of the dwelling unit or tenant of the nonresidential structure. Such notice shall include or be accompanied by a statement setting forth the rights of such tenant or occupant in subsection b below.

(b) When a lessor becomes delinquent in his water or sewer payments, a lessee may take responsibility for such payments and may thereby become the customer. The lessee shall not be responsible for the debts of the lessor.

Sec. 26-283. Procedure for service termination and reinstatement.

(a) Only authorized personnel of the district shall effect water and sewer service termination.

(b) When service is terminated, discontinued, or interrupted for any reason set forth in this article, it



shall be unlawful for any person other than a duly authorized agent or employee of the district to do any act that results in the resumption of service.

(c) When service is terminated for nonpayment of bills, the service application deposit shall be applied to the outstanding bill.

(d) If there are deposit funds remaining after the deposit is applied to the outstanding bill, the excess shall be refunded to the customer. If a portion of the bill remains outstanding, the district may proceed to collect the balance in the usual way provided by law for the collection of debts.

(e) Before service will be reinstated, the customer shall be required to make full payment on any charges still outstanding on his account. In addition, the customer shall also redeposit with the district an amount equal to his application deposit or the amount of the outstanding bill at the time of termination, whichever is greatest.

(f) A charge for service reinstatement shall be made as set by the district board.

Secs. 26-284--26-310. Reserved.

DIVISION 3.

CONNECTION TO SYSTEM

Sec. 26-311. Application.

(a) Every application for a sewer or water connection shall state the name of the owner of the lot, the name of the street on which the lot is situated, the number of the building if there is one on the lot, if not, a description of the location of the lot, the number and kind of connections desired, and any other pertinent information. The applicant shall sign every application.

(b) Every application shall be accompanied by the following fees:

(1) Service activation fee.

(2) Account deposit.

(3) Tap fee (if applicable).

(c) Permits may be subject to prior approval by the director after an on-site inspection.

Sec. 26-312. Required.

(a) Every person, business, corporation, government entity, or other organization erecting a structure that will require water or sewer services shall be required to make connection to the district's water and sewer system when these services are available from the district and such service is located within 250 feet of the



property and does not require service to go across the land of another.

(b) Any property owner within 250 feet of a district water or sewer line and having to cross the land of another to make a connection may obtain an easement from the owner of the land for connection at his sole expense if he so desires to do so.

(c) Wherever the district has a water and sewer system available to a property no private water or sewer system will be allowed without approval from the director.

Sec. 26-313. Construction.

(a) Water and sewer connections shall be made simultaneously whenever connection to both water and sewer are required.

(b) When a permit for connection to the water or sewer system of the district has been issued, the district by either its own work force or by contractor will make the connection and run the service lines to the property line.

(c) Subdivision developments requiring water and or sewer shall be done by the developer, at his expense and under the supervision of the district. All installations in subdivisions shall conform to the district manuals for materials and specifications.

(d) Meter placement shall be at the discretion of the district but shall be coordinated with the property owner.

(e) The district shall provide each meter with a cut-off immediately in front of the meter.

(f) Each meter shall be provided with a cut-off directly adjacent to the district meter box assembly by the property owner for use of the owner to cut off the water when needed.

(g) Each meter assembly shall have a backflow preventer as required by state law.

(h) The customer's piping and apparatus shall be installed at his expense, by a licensed plumber in the state, according to all local and state codes and in accordance with the sanitary regulations of the state commission for health.

(i) Piping on the customer's premises shall be so arranged that it will be conveniently located in respect to district mains.

Sec. 26-314. Separate connections required for each lot.

(a) For purposes of this section, each "lot" shall mean a parcel of land whose boundaries have been established by some legal instrument and by which the property is recognized as a separate legal entity for purposes of transfer of title.



(b) There shall be for every lot to which water or sewer service is available a separate connection with the main and separate service pipe, tap, and meter.

Sec. 26-315. Requirements for connections of service where multiple buildings are located on one lot.

Where there are multiple buildings or structures on one lot and the owner desires to have one common connection for both water and sewer and service is available, the owner shall meet the following requirements:

- (1) The buildings must be in compliance with all zoning regulations.
- (2) The building permit shall show a single owner and shall indicate the complex of buildings to be constructed.
- (3) The applicant shall be required to submit to the district a site plan showing the proposed water and sewer systems. A registered engineer in the state shall prepare such plans and such engineer shall be responsible for inspection of the work. Such plans shall include:
 - a. Size of water lines, materials to be used for construction, valve locations, and hydrant locations. All construction from the water main to the meter shall be in accordance with district standards and specifications. Construction beyond the meter may be with materials permitted by the state plumbing code. A licensed utility contractor shall do all construction.
 - b. Size of sewers and materials to be used for construction. All sewers eight inches and larger in size shall be constructed in accordance with all applicable local and state building codes. All construction shall be done by a licensed master plumber or a licensed utility contractor.

Sec. 26-316. Inspections.

By making application for service or requesting development approval the customer agrees that the district has the right to inspect the private water system components, and any sewer system components installed in a project or structure before the district allows the system or components to be joined to the districts system or before accepting it as part of the district system. In development installations the district reserves the right to require the developer to provide qualified inspection services on site at his expense. Such inspectors will provide the district with documentation of the inspections and certify that as-built drawings are accurate.

Sec. 26-317. Laterals to remain property of district.

All meters, meter boxes, pipes and other equipment furnished and used by the district or it's contractor in installing any water connections shall be and remain property of the district.

Sec. 26-118. Maintenance of private distribution and collection systems.

All owners of lots or parcels, which have a private water distribution or wastewater collection system on



it shall maintain them in good repair at all times. Failure to correct problems that cause an immediate danger to the health and safety of the public shall constitute a nuisance and shall be abated by the district if so deemed necessary by the director. All expenses incurred by the district for abatement of such nuisances shall be the responsibility of the owner and payable to the district upon being billed.

Secs. 26-319--26-350. Reserved.

DIVISION 4.

EXTENSIONS

Sec. 26-351. Extension of service.

The district recognizes its responsibility to provide services to all improved property inside the district limits on a nondiscriminating basis and, subject to availability of funds, to extend its service lines to all such properties unless it is unreasonable to do so. The district may determine that an extension of service is unreasonable for the following reasons:

- (1) The cost of service extension is excessive in terms of the number of customers to be served, or because of topographical, engineering, technical or other problems.
- (2) The provision of service will adversely affect the supply of water to other customers or will adversely affect wastewater treatment capabilities.
- (3) Other good and sufficient reasons.

Sec. 26-352. Developing properties.

(a) The cost of extending services to developed areas in the district limits shall be borne initially by the district. However, the district may recoup its cost in whole or part by levying a special assessment to benefited properties in accordance with G.S. 160A-216 et seq.

(b) Extensions in the jurisdiction of the district shall be done by district forces or by contract led by the district.

(c) Mains shall be extended through public right-of-ways or through the acquisition of easements, and in no case across private land without permanent easement.

Sec. 26-353. Subdivision and new development.

(a) The responsibility for extending service to new subdivisions and other developed properties is that of the developer or landowner. Said installations shall be done according to district specifications and turned over to the district upon completion with a one year warranty on all work done and materials supplied. The district may contract with the developer to install such with district personnel.



(b) The cost of extending the service lines for subdivisions or developments shall be borne by the developer subject to the following: If the district requires larger than needed lines to serve the area and other areas may be served by said lines then the district may reimburse the developer for the additional cost of installing the oversized line.

Sec. 26-354. Extensions made by other than district forces.

(a) Extension made by other than district forces shall be made according to district standards and specifications, which shall govern the size of the lines, location, grade, materials, manner of installations, and provision for future extensions.

(b) No construction or alteration of the district's systems shall be done without detailed plans prepared by a registered engineer in the state and approved by the director. Such plans shall include sufficient information to determine that the installations will be according to district specifications.

(c) Installations shall be in accordance with the same provisions as outlined in section 26-63.

(d) By making application for extending district service lines, the person responsible agrees to indemnify and hold harmless the district from all loss, cost, damage, liability, or expense resulting from loss or injury to any person or property as a result of extending the lines.

Sec. 26-355. Inspection of work by others.

(a) All work on extension of service lines by other than district personnel shall be provided with an on site inspector at the expense of the person responsible for the extension installations. This inspector shall provide the district with documentation of the inspection findings, actions, and accuracy of as-built drawings.

(b) If in the judgment of the director there is a lack of adequate competent supervision on the site he may at his option:

(1) Halt work until approved supervision is obtained and the work done in accordance with district specification and requirements; or

(2) Provide constant inspection by district personnel at the expense of the developer.

(c) Inspection by district personnel does not imply the district as insuring installation according to plans or specifications. The person responsible for the extensions shall be responsible for this and may be required to remove or replace any work or materials not meeting district specifications, procedures, or requirements.

Sec. 26-356. Dedication of line extensions.

(a) All lines constructed and connected with the facilities of the district pursuant to this article shall be conveyed to and become the property of the district upon completion of installation and activation of the lines. Connection to the system and acceptance by the district shall constitute conveyance of the lines.



(b) Following the dedication of the lines to the district, the lines come under the exclusive control of the district and shall be maintained by the district. However, the conveyor of the lines shall guarantee the project against defects for a one-year period from the date of completion and acceptance by the district.

Sec. 26-357. Reimbursement.

Under certain situations as determined by the board of the district, some line extensions may be eligible for reimbursement. This shall be determined by the policy of the county. The board at a regularly scheduled meeting must approve any such reimbursement. Reimbursements may be made for but not limited to the following:

- (1) Lines that are installed to serve a new development but through the can provide service to additional areas not being served by the development. In this case the reimbursement may be limited to the cost of the line not serving the new development directly but providing service to an additional area under the jurisdiction of the district.
- (2) Economic incentives as prescribed by the board.
- (3) Assessments collected by the district for availability fees.

Secs. 26-358--26-380. Reserved.

DIVISION 5.

FIRE APPARATUS

Sec. 26-381. Installation of fire hydrants.

(a) Developers of subdivisions may be required as a condition of connecting to the district water system, to install fire hydrants in accordance with the districts specifications and requirements.

(b) The district may contract with a developer to install fire hydrants in some cases but the developer shall be responsible for all costs in all cases.

(c) Construction of any hydrant constructed pursuant to subsection (a) of this section shall constitute dedication to the district of such hydrant.

(d) All hydrants located on public rights-of-ways and in district owned easements shall be the property of and maintained by the district.

(e) The owner of the property shall maintain hydrants located on private property. The district may perform maintenance and repairs on such hydrants at the owner's expense.

(f) Authorized personnel from the district, local fire department personnel and others authorized by



the district shall only operate fire hydrants located in the district's system.

(g) No person shall operate, tamper with, or discharge water from a hydrant without the express consent of the district.

(h) Persons wishing to purchase bulk quantities of water shall do so through the use of hydrants in the district. All laws and regulations of the state and district rules and regulations shall govern such use. The minimum requirement for the filling of mobile vessels with district water shall be by means of an approved backflow prevention device or through a open-air gap as prescribed by the laws governing public water supplies in the state.

Sec. 26-382. Fire protection service lines.

(a) Subject to district guidelines, fire protection service lines may be connected to the system.

(b) All fire protection service lines and systems connection requests shall submit to the district a detailed set of plans of the design of the connection and system for district approval. Final connection to the district system shall not be made until the director or his designee has inspected and approved the installed system.

(c) Persons properly licensed to make such installations in the state shall install all fire protection systems.

(d) Backflow prevention devices as designated by the rules governing public water supplies in the state and the district's rules and regulations shall be used in the installation of fire protection systems and must be maintained at the owner's expense.

Sec. 26-383. Metering of fire protection service lines.

The district may require the owner of any fire protection line to install at his expense either a detection check valve with a bypass meter or a full flow fire line meter. If not required initially the district may at any time, if it has reason to suspect that water is being consumed through the line for uses other than fire protection, require the installation of a meter.

Secs. 26-384--26-410. Reserved.

DIVISION 6.

RESTRICTIONS ON WATER USE

Sec. 26-411. Emergency mandatory water conservation measures.

In the event of natural disasters, droughts, and other unforeseen situations that significantly reduce the capacity of the system to provide an adequate supply of potable water, the director may impose mandatory water conservation measures in order to reduce the demand. Imposing of said restrictions shall be proceeded by



notification from the director to the county manager and the chairman of the board of commissioners. Mandatory measures may include but shall not be limited to the following:

- (1) No domestic, commercial, or agricultural irrigation use.
- (2) No showering baths.
- (3) No car, truck, boat, equipment, R.V., etc. washing.
- (4) No washing of outside surfaces such as driveways, patios, buildings, etc.
- (5) Limiting time of use to certain hours.
- (6) No clothes washing except on certain days and times.
- (7) No commercial processing use.
- (8) Temporary service termination for large industrial users.
- (9) No filling of swimming pools, minimal amounts may be used to keep a pool filled that is already operating.
- (10) No use of water from fire hydrants except fire suppression.
- (11) No use of water for dust control.
- (12) No use of water for construction.
- (13) No intentional waste of potable water.
- (14) No serving of drinking water in restaurants unless requested by customers.
- (15) No operating water cooled air conditioners unless health and safety are adversely affected.

Sec. 26-412. Implementation.

The director, through proper notification to the county manager and the chairman of the board, may implement the preceding measures in whole or part, or in moderation as he deems necessary. The director shall consider the severity of the situation from information supplied to him from the suppliers of water to county water and sewer and then submit this information to the county manager and chairman of the board as support for his implementing any restrictions. Said restrictions shall not be effective until both the county manager and the chairman of the board have properly been notified and issued their written approval of said actions.

Sec. 26-413. Notification to customers.



After receiving written approval from the county manager and the chairman of the board, the director will take the necessary actions to implement any restrictions. The director shall use any available means to inform the customers of county water and sewer of the restrictions to include but not limited to the following:

- (1) Radio and TV broadcasts.
- (2) Local newspapers.
- (3) Door to door written notification.
- (4) Law enforcement.
- (5) Fire service.
- (6) Emergency services.

Sec. 26-414. Enforcement.

Enforcement of any restriction imposed by the district shall be by authorized agents of county water and sewer, law enforcement officers, fire service personnel, and emergency services personnel.

Sec. 26-415. Penalties.

Persons found to be in violation of this article shall be subject to a fine of \$100.00 per violation, termination of service, and or legal prosecution. Repeated violations shall be considered a public nuisance and charged with such in a court of law with applicable penalties as others of the same charge.