



Sewer Use Resolution

Adopted November 14, 2011.

PART B
SEWER SYSTEM POLICY RESOLUTION

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PART B
CITY/COUNTY UTILITIES
SEWER USE RESOLUTION

ARTICLE I - GENERAL PROVISIONS

Section 1. Purpose and Policy.

This resolution sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the Winston-Salem/Forsyth County Utility Commission for the City of Winston-Salem, hereafter referred to as the Commission, and enables the Commission to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this resolution are:

- A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the wastewater system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- C. To promote reuse and recycling of wastewater and sludge from the municipal system;
- D. To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- E. To provide for equitable distribution of the cost of construction, operation, maintenance and improvement of the municipal wastewater system; and
- F. To ensure that the municipality complies with its NPDES or Nondischarge Permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

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

THIS RESOLUTION SHALL APPLY TO ALL USERS OF THE MUNICIPAL WASTEWATER SYSTEM, AS AUTHORIZED BY N.C.G.S. 160A-312 AND/OR 153A-275, BOTH INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM. Except as otherwise provided herein, the Director of Utilities (hereinafter, the "Director") or his designee shall administer, implement, and enforce the provisions of this resolution. By discharging wastewater into the municipal wastewater system, industrial users located inside and outside the City limits agree to comply with the terms and conditions established in this Resolution, as well as any permits, enforcement actions, or orders issued hereunder.

This resolution is gender neutral and the masculine gender shall include the feminine and vice versa. Shall is mandatory, may is permissive and 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.

Section 2. Definitions and Abbreviations.

Unless the context specifically indicates otherwise, the following terms, words, and phrases shall have the meanings respectively ascribed to them in this Section.

ACCIDENTAL DISCHARGE. An incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or the provisions of this resolution.

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

APPROVAL AUTHORITY. The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or a designated representative.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

- A. If the industrial user is a corporation, "authorized representative" shall mean:
1. the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 2. the manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- B. If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- C. 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.
- D. The individuals described in paragraphs A - C above may designate another authorized representative if the authorization is in writing and 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 Utility Commission.
- E. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

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

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

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

CATEGORICAL STANDARDS. See: National Categorical Pretreatment Standards or Pretreatment Standard.

CITY. The City of Winston-Salem, North Carolina, or any duly authorized agent(s) or official(s) acting on behalf of the City.

COMMISSION. The Winston-Salem/Forsyth County Utility Commission, an agency of the City of Winston-Salem, North Carolina.

CONTROL AUTHORITY. Refers to the POTW organization.

COUNTY. Forsyth County, North Carolina, including the area within the corporate boundaries of the City of Winston-Salem.

DEVELOPER. An individual or a group of individuals who seeks to construct new facilities on a property.

DIRECTOR. The Director of Utilities of the City of Winston-Salem, or his authorized representative(s).

DOMESTIC SEPTAGE. The liquid or solid material removed from a septic tank, cesspool, portable toilet or similar treatment works receiving only domestic sewage. Domestic sewage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

DOMESTIC WASTEWATER. Wastewater from bathrooms, toilet rooms, kitchens and home laundries, including the contents of septic tanks from residential dwellings.

EFFLUENT. Sewage, water or other liquid flowing out of any basin, treatment device, or facility.

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

FEDERAL REGISTER. A federal government periodical dealing with federal legislation, published weekdays by the National Archives and Records Service.

FOOD SERVICE ESTABLISHMENTS. Any commercial facility discharging kitchen or food preparation wastewater including restaurants, motels, hotels, cafeterias, hospitals, schools, nightclubs, delicatessen, meat cutting-preparation, bakeries, etc. and any other facility which, in the opinion of the Director, would require a grease trap installation by virtue of its operation.

40 CFR 403. Section 40 Part 403 of the Code of the Federal Register that mandates protection of the environment.

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

GREASE. The accumulation of oils (animal or vegetable), fats, cellulose, starch, proteins, wax, lipids, or grease, whether emulsified or not, in the sanitary sewer system. These are substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty degrees (150) Fahrenheit.

GREASE INTERCEPTOR OR GREASE TRAP. A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the “outdoor” or “underground” type normally of a 1,000-gallon capacity or more, or the “under-the-counter” or “point of use” package units, which are

typically less than 100-gallon capacity. For the purpose of this definition, the words “trap” and “interceptor” are used interchangeably

HAZARDOUS WASTE. Any material that would be identified as hazardous wastes according to 40 CFR, Part 261 if not disposed of in a sewer.

HYDROCARBON OIL AND GREASE. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.

INDIRECT DISCHARGE OR DISCHARGE. The discharge or the introduction from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW.

INDUSTRIAL USER . Any person who is a source of indirect discharge.

INDUSTRIAL WASTE CONTROL SECTION. A section of the City's Public Works Department that is in charge of controlling industrial and commercial discharges to the sewer system and supervising the industrial pretreatment program.

INDUSTRIAL WASTEWATER. All water-carried wastes and wastewater excluding domestic wastewater and unpolluted water. Includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, and/or other operations where the wastewater discharged includes wastes of nonhuman origin.

INDUSTRIAL USER PERMIT. A permit to discharge as set forth in Section 79 of this resolution.

INFLOW/INFILTRATION. Inflow is the result of extraneous water entering the sewer system. Inflow includes water discharged into service connections and sewer pipes from foundation and roof drains, outdoor paved areas, unpolluted cooling water from air conditioners, and unpolluted discharges from businesses and industries. Infiltration is the entry of water into the sewer system from surrounding soil. Common points of entry include broken pipe and defective joints in the pipe or walls of manholes. Infiltration may result from sewers being laid below the groundwater table or from saturation of the soil by rain or irrigation water.

INFLUENT. Sewage, water or other liquid flowing into any basin, treatment device, or facility.

INTERFERENCE. The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's (and or POTW's, if different from the Control Authority) NPDES, collection system or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901. et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and

Sanctuary Act (MPRSA) or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

MAY. "May" is permissive.

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

MUNICIPAL SEWER SYSTEM. See, "Publicly owned treatment works."

MUNICIPAL WASTEWATER SYSTEM. See, "Publicly owned treatment works."

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, or NPDES PERMIT. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 46 of this resolution and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

NEW CATEGORICAL SOURCE. As defined in 40 CFR Part 403.3(m), including any subsequent amendments and additions.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORTH CAROLINA PLUMBING CODE. The most recent edition of the North Carolina State Building Code, entitled "Plumbing," published by the North Carolina Building Code Council and the North Carolina Department of Insurance.

OWNER: An individual, person, firm, company, association, society, corporation, or group upon whose property the building or structure containing the Food Service Establishment is located or will be constructed. "Owners" shall also include the owner of a Food Service Establishment who may lease the building, structure, or a portion thereof, containing the Food Service Establishment.

PASS THROUGH. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation,

including an increase in the magnitude or duration of a violation, of the Control Authority's (and/or POTW's, if different from the Control Authority) NPDES collection system-

PERSON. 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. 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 gram moles per liter of solution. A pH value of 7.0 is neutral, values below 7.0 are acid and those above 7.0 are alkaline.

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

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater. See "Publicly Owned Treatment Works".

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

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

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, local limits and any other regulation containing pollutant discharge limits promulgated by the State of North Carolina or local agencies or by EPA in accordance with Section 307 (b) and (c) of the Act.

PRIVIES. Latrines, outhouses, or any other permanently installed outdoor water closets.

PROPER CONNECTIONS. Those sewer pipe connections made in accordance with the North Carolina Plumbing Code or as stipulated by the Director.

PROCESS WASTEWATER FLOW. That portion of the facility discharge that is attributable to the function(s) that define(s) the facilities purpose(s).

PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM or MUNICIPAL SEWER SYSTEM. A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292), which is owned by the City of Winston-Salem, acting through its Utility Commission. 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 or solid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this resolution, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the POTW.

RESIDUALS. The solid or semi-solid waste generated from a biological wastewater treatment facility with a NPDES permit which is owned or operated by the Commission.

SANITARY SEWER. A pipe or conduit which carries domestic waste and/or industrial wastes and to which storm, surface, groundwaters, and unpolluted waters are not intentionally admitted.

SEPTAGE. The sludge produced in individual domestic on-site wastewater disposal systems, such as septic tanks and cesspools.

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

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

SEWAGE TREATMENT PLANT. See, "Publicly Owned Treatment Works."

SEWER CONNECTION. A sewer pipeline, normally a four-inch, cast-iron soil pipe, running laterally from a street sewer, an off-street sewer or a trunk sewer to an individual tract, lot or parcel of land to serve one (1) or more houses or other buildings, whether or not connected to any house or building.

SEWER SYSTEM. See, "Publicly Owned Treatment Works."

SHALL. "Shall" is mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU). An industrial user that discharges wastewater into a publicly owned treatment works and that:

- A. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or
- B. Contributes process wastewater which makes up five percent or more of the NPDES or permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS, and Ammonia; or
- C. Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
- D. Is found by the Control Authority, to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
- E. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES [or for contributing to violations of the POTW's receiving stream standard,] or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- F. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- G. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Part 403.8 (f)(2)(v)(C) and 403.12(e)(3).

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric

Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH));

- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 102E of this Resolution to halt or prevent such a discharge.
- E. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- F. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and compliance reports within 45 days from the due date.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE OR BIOSOLIDS. The solid or semi-solid waste resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, precipitation, filtration, and/or biological oxidation of water or wastewater.

SLUG LOAD OR DISCHARGE. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through or in any way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharge that can cause a violation of the prohibited discharge standards in Section 46 of this resolution.

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

STORM DRAIN OR STORM SEWER. A pipe or conduit designed, constructed, and intended to carry storm waters, surface waters, drainage, and other unpolluted waters, but not sewage or industrial wastewater.

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

SUBMIT. The term "submit" or the terms "notify" or "request," when used in the context of a written rather than oral submission, shall mean to place the written report or document into the US Mail, postage prepaid, such that it is postmarked on the date it is required to be submitted under this resolution. For writings not submitted via the US Mail, it shall mean delivery to the Director.

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

TOXIC SUBSTANCES. Any substance or mixture, whether gaseous, liquid or solid, which, when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

TRUNK SEWER. A major outfall or intercepting sewer installed along the valley line of a watershed to serve as a collector for street sewers and minor outfall lines serving subdivisions and developed property within an entire watershed.

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

USER. Any person, establishment, or industry, whether inside or outside the city limits, who contributes, causes or permits the contribution of wastewater into the POTW.

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

WATER CLOSETS. Any self-contained toilets, including those in recreational vehicles and portable units.

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

The following abbreviations when used in this resolution, shall have the designated meanings:

| | | |
|-------|---|---|
| BOD | - | Biochemical Oxygen Demand |
| CFR | - | Code of Federal Regulations |
| EPA | - | Environmental Protection Agency |
| gpd | - | Gallons per Day |
| I/I | - | Inflow and Infiltration |
| IWC | - | Industrial Waste Control |
| l | - | Liter |
| mg | - | Milligrams |
| mg/l | - | Milligrams per liter |
| NCGS | - | North Carolina General Statutes |
| NPDES | - | National Pollution Discharge Elimination System |
| O & G | - | Oil and Grease |
| O & M | - | Operation and Maintenance |
| POTW | - | Publicly-Owned Treatment Works |
| RCRA | - | Resource Conservation and Recovery Act |
| SIC | - | Standard Industrial Classification |
| SS | - | Suspended Solids |
| SIU | - | Significant Industrial User |
| SWDA | - | Solid Waste Disposal Act |
| TSS | - | Total Suspended Solids |
| TKN | - | Total Kjeldahl Nitrogen |
| USC | - | Unites States Code |

Section 3. Confidentiality and Public Access.

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

A. Public Access to Information

The following information and items are considered to be part of the public record and, as such, are available for public access:

1. Industrial Discharge Permits
2. Permit Application Forms
3. SIU Effluent Monitoring Data
4. Utility Commission SIU List

B. Confidentiality

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 resolution, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the Utility Commission, the State or any state agency in judicial

review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Disclosure of Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to governmental agencies 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. Any information submitted as confidential shall be accepted and treated as confidential except for information that conflicts with (A) above. The user shall provide legal representation for any legal challenge of confidential information.

Section 4. Disclaimer of Liability.

Neither the City nor the Commission shall be liable to any person for failure to furnish sewer service for any purpose or under any conditions, or for the quantity or quality of the service furnished, or for damage from discontinuance of service. All connections and service are subject to these provisions.

Sections 5 – 11. Reserved.

ARTICLE II. SEWER CONNECTIONS

Section 12. Septic Tanks and Surface Closets.

It shall be unlawful for any person to maintain any septic tanks or closets, except in sections of the county where and while the premises are not accessible to the City sewer system and no such septic tank may be constructed or maintained except with approval of the Director.

It shall be unlawful for any person to construct or maintain any surface privies or closets on any premises in the county, temporary, portable and chemical closets excepted. This section shall not apply in the areas of the county in which there is no access to a sanitary sewer.

Section 13. General Requirements for Sewer Connections.

All owners, whether in fee or as life tenants of houses or lots abutting on a street where a sanitary sewer is laid, or which otherwise have access to a sanitary sewer, shall cause all water closets on such property to be connected with the sewer system, under such rules and regulations as are prescribed by the Commission.

All compulsory connections shall be made by the City in the same manner and for the same charges as if an application therefore had been filed under the provisions of this resolution.

A condition of providing sewer service and of every sewer connection to or for premises not provided with city water service shall be that in the event the owner or occupant of such

premises shall fail to apply, when due, all applicable charges made by the City for sewer service, the City shall have the right to go upon the private premises to which such sewer service is provided and to excavate and disconnect the sewer service at such point along the private sewer connection line as the City may deem appropriate, and, thereafter, from time to time to inspect such point of disconnection, and, upon payment of all charges owed to the City, to reconnect same, all at the expense and risk of the property owner or occupant. The fact that the premises are connected to the City sewer system and that sewer service is provided to the premises by the City shall constitute an acceptance of this condition and each owner and occupant of the premises having such a sewer connection shall be deemed to have given to the City a continuing permit or easement to go upon their private property for such purposes. The City shall incur no liability whatever for damages to person or property for any such excavation, disconnection, inspection, or reconnection of any such sewer line or sewer service.

Section 14. Permit.

All persons connecting to the City sewer system shall obtain a permit pursuant to Section 76.

Section 15. Connection Fee.

The fee charged for individual private sewer connection, both inside and outside the City limits shall be in accordance with the schedule set forth under Section 122.

Section 16. Compelling Connections.

Whenever any property in the City or county shall be required by Section 13 above, to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows:

- (1) Fifteen (15) days' notice, printed or written, signed by the Director requiring such connection, shall be served by an officer of the City on the owner of such property by delivering to that person a copy of the notice.
- (2) If, after reasonable diligence, the owner cannot be found within the City, then such notice shall be published for five (5) days in a newspaper published in the county.
- (3) If the property is in charge of an agent of the owner and such agent can, with reasonable diligence, be found within the county, a copy of the notice shall also be served on that person.
- (4) Publication of such notice for five (5) days in a newspaper shall, in any case, be deemed sufficient notice.
- (5) If the property owner does not, within the time prescribed in such notice, award contract to a licensed plumber to install and connect all sanitary plumbing with the sewerage system at the curblin, an pay the City the fees for and cost of

making the connection from the curblineline to the public sewer, the City may enter and make such installation and connection and the charges therefore and cost thereof shall be charge against the owner and lien on the land, and the collection thereof be made in the manner provided by law for the collection of unpaid taxes due to the City.

Section 17. City Supervision.

All sewer connections in their entirety, including the replacement of pavement over trenches, between the sewer in a public street and the cleanout fitting at the curb line, shall be made by the City after the permit is issued. This shall apply both within and outside the City and shall apply to all sewer connections except those installed by contractors for new developments, in which case the work and connections shall be under the supervision of the Director.

Section 18. Connection Time Limit.

The compulsory installation and connection herein provided for shall be completed within thirty (30) days from the time prescribed in the notice.

Section 19. New Systems and Connections.

New sewer connection applicants who discharge non-domestic wastes will be required to have an approved sampling point prior to connections.

All connections for sewers on private property shall be inspected by the Director or his representative(s) before the trench is filled, whether the pipes have been run within the building line or not. Sewer pipes or main drains are not to be raised, lowered, or otherwise changed except under the authorization of the Director.

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

- (1) When one (1) building stands in the rear of another building on a common interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the house drain from the front building may be extended to the rear building and the whole will be considered as one house drain; or
- (2) A common sewer connection will be permitted to serve more than one (1) building in the following categories:
 - a. Apartments.
 - b. Townhouse developments.
 - c. Condominium developments.
 - d. Planned unit developments.
 - e. Hotels, motels.

- f. Hospitals.
- g. Warehouses, industrial buildings engaged in one (1) business only.
- h. Schools.
- i. Mobile home parks.
- j. Shopping centers.
- k. Churches.
- l. Other buildings under common management.

A common sewer connection, including a private sewer collection system will be permitted to service the above categories of buildings meeting the following minimum requirements.

- a. The building or buildings to be service are in compliance with the City’s zoning ordinances and subdivision regulations, if located within the City’s jurisdiction, or with the county zoning ordinances and subdivision regulations, if located outside the City’s jurisdiction.
- b. The building permit and plat shows a single owner or several owners with a common management agreement and indicates that the complex of buildings will be constructed on a single tract.
- c. All sewer construction within easements shall be in accordance with city, state, and federal standards and specifications; and all other sewer construction shall be in accordance with the City’s plumbing code. Any construction which requires only cleanouts to be installed shall be performed by a licensed master plumber or licensed utility contractor. All construction requiring manholes will be performed by a licensed utility contractor. The owner or management of such complexes shall remain the owner of said private sanitary sewer systems and be responsible for the operation and maintenance thereof.
- d. Should a building within such a complex be conveyed to a new owner without a common management contract, the Commission shall require a sewer connection from that building to the public main.

Section 20. Specifications for Installation of Sewer System in Old Buildings.

When and if it becomes necessary to install sewer systems in old buildings, the following specifications must be complied with:

- (1) If property is under one ownership, a maximum of two (2) separate buildings may be connected to a four-inch or six-inch sewer connection. When and if the ownership of these two buildings shall be divided, a separate connection must be provided for each building.
- (2) If more than two (2) buildings are under one (1) ownership and it is desired to drain the waste from these buildings to the sanitary sewer at a single point, a private sewer must be installed at the property owner’s expense. The private

sewer must be build in accordance with specifications of the Department of Public Works for sanitary sewers. The property owner must also obtain and record a permanent easement for the maintenance and operation of such private sewer. The property owner shall be responsible for the operation and maintenance of such private sewer.

Section 21. Abutting Properties.

The following rules and regulations shall govern the installation of sewer connections (laterals) to serve abutting properties which are subject to assessment for local improvement projects:

- (1) Procedure when installation is in unpaved street. When a sewer main is constructed in an unpaved street, connections (laterals) shall be so laid as to make a connection available to every abutting property on which there is a residential, office, business, commercial or industrial building. Also, such additional connections (laterals) shall be laid as shall be requested by the owners of properties abutting the project. The Director shall notify each abutting property owner, prior to the construction of any connections in front of his property, of the number of connections the City proposes to lay to serve his property and of the amount or approximate amount to be assessed against him for such connections. The Commission shall afford to each such property owner reasonable opportunity to request that additional connections (laterals) be laid to serve undeveloped lots or tracts of land. All such connections shall be assessed in accordance with applicable Commission Policies and Regulations.
- (2) Procedure when installation is in paved streets or simultaneous with paving. When sewer main is constructed in a paved street or in a street that is to be paved at approximately the same time that the sewer main is to be constructed, or when a street which already has a sewer main in it is to be brought up to city paving standards, connections (laterals) shall be laid to serve every lot which then has or which may possibly in the future have built upon it a building which would be required to be connected to sanitary sewer system under applicable ordinances and regulations, it being the purpose and policy of the Commission to install sufficient connections (laterals) so as to eliminate the likelihood of having to excavate such streets to provide service to abutting lots which are subsequently developed and improved. The foregoing provision of this subsection (b) shall, nevertheless, be subject to the following:

The Director shall notify each abutting property owner, prior to construction of any connections in front of his property, of the number of connections the City proposed to lay to serve his property and of the amount or approximate amount to be assessed against him for such connections.

The Commission shall afford to each such property owner reasonable opportunity to object to the installation of any of the proposed connections which would provide service to

undeveloped lots or tracts of land. All objections shall be filed in writing and shall contain the property owner's reasons for objecting to such proposed connections. The Commission shall have authority to delete from the project all connections which, in the opinion of the Commission, will not be required to adequately serve the property of the objecting property owner as said property is then developed in the future. In making its decisions, the Commission shall bear in mind its above-stated purpose and policy to install sufficient connections to protect against the likelihood of having to excavate paved streets to provide service to abutting properties in the future.

Section 22. Ground Level Alterations.

The City shall be notified by the property owner of any changes desired to be made by the property owner that will alter the existing ground elevations within the street right-of-way and permission must be obtained by such property owner from the Director for making such alterations. The entire cost of doing such work, including the adjustments to existing water meter boxes, sewer connections, cleanout fittings, or any of them, will be borne by the property owner.

Section 23. Valve Requirements.

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

Section 24. Prohibited Connections.

It shall be unlawful for any person to directly or indirectly connect, or permit the connection, of any open gutter, septic tank, privy vault or rainwater conductor to any sanitary sewer.

Section 25. Maintenance.

Whenever any house sewer, house drain or connection with any main sewer or common drain becomes clogged, broken, out-of-order or detrimental to the use of the sewer or other drain, or unfit for the purpose of drainage, the owner, agent, occupant, or person having charge of any building or premises which is drained through such defective connection shall, when directed by the Director or a health officer, within five (5) days after notice in writing, reconstruct or repair such sewer, drain, or connection as the condition of same may require.

The City will maintain sewer services to the curblin when constructed of cast-iron soil pipe. The City will install a suitable cleanout fitting at the curblin of the street at its expense and assumes the responsibility for maintaining the sewer service connection from the City's main in the street to such cleanout fitting located at the curblin.

Sections. 26-30. Reserved.

ARTICLE III. SEWER SERVICE EXTENSIONS

Section 31. Local Permit Authorization.

The Utility Commission will maintain a program for approval of the construction or alteration of the sewerage collection system under the Assistant City Manager/Public Works. The program will incorporate all requirements of the N.C. Division of Environmental Management for certification of the program, pursuant to NCAC .0218 (and as subsequently amended). Said program shall apply only to projects under the control of the City/County Utility Commission.

Section 32. When Installation Will be Made.

- (a) When the Commission so authorizes, the City will install sanitary sewers, upon application, in any area being served with city water, or where a contract has been completed for the installation of city water facilities.
- (b) The cost of the sanitary sewer installation may be borne entirely by the City, or jointly with the City and the applicant, or entirely by the applicant, as agreed upon by the parties.
- (c) The City shall require the extension of water mains along with the extension of sewer mains except in such cases as the Commission finds it economically impracticable to install both; in such instances, the City shall require the dedication of easements for water mains simultaneously with the extension of sewer mains, so that water mains may be installed at a later date.

Section 33. Application; Requirements and Conditions:

All persons desiring to construct sewer improvements and to connect same with the sewer system of the City shall make written application to the Director for permission to do so. All such applications and all such sewer improvements constructed and connected with the sewer system of the City shall be subject to the following requirements, conditions and provisions in as full and ample manner as if the same were set out in all applications, permits, and contracts relating thereto:

That the applicant shall employ at their expense a competent engineer to prepare plans and specifications for the proposed improvement and the same shall be submitted to the City for approval, or shall arrange with the City for such work to be done by the City at the expense of the applicant.

That the applicant shall engage a licensed and reputable contractor acceptable to and approved by the City to lay the proposed sewer main and appurtenances, except in those instances in which the City agrees to do the work at the expense of the applicant.

That the City shall inspect the sewer main and appurtenances during and after construction and that the City must be satisfied that the sewer main and appurtenances meet all city

specifications for sewer system construction before the sewer main may be placed in service.

That “in-place” drawings of all sewer installations other than those which are on private property and serve only private property be furnished the City on completion of the installation.

That the applicant shall pay all costs involved in making the extension, except such portions of the cost of truck sewers as the City may agree to bear.

That all sewer mains or lines of every description which are an extension of the City sewer system, except those which are installed on building sites as connections with building, shall become the property of the City without cost to the City (except such portions of the cost of truck sewers as the City may agree to bear at such time as the construction is completed and approved by the City), and that such mains and lines shall be located within dedicated public rights-of-way or within easements shown on a recorded plat or in a recorded deed, within the boundaries of which the City shall have the right to operate, maintain, inspect, repair, and replace such mains and lines; provided that said plats and/or deeds are recorded in the public registry of Forsyth County and provided that permission from the state highway Commission must be obtained and proved to the City before construction is begun without highway rights-of-way.

That all risks shall be assumed by the applicant and the owners of the property being supplied with sewer service and neither the City nor the Commission shall be responsible for any damages or injury to property by reason of such sewer system, its construction, maintenance, or repair, that neither the City nor the Commission shall be liable to any person, firm, or corporation, for failure to supply sewer service.

That all requests for extensions for the sewer system of the City shall be submitted in writing to the City, and shall be reviewed and approved by the Commission before construction of any such sewer improvement shall be initiated.

That any subdivision to which or in which the sewer system is to be extended must be approved by the City-County Planning Board and the Director.

That all agreements with regard to sewer extensions shall be approved by the City attorney as to form and legality. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated therein.

Section 34. Investment by City.

The City will make an investment in sanitary sewers installed within the system for all additional costs of mains larger than the minimum eight-inch main, if the additional size is required by the Utility Commission.

Section 35. Plan for Securing Service.

The sewer service referred to in this Article can be secured under the following plan.

Connection Plan No. 1. Applicants will, under this plan, be required originally to finance the entire cost of the extension or deposit with the City a sum of cash equal to the total cost of the extension, including any cost of right-of-way required. Upon completion of the extension, the City will account to the applicant for its use and application of all monies deposited with the City and the City will make such adjustment with the applicant as may be necessary in order for the applicant's cost to be the actual cost for the size sanitary sewer main required by the applicant, as determined by the City. In instances where the applicant has paid more than the actual cost of the sanitary sewer main required to meet the applicant's needs, the applicant will receive a refund of the excess paid by the applicant; if the applicant's original payment is less than the actual cost of the sanitary sewer main required to meet the applicant's needs as so determined, the applicant will pay the difference between the two (2) figures to the City. After said adjustment has been made, further refunds will be made to the applicant upon the following basis:

The City will make a special privilege charge, as prescribed under Section 128, for connections to that portion of the extension abutting the property of persons other than the applicant at the time of the construction of the extension, and the City will refund to the applicant, annually, all such special privilege charges collected by the City within a period of fifteen (15) years from the completion of the extension up to, but not in excess of, the applicant's investment in said portion of the sewer line, without interest. For the purpose of determining the amount of such refunds, the gross amount of the special privilege charges as computed under Section 122 (b) shall be used.

In order to ascertain the maximum amounts of such refund to the applicant, the City shall, upon the completion of the extension, compute that portion of the cost of the extension fairly allocable to the property of the applicant abutting on the extension and that portion of the cost fairly allocable to the property of others abutting thereon, and the amounts so computed by the City shall constitute the maximum amounts of the refunds which may be paid to the applicant.

An investment in a sewer extension by an applicant under this plan will not give the applicant any claim to or ownership in the extension, nor will it give the applicant the right to charge others for connecting to the extension.

Section 36. Regulations Concerning New Developments.

The City shall require that all streets in a new development to be served by city sewer service, must be developed in such a manner as to be acceptable to the City (for developments inside the City) or the state (for developments outside the City).

In the case of new developments, the City may require the developer to bring the grade of proposed streets reasonably close to the final grade to be established before construction of the sewer system referred to in this Article is begun.

An applicant for sewer service may be required to furnish the City a complete plan of his proposed development, including profiles, with established grades shown thereon.

Developers will dedicate through their property without cost to the City the necessary right-of-way for an extension thereunder.

Before approval of the final bill of sale in connection with any new sewer project either within or outside the City of Winston-Salem, in such cases where city sewer service is being made available without city water service, the developer shall be required to submit a certificate of notice satisfactory to the Director. Said certificate shall contain the names and addresses of owners of all abutting property, and the block and parcel numbers pertaining to said abutting property. Said certificate shall contain a statement to the effect that the developer has notified all abutting property owners of the installation of the subject sewer and the possible consequences under Section 21 bearing upon said abutting property. Said notice shall be mailed individually to each abutting property owner by registered mail, and copies of such letters and their return receipts shall be attached to the required certificate.

Section 37. Commission May Adopt Any Feasible Plan.

With respect to any sewer extension project, no section of this article shall be construed to prevent the Commission from adopting any economically feasible plan or policy which best facilitates the completion of this project.

As an example of what is meant by “economically feasible plan” as mentioned in subsection (a) above, but not by way of limitation, the Commission may finance sewer extension projects for major infrastructure facilities, including but not limited to pump stations, interceptors and outfalls, by adopting an acreage assessment financing plan. Such plan shall be tailored to each individual extension project and shall consider, among others, the following factors:

The cost of major facilities to be provided by the Commission;

Contributions to the Commission of portions of the extension project by other parties; and

The number of acres expected to be developed and served by the sewer extension project.

Section 38. Connection Fees.

The deposits made by applicants referred to in this article do not relieve the applicants from the payment of the connection fees as provided in Section 13.

Section 39. Extension of Trunk Sewers.

“Trunk sewers” as that term is used in this section, shall refer to a major outfall in intercepting sewer installed along the valley line of a watershed to serve as a collector for street sewers and minor outfall lines serving subdivisions and developed property within an entire watershed. Trunk sewers may be installed as within an entire watershed. Trunk sewers may be installed as hereinafter provided. Applicants for sewer extensions outside the corporate limits of the City may be granted permission for the extension of trunk sewers, subject to the following conditions:

The contract for the trunk sewer shall be let by the City and shall be according to plans and specifications prepared at the expense of the applicant and approved by the City.

The applicant shall pay to the City upon receipt of bids on construction of the trunk sewer an amount estimated to cover the cost of constructing an eight-inch sewer at that particular location, including right-of-way acquisition costs, plus up to ten (10) percent for contingencies. For the purposes of this subsection, the City may contract with applicants and participate in the cost, on the same basis that the City participates with respect to truck sewers, with respect to pumping stations and other facilities which will serve not only the development of the applicant but also other citizens outside the development. The authority of the City in this regard shall apply to pumping stations, trunk sewers, and like facilities inside or outside of the City.

The City will finance the difference between the cost of constructing an eight-inch sewer and the cost of constructing the oversized trunk sewer required by the City.

Upon completion of the project, the City will make such adjustment with the applicant as may be necessary in order for the applicant's cost to be the actual cost of an equivalent eight-inch sewer based upon quantities of work as actually measured and completed as determined by the City. In instances where the applicant has paid more than the actual cost of an equivalent eight-inch sewer as so determined, the applicant will receive a refund of the excess paid by the applicant; if applicant's original payment is less than the actual cost of an equivalent eight-inch sewer as so determined, the applicant will pay the difference between the two (2) figures to the City.

The truck sewer and easements therefore shall be the property of the City of Winston-Salem; and all sewer mains and lines connected therewith and all appurtenances thereto, together with the easements necessary for the operation and maintenance of all such sewer mains and lines, shall be the property of the City of Winston-Salem from the completion thereof and acceptance of same by the City.

The City will make a special privilege charge, as prescribed under other provisions of this chapter, for any connections made to the truck sewer to serve property which is outside the boundary of the applicant's subdivision and which does not have a street sewer available to it. The City will remit to the applicant, annually, all such special privilege charges collected by the City within a fifteen (15) years from the completion of the project, subject to the overall limitation that under no circumstances shall the City remit more than the applicant's investment in that portion of the project outside the applicant's development.

In the event the Commission finds that the City is unable to finance its share of a truck sewer project under the above terms, permission for the construction of such truck sewer project may be granted upon the terms and conditions as above set forth, except that the application shall be required to pay the entire cost of the project.

Section 40. Outfall Sewers.

Whenever an outfall sewer is required to be constructed as a part of the sanitary sewer system installed to provide sewer service to an area, such outfall shall be considered a part

of the project for which deposit is made by the applicant. However, when other areas are also to be served by this outfall sewer, the City may allow appropriate credit for such potential usability, and to this end the Commission shall have the power to enter into contracts for the installation of sewer outfalls, pumping stations, and other facilities designed to serve areas outside of a development, within or without the City limits, and to participate in the costs thereof to the extent and in the manner which the Commission determines to be appropriate and in the best interest of the City.

Sections. 41-45. Reserved.

ARTICLE IV – SEWER REGULATIONS

Section 46. Prohibited Discharge Standards.

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

The discharge of any wastewater, including contaminated storm water, spillage, and clean-up water is prohibited, except through one of the following procedures:

- Permitted discharge to the POTW with proper connection;
- Direct discharge with a NPDES permit; or
- Off-site disposal by a company licensed to dispose of wastewater.

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

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

Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, used antifreeze, solvents, benzene, toluene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfates, and any others as may be prescribed by the Director.

2. Solid or viscous substances in amounts which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW.
3. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
4. Any wastewater or waste having a pH lower than 5.0 or higher than 12.5 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

5. Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
6. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the influent to the treatment plant to exceed 104°F (40°C).
7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 56 of this resolution.
9. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
10. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 or Section 503 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
11. Any wastewater or waste which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes, paint waste, and tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
12. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations.
13. Storm water, rainwater, groundwater, street drainage, roof top drainage, basement drainage, subsurface drainage or yard drainage, unless specifically authorized by the Director.

14. Any sludges, screenings or other residues from the pretreatment of waters or wastewaters or industrial wastes.
15. Any waste, wastewater, or any other substance discharged directly into a manhole, clean-out pipe, or other opening in a sanitary sewer other than through an approved building sewer without prior designation by the Director as an approved point of discharge.
16. Any material containing ammonia, ammonium salts, or chelating agents that will produce metallic complexes that interfere with the municipal wastewater system.
17. Any hazardous waste except as specifically authorized by the Director.
18. Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
19. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
20. Wastes containing any toxic or poisonous substances in sufficient quantity:
 - a. To interfere with the biological processes used in a sewage treatment system, singularly or in combination.
 - b. Which, singularly or in combination with other liquid wastes, upon passing through a sewage treatment plant, will be harmful to persons, livestock or aquatic life utilizing the receiving streams into which water from a sewage treatment plant is discharged.
21. Water or wastes which require excessive quantities of chemicals for stabilization in addition to biological treatment.
22. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
23. Waste which causes two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) to be more than five percent (5%), or which causes any single reading to be over ten percent (10%) of the lower explosive limit (LEL) of the meter.
24. Any medical wastes, except as specifically authorized by the Director.
25. Any silver-rich solution from a photographic processing facility without treatment.

Pollutants, substances, wastewater, or other wastes prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system.

When the Director determines that a user is contributing to the POTW, any of the above listed substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the Director shall take appropriate action in accordance with Section 102 herein to protect the POTW from interference or pass through.

Section 47. National Categorical Pretreatment Standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR, Chapter 1, Subchapter N, Parts 405-471, and incorporated herein, unless a stricter state or local limit applies. Any user subject to a categorical pretreatment standard is defined as a “significant industrial user” by definition and must apply for a industrial user permit.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

Section 48. Legal Requirements/Local Limits

Users are governed by the provisions of this resolution, any provisions of state or federal law directly applicable to users, and a permit if the user falls within the category of users required to obtain a permit under Section 79 of this resolution. In case of conflict, the stricter of the above shall apply. Use of the wastewater system is preconditioned on a user's meeting these legal requirements, including the conditions of its permit.

The Director may establish discharge limits in a permit that are user-specific and these limits may be more stringent than state standards or national categorical standards for a given pollutant. Such limits are developed by the Director to ensure that a POTW's maximum

allowable headworks loading is not exceeded for particular pollutants of concern. Under the authority of 40 CFR 403.4 and other applicable law, the Director reserves the right to establish these limits as well as other limitations more stringent than state or federal law if deemed necessary to meet the objectives and the prohibitions of this resolution. The Director may impose mass limits in addition to, or in place of, concentration-based limits.

Industrial User Permits are hereby subject to all provisions of this resolution, all other applicable federal, state and local pretreatment laws, regulations, rules including user fees and charges established by the Commission regardless whether or not if such provisions are specifically set forth in the Industrial User Permit. Compliance with an Industrial User Permit will not be a defense for a user's failure to comply with applicable federal, state or local requirements.

Section 49. 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 National categorical pretreatment standards, or with limits in this resolution or in an industrial wastewater discharge permit, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the Commission.

Section 50. POTW System/Equipment Damage.

It shall be unlawful for any person to:

- A. Remove, damage, or interfere with the functioning of any pipe, main manhole, manhole cover, building, apparatus, or equipment used in the collection, conveyance or treatment of sewage or industrial waste;
- B. Place or cause to be placed in any manhole or sewer pipe or main any material which results, or is likely to result, in the stopping or obstructing of the normal flow of septage or wastes.
- C. Place or cause to be placed on any manhole, sewer pipe, or main any material which will change the amount of cover material over said pipe, sewer main, or manhole without prior written permission from the Director.
- D. No person shall intentionally or negligently break, damage, destroy, uncover, deface, tamper with, or remove any equipment, structure, or appurtenances which are a part of the POTW system. This includes any equipment used by the Industrial Waste Control Section for the purposes of making waste examinations and waste flow measurements or monitoring and left upon the premises of a person discharging wastes into the sanitary sewer system. Only persons authorized by the Director will be allowed to uncover, adjust, maintain, and remove such City equipment and materials. Any person violating this provision shall be liable to penalties provided for in this resolution.

Section 51. Pretreatment of Wastewater.

A. Pretreatment Facilities

Users shall provide wastewater treatment to comply with this resolution and wastewater permits issued under this resolution and shall achieve compliance with all National categorical pretreatment standards, and permit limits within the time limitations as specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. An Authorization to Construct Permit shall be obtained prior to construction. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director and shall be reviewed and approved in accordance with the provisions of 15A NCAC 2H .0906 (b)(6). 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 Utility Commission under the provisions of this resolution. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and accepted in writing by the Director prior to the user's initiation of the changes. All pretreatment systems or devices shall be subject to periodic inspection by the City.

B. Additional Pretreatment Measures

1. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic sewage wastestreams from industrial wastestreams, and follow such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this resolution.
2. 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 equalization of flow or pollutant concentration. An industrial user permit may be issued solely for flow equalization.
3. Users with the potential to discharge flammable or toxic substances may be required to install and maintain an approved combustible gas detection meter.
4. All food service establishments shall install and maintain a grease interceptor in accordance with the Grease Control Policy as set forth by the Utility Commission.

C. Sludge Documentation

The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable federal, state, and local regulations. The industrial user shall be responsible for documenting the transportation and/or disposal of all pretreatment sludges. Manifest and other documentation shall be kept for a minimum of 3 years and shall be made available to the Director upon request.

Section 52. Accidental Discharge/Slug Control Plans.

The Director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 2. All SIUs must be evaluated within one year of being designated an SIU. The Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Director may develop such a plan for any user.

All SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see Sections 90 and 91.

- A. An accidental discharge/slug control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 91 of this resolution; and
 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 53 Precedence of Other Legislation.

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than state or local limitations, shall immediately supersede all other limitations imposed under this resolution. In any case, the most stringent limitation shall apply.

Section 54. Oil and Sand Interceptors.

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 oil (petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin) or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Commission and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, maintained, cleaned, and repaired regularly, as needed, by the user at their expense. The user shall be responsible for maintaining records (manifest) detailing the dates of service,

quantity of waste removed, end disposal site of waste, and hauler. These records shall be kept on site at the user's location and subject to the Director's review without prior notification.

Section 55. Food Service Establishments.

All food service establishments shall comply with the Grease Control Policy as set forth by the Utility Commission.

Section 56. Septic Tank Contractors.

- A. It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch-basin or other opening into the sewer system, or any sewer connected with and discharging into the collection facilities, the contents of any septic tank or chemical toilet, sludge, wastewater or other similar matter or material, except as provided in subparagraph (B) of this section.
- B. The Director is hereby authorized to issue permits to discharge the contents of septic tanks or chemical toilets at locations specified by him and under his supervision, provided that such permits shall be limited to the discharge of domestic septage. Domestic septage is defined as the liquid or solid material removed from a septic tank, cesspool, portable toilet or similar treatment works receiving only domestic sewage. Domestic sewage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant. The permits may be revoked at any time if, in his opinion, continued discharge of that matter will be injurious to the POTW, or if any provisions of ordinances regulating such discharges are violated by the permittee. Permits shall include provisions, standards, and requirements to be met by the contractor.
- C. Septage wastewater from outside of Forsyth, Davie, Davidson, Guilford, Stokes, Rockingham, Surry and Yadkin Counties will not be accepted for disposal unless specifically authorized by the Director.
- D. Any person who hauls wastewater or employs others to haul wastewater to a municipal sewer system shall be referred to as contractors. Contractors may be permitted to empty domestic septage into the POTW designated to receive such waste only at locations designated by the Director. Septic tank discharges shall not contain grease trap wastes, storm water, or industrial waste. The contractors are subject to the following conditions:
 - 1. Contractors must apply for and be permitted by the City of Winston-Salem and the North Carolina Division of Solid Waste Management, Septage Management Branch as required under G.S. 130A, prior to pumping, hauling and discharging into the POTW.

2. Wastewater discharged by a contractor into the POTW shall not violate Section 46 of this resolution or any other requirements established by the Commission.
3. Contractors must submit an accurate, complete and signed waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septage contractor, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall certify that the waste is domestic septage and contains no industrial, commercial, or grease trap waste. All forms shall be approved by the Director.
4. Contractors shall supply, with every load of septage, a representative sample of the waste, if requested.
5. The Director may require the contractor to provide and/or pay for any laboratory tests necessary to verify that the hauled wastewater complies with the requirements of this Section.
6. Contractors shall display decals or lettering on each side of every pumper vehicle operated by the contractor. The decals or lettering shall include the name, address (town name), phone number, and septage management firm permit number. Each truck shall include a septage management permit identifier number. All decals or lettering on the pumper vehicle shall be no less than three inches in height and plainly visible. Identification shall be permanently attached (i.e. no removal signs).
7. Each contractor shall be responsible for the cleanliness and safety practices at the point of disposal. The contractor shall discharge wastes in such a manner as to keep the area clean from spills or other debris. The contractor shall promptly clean up any spills.
8. Any contractor violating any condition of this Section shall be subject to the enforcement actions as outlined in Article IX of this resolution.
9. Contractors shall provide any information as requested by the Director to ascertain compliance with the requirements of this resolution.
10. No permit or fee shall be required to discharge domestic waste from a recreation vehicle holding tank provided such discharge is made at approved site at the Elledge Wastewater Treatment Facility.
11. Contractors shall pay such fees as required in Section 125 and 128 of this resolution. The Director may revoke the permit at any time for failure to pay sewer charges.
12. Upon failure to maintain structures in a proper condition of cleanliness, failure to have currently valid documents from the pertinent government agency, failure to pay charges due to the Commission as herein provided, or failure to abide by all of the requirements of this resolution, the Commission may deny a contractor permission to dispose of septic tank sludge and waste from chemical toilets into the

municipal sewer system. The Commission will notify the pertinent government agency of such denial of permission to any contractor.

Section 57. Grease Contractors

- A. As used herein, a grease contractor shall mean any person or company who is contracted by a food service establishment specifically for the purpose of pumping and/or hauling grease shall be referred to as a grease contractor.
- B. It shall be unlawful for a grease contractor to empty, dump or otherwise discharge into any manhole, catch basin, grease interceptor, sewer clean-out or other opening into the sewer system.
- C. Contractors shall display decals or lettering on each side of every pumper vehicle operated by the contractor. The decals or lettering shall include the name, address (town name), phone number, and septage management firm permit number. Each truck shall include a septage management permit identifier number. All decals or lettering on the pumper vehicle shall be no less than three inches in height and plainly visible. Identification shall be permanently attached (i.e. no removal signs).
- D. Contractors shall provide any information as requested by the Director to ascertain compliance with the requirements of this resolution.
- E. Grease contractors must be permitted by the North Carolina Division of Solid Waste Management Branch, as required under G.S. 130A, prior to pumping or hauling grease.
- F.. Grease contractors shall remove the entire contents of the grease interceptor including floatable materials, wastewater, sludge, and solids. Separation, decanting or back flushing of the grease interceptor or its waste is strictly prohibited. Failure to remove the contents or comply with Paragraph F shall subject a grease contractor to a minimum penalty of \$1,000 for each offense with the amount being doubled with each incident, up to a maximum of \$25,000 per incident.
- G. Wastes removed from each grease interceptor shall be disposed of at a grease disposal facility permitted to receive such wastes by the North Carolina Division of Solids Waste Management.
- H. Grease Contractors shall submit a monthly manifest form, or other such form as approved by the Director, to the Industrial Waste Control Section. The manifest or approved form shall be signed by the grease contractor certifying the accuracy of the information on the manifest. The manifest shall include, at a minimum, the name, location, date and time of the facility serviced; the volume of the interceptor; and the disposal date, time, and location.
- I. Notwithstanding Paragraph F above, any grease contractor found to be in violation of this Resolution may be assessed civil penalties of up to \$25,000 per day per violation and or any other enforcement remedy in accordance with Section 103 herein.

Section 59 - 75. Reserved.

ARTICLE V - DISCHARGE OF INDUSTRIAL/COMMERCIAL WASTE; PERMITS

Section 76. Sewer Connection Permit.

Except in new developments where connections may be installed by private contracting firms, all persons desiring to make sewer connections to the municipal sewer system, whether within or outside the City corporate limits, shall apply to the Director for a permit upon forms prescribed and furnished by the Director. Upon payment of the required fees to the Commission revenue collector, a written permit shall be issued by the Director. The acceptance of such permit shall obligate the owner of the property referred to in the permit to comply with all resolutions and regulations in force at the time the permit is granted, or which shall be in force at any time thereafter.

Section 77. Wastewater Discharge Permits.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the Commission. When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of request. The user shall update this information when requested by the Director within thirty (30) days of the request.

The Director may issue the following permits and documents associated with the discharge of wastewater to the sanitary sewer system:

- A. Industrial User (SIU) Permit
- B. Commercial User Permit
- C. Special Wastewater Discharge Permit
- D. Septage Permits
- E. Pump & Haul Permits

These permits and documents are issued under the authority of this resolution and as such are all subject to the general requirements, enforcement provisions, and administrative procedures.

Section 78. Permit Requirement/Domestic Waste Concentration.

The average domestic waste pollutant concentrations, calculated as daily average discharges, are listed below.

| | | |
|-------|------|----------|
| 200 | mg/l | BOD |
| 200 | mg/l | TSS |
| 0.003 | mg/l | arsenic |
| 0.003 | mg/l | cadmium |
| 0.020 | mg/l | chromium |

| | | |
|--------|------|---------|
| 0.065 | mg/l | copper |
| 0.005 | mg/l | cyanide |
| 0.020 | mg/l | lead |
| 0.0002 | mg/l | mercury |
| 0.025 | mg/l | nickel |
| 0.005 | mg/l | silver |
| 0.350 | mg/l | zinc |

All users and significant industrial users whose six-month average exceeds one or more of these domestic waste pollutant concentrations must request an industrial user permit in accordance with Section 79 below.

Section 79. Permit Application and Issuance.

A. Significant Industrial Users

All significant industrial users must apply for, and obtain, an industrial user permit from the Director prior to discharging wastewater to a POTW. Such significant industrial users must pay a permit development fee as outlined in Section 125. Existing industrial users who are determined by the Director to be significant industrial users shall obtain an Industrial User Permit within 180 days of receiving notification of the Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the Director be required to obtain a wastewater discharge permit for commercial users.

B. Significant Industrial User Determination

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

C. Other Users

Users who discharge wastewater that exceeds the domestic waste concentrations as specified in Section 78 shall request an industrial user discharge determination from the Director by filing a permit application. A user must submit a permit application and all supporting information within sixty (60) days of either exceeding the domestic average, or receipt of the Director's request, whichever comes first. Upon receipt of the permit application, the Director will determine if a permit is required and, if so, will develop a permit under subsection (G) below. For users who exceed the domestic waste values as set forth in Section 78 the Director will determine if the exceedance is so significant as to require a permit.

D. Industrial User Permit Application

Users required to obtain an industrial user permit shall complete and file with the Commission, an application in the form prescribed by the Director. Significant industrial

users shall apply for an industrial user permit within ninety (90) days after notification of the Director's determination in subsection (A) above. The application shall include at a minimum the information required by 15A NCAC 02H 0.0916(c)(1)(A-M). In support of the application the user shall submit any other information deemed necessary by the Director to evaluate the permit application. This may include reporting requirements under 40 CFR 403.12(b) and Section 86.

E. Application Signatories and Certification.

All permit applications and user reports must be signed by the current authorized representative of the user on file with the Director as defined in Section 2 and contain the following certification statement:

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

F. Permit Development

Significant industrial users, and other users who the Director determines must obtain a permit after review of their permit application, shall submit all other information the Director determines is necessary for development of a permit. Users who do not fit the significant industrial user criteria may, at the discretion of the Director, be required to obtain a commercial user permit. Commercial users shall pay a permit development fee as required in Section 125(C).

G. Tentative Determination and Draft Permit

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

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

- a. proposed discharge limitations for those pollutants proposed to be limited;
- b. proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
- c. a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the Commission's general permit conditions into an industrial user permit.

H. Permit Synopsis

A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the Approval Authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information.

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

I. Change in National Categorical Standard

Users that are subject to newly promulgated national categorical pretreatment standards and that do not have a permit shall apply for a permit within 180 days of the promulgation of the new standard.

J. Permit Supporting Documentation

The Control Authority shall prepare the following documents for all Significant Industrial User permits.

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

2. The basis, or rationale, for the pretreatment limitations, including the following:
 - a. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - b. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

K Final Action on Significant Industrial User Permit Applications.

1. The Director shall take final action on all applications no later than ninety (90) days following receipt of a complete application.
2. The Director is authorized to:
 - a. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143- 215.1;
 - b. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - c. Modify any permit upon not less than sixty (60) days notice and pursuant to Section 81 of this resolution;
 - d. Revoke any permit pursuant to Section 102 of this resolution;
 - e. Suspend a permit pursuant to Section 102 of this resolution;
 - f. Deny a permit application when in the opinion of the Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of N.C.G.S. 143-215.1.

Section 80. Permit Conditions.

The Director may issue an industrial user permit or commercial user permit with whatever limits and conditions fulfill the purposes of this resolution, state and federal laws, rules and regulations, as determined by the Director in his discretion.

- A. Permits shall contain, but are not limited to, the following:
1. A statement of duration (in no case more than five years);
 2. A statement of non-transferability;

3. Applicable effluent limits based on categorical standards or local limits or both;
4. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
5. Requirements for notifying the POTW in the event of an accidental discharge or slug load defined in Section 2;
6. Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 2, if determined by the Director to be necessary for the user and;
7. Requirements for immediately notifying the Director of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in Section 2. Also see Section 90 and 91;
8. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

B. In addition, permits may contain, but are not limited to, the following:

1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
8. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
9. Compliance schedules for meeting pretreatment standards and requirements.
10. Requirements for submission of periodic self-monitoring or special notification reports.
11. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 96 and affording the Director, or his representatives, access thereto.
12. Requirements for prior notification and approval by the Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
13. Requirements for the prior notification and approval by the Director of any change in the manufacturing and/or pretreatment process used by the permittee.
14. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
15. Other conditions as deemed appropriate by the Director to ensure compliance with this resolution, and State and Federal laws, rules, and regulations.

C. Appeal

Permit actions specified above are subject to appeal procedures specified in Article VI of this resolution. A user loses the right to appeal if he does not do so within thirty (30) days of receipt of notice of the action subject to appeal. In such cases, the action is binding.

Section 81. Permit Modifications.

A permit may be modified at the request of the user or by action of the Director. Permit modifications requested by the user shall incur a permit modification fee as stated in Section 125(c). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The following conditions also apply:

A. Notice

When a permit modification is initiated by the Director, the Director shall give a user sixty (60) days written notice if the limitation is more stringent than the existing limit. Such notice is not required if the Director suspends a discharge or a permit on an emergency basis as provided elsewhere in this resolution or if a user requests a modification.

B. Procedures

Modification of permits shall be subject to the same procedural requirements as the issuance of permits set forth in Section 79, herein above, except as follows:

1. changes in the ownership of the discharge when no other change in operation or the permit is indicated;
2. a single modification of any compliance schedule not in excess of four (4) months;
3. modification of compliance schedules or construction schedules in permits for new sources where the new source will not begin to discharge until control facilities are operational.

Section 82. Permit Transfer or Site Closure.

Industrial and commercial user permits are issued to a specific user for a specific operation. In case of a change in ownership or operation, a permit modification or new permit must be requested. An industrial user permit may be voided by the Director, with notice but without right to a hearing if a permit is transferred or sold to a different owner or user or to different premises, or a new or changed operation.

Any permitted industrial or commercial facility that plans to move outside of the Winston-Salem service area or plans to terminate its business operation, must provide at least thirty (30) days notice to the Industrial Waste Control Section. This notice must provide the timeframe and any information as to closing methods, procedures, or practices that may impact the wastewater treatment facility.

Section 83. Permit Reissuance.

A user shall apply for permit reissuance by submitting a complete permit application and fees in accordance with this Article a minimum of ninety (90) days prior to the expiration of the existing permit if the permittee wishes to continue an activity regulated by the permit. The permittee is not authorized to discharge after the expiration date of the permit. In order to receive automatic authorization to discharge beyond the expiration date of the permit, the permittee shall submit such information, forms, and fees as are required by the Commission no later than ninety (90) days prior to the expiration date. Any permittee that has not requested renewal at least ninety (90) days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least ninety (90) days prior to expiration, and continues to discharge into the POTW, will be subject to enforcement procedures as provided in Article IX.

ARTICLE VI - APPEAL OF PERMIT DECISIONS AND CERTAIN ENFORCEMENT ACTIONS

Section 84. Appeals and Hearings.

A. Appeal

An applicant whose permit is denied, terminated, suspended or granted subject to conditions he deems unacceptable, or a user assessed a civil penalty under Section 103 or one issued an administrative order under Section 102 shall have the right to an adjudicatory hearing before the Director or other hearing officer appointed by the Director. The applicant or user must submit a written request, identifying the specific issues to be contested, to the Director within thirty (30) days following receipt of the industrial or commercial user permit, civil penalty assessment, suspension or termination order. Unless such written request is made within the time specified herein, the action subject to appeal shall be final and binding and further appeal is barred. For modified permits, only the parts of the permit being modified are subject to appeal. The Director shall negotiate with the appealing party and attempt to resolve the contested issues prior to a hearing. The Director shall have the authority to settle any case or controversy. A party's grounds for appeal on the basis of procedural noncompliance by the Commission shall be limited as described in Section 85.

B. Effect of Appeal

1. **New Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution. The applicant for a permit does not have the right to discharge into the POTW during this period.
2. **Renewed Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
3. **Terminated Permits.** Upon appeal of terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reaches a mutual resolution. The former permit holder does not have the right to discharge into the POTW during this period.
4. **Modified Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a modified 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.

C. Initial Adjudicatory Hearing

The Director or his designee shall serve as hearing officer and shall conduct the initial adjudicatory hearing. Utilities staff and the appealing party shall have the right to examine and cross examine witnesses, to present written evidence and testimony of witnesses, and may compel the attendance of City employees. Reasonable time limits may be established for such hearing. A complete transcript shall be made of the hearing if requested and paid for by the appealing party prior to the hearing. If a complete transcript is not requested, the hearing officer shall make a written summary of the evidence presented at the hearing. The hearing officer shall make a final decision on the contested permit or penalty within ninety (90) days of the receipt of the written demand for a hearing. The hearing officer shall issue a written decision, which shall include findings of fact and conclusions. The decision shall be sent to the appealing party by certified mail.

D. Final Adjudicatory Hearing

The decision of the hearing officer made as a result of an initial adjudicatory hearing held under Section C above may be appealed by any party, to the Commission upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with Utility Commission hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Utility Commission shall make a decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered mail.

Section 85. Judicial Review.

A decision under Section 84 is subject to review by the Superior Court by proceedings in the nature of certiorari. The appealing party must file a petition for review with the Clerk of Superior Court of Forsyth County within thirty (30) days after the receipt of the decision along with a copy to the Commission.. Procedural noncompliance by the Commission with Section 79 or 81 (A) or (B) or other technical procedural mandates of this resolution is not grounds for judicial review, other court action, or an administrative appeal.

ARTICLE VII - REPORTING REQUIREMENTS

Section 86. Baseline Monitoring Reports.

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

new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that 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 pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 95 of this resolution and 40 CFR 403.12(b) and (g), including 40 CFR 403.23(g)(4).
 - c. Sampling must be performed in accordance with procedures set out in Section 95 of this resolution.
6. Certification. A statement, reviewed by the user's current authorized representative as defined in Section 2, and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this

schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 87 of this resolution.

8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 79(E) of this resolution.

Section 87. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Section 86(B)(7) of this resolution:

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

Section 88. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 86(B)(4-6) of this resolution. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 79(E) of this resolution.

Section 89. Periodic Compliance Reports.

- A. All industrial users subject to periodic compliance reports shall, at a frequency determined by the permit but no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Section 95 of this resolution. All periodic compliance reports must be signed and certified in accordance with Section 79(E) of this resolution.
- B. 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 Section 95 of this resolution, the results of this monitoring shall be included in the report.

Section 90. Reports of Changed Conditions/Interruption of Operation.

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 thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or municipality. See Section 91 for other reporting requirements.

- A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial user permit application under Section 79 of this resolution.
- B. The Director may issue an industrial user permit under Section 79 of this resolution or modify an existing industrial user permit under Section 81 of this resolution in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported or previously reported but unregulated pollutants.
- D. Significant Industrial Users shall provide advance notice to the Director when normal process operations will be interrupted for 24 hours or longer.

Section 91. Report 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 as defined in Section 2, 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 (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this resolution.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure. If the user has a procedure that is believed to be superior to the one above, that procedure may be submitted to the Director for review and may, in the Director's discretion, supersede the above requirements for posted notice.
- D. All SIU's are required to notify the Director immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 2.

Section 92. Reports from Unpermitted Users.

All users not required to obtain an industrial or commercial user permit shall provide appropriate reports to the Director as the Director may require.

All users classified as Non-Significant Categorical Industrial Users under Section 2 shall provide appropriate reports to the Director as the Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR Part 403.12(q).

Section 93. Notice of Violation/Repeat Sampling and Reporting.

- A. If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. If allowed by the Director, the user is not required to resample:
 - 1. If the Director monitors at the user's facility at least once a month;
 - 2. If the user is required to monitor at least once a month; or
 - 3. If the Director samples between the user's initial sampling and when the user receives the results of this sampling.
- B. If the Director does not require the user to perform any self-monitoring and the Director's sampling results indicate that the user has exceeded an effluent limitation, the Director shall repeat and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:

1. The Director monitors at the user's facility at least once a month; or
 2. The Director samples the user between their initial sampling and when the Director receives the results of this initial sampling; or
 3. The Director requires the user to perform sampling and submit the results to the Director within the 30 day deadline of the Director becoming aware of the violation.
- C. If sampling results indicate that the user has exceeded an effluent limitation, the Director, as an enforcement action to such violation, may require the user to undertake increased sampling. Upon notification from the Director, the user shall undertake such additional monitoring as directed.

Section 94. Notification of the Discharge of Hazardous Waste.

Users are prohibited from disposing of hazardous waste except as specifically authorized by the Director. Users authorized to dispose of hazardous waste must comply with notification requirements of 40 CFR 403.12(p).

Section 95. Analytical Requirements and Sample Collection.

A. Analytical Requirements

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

B. Grab and Composite Sample Collection

1. 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 facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
2. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, volatile organic compounds, and any other pollutant as required by 40 CFR 136. The Director shall determine the number of grab samples necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the Director may allow collection of multiple grabs

during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.

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

C. Surcharges

The result of Biochemical Oxygen Demand and Total Suspended Solids from collected samples will be used as a basis for sewer service surcharges. All users of the POTW are subject to surcharges. A surcharge will be assessed on results that exceed a concentration of 200 mg/l of Biochemical Oxygen Demand and 200 mg/l of Total Suspended Solids. Such surcharge rates shall be established by the Utility Commission and can be found on file in the Utility Administration Office.

Section 96. Record Keeping.

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

The Director may develop procedures for receipt of electronic reports for any reporting requirements of this Resolution. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Article IX.

ARTICLE VIII - COMPLIANCE MONITORING

Section 97. Monitoring Facilities.

The Commission 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 Commission may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right of way as long as it will not be obstructed by landscaping or parked vehicles.

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

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

Section 98. Inspection and Sampling.

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

Section 99. Administrative Inspection Warrant.

If the City 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 resolution, or that there is a need to inspect and/or sample to verify compliance with this resolution or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a administrative inspections warrant, from a judge, magistrate, clerk, or assistant clerk of the 21st Judicial District.

Section 100. Employee Notification.

In order that user's employees be informed of city requirements, users shall make available to their employees copied of this resolution together with such other wastewater information and notices as furnished by the City which are directed toward improving water pollution control.

Employers shall ensure that all applicable employees who may cause prohibited discharges are advised of the emergency notification procedures, as set forth in this sewer use resolution.

Section 101. Trade Names.

The City’s mention of trade names, brands, or commercial products does not constitute endorsement or recommendation for use.

ARTICLE IX - ENFORCEMENT

Section 102. Administrative Remedies.

The Director may utilize any or all of the following actions, singly or in combination for violations of this resolution and permits issued under authority of this resolution. Unless specifically provided herein, none of these remedies is a requisite to the Director utilizing any other remedy. In addition, the use of these remedies does not limit the Commission’s right to use any other remedy provided for under state or federal law, or under common law.

Enforcement of pretreatment violations will generally be in accordance with the Commission’s Enforcement Management Plan. Hearing procedures applicable to some of these actions are found in Article VI.

A. Notice of Violation/Correction Plan

Whenever the Director finds that any user has violated or is violating this Resolution, industrial or commercial user permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the Director may, but is not required to, serve upon the user a written notice stating the nature of the violation. Within 10 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the Director by the user. Submission of this plan does not relieve the user of liability for any violations occurring before or after receipt of the notice of violation.

B. Consent Orders

The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as an administrative order, issued pursuant to Section 102(D) herein below.

C. Show Cause Hearing

The Director may hold a show cause hearing prior to revocation of a permit or termination of discharge under section (F) below and may hold such a hearing prior to taking any other enforcement action. Notice of a show cause hearing shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or

certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The formal hearing requirements of Section 84 are not required for this hearing.

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

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 103 nor is any action or inaction taken by the Director under this section subject to an administrative appeal under section 84.

D. Administrative Orders:

When the Director finds that a user has violated or continues to violate this resolution, 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 users 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. comply with additional monitoring requirements;
4. take specified remedial or preventive action;
5. disconnect from the POTW, in the event of a continuing or threatened violation, unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

User compliance with the requirements of an Administrative Order does not relieve the user from liability for any violations occurring before or after receipt of the Administrative Order. Failure of a user to comply with any condition or requirement set forth in an Administrative Order is a violation of this Resolution and is independently enforceable for each day of a violation.

E. Emergency Suspensions:

The Director may, after notice, immediately suspend sewer service to any user and/or a user's industrial wastewater permit when necessary to stop an actual or threatened discharge which reasonably appears to present or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which interferes with the POTW or causes the POTW to violate any condition of its NPDES permit.

Any user notified of a suspension of sewer service shall immediately cease discharge of all wastewater. If the user does not voluntarily comply 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 persons, the environment, or the POTW system. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's wastewater discharge permit terminated. The Director shall reinstate the wastewater permit and the wastewater treatment

service upon proof of the elimination of the noncompliant discharge. Prior to the hearing and as a prerequisite for reconnection, the user shall submit, to the Director, a detailed written statement describing the causes of the harmful contribution and any and all measures taken to prevent any future occurrences.

F. Termination of Discharge or Permission to Discharge/Revocation of Permit:

1. The Director may terminate the discharge or permission to discharge and/or revoke the permit of any user or terminate sewer service as applicable for violations of this resolution, applicable state and federal regulations or for any other good cause, including, but not limited to, the following:
 - a. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - b. Failure to report significant changes in operations, or wastewater volume, constituents or characteristics prior to discharge;
 - c. Refusal of reasonable access to the user's premises or records for the purpose of inspection or monitoring;
 - d. Violation of effluent limitations, permit conditions, consent or administrative orders, or the requirements of this resolution.
 - e. Failure to obtain a permit when required under this resolution;
 - f. Failure to pay any charge's or fines related to sewer service and/or the pretreatment program.
 - g. Misrepresentation or failure to fully disclose all relevant facts in a permit application;
 - h. Falsifying self-monitoring reports; and
 - i. Tampering with monitoring equipment.
 - j. Violation of conditions of the permit or permission to discharge, conditions of this resolution or any applicable State and Federal regulations.

Noncompliant users will be notified of the proposed termination of their wastewater discharge or revocation of their permit and will be offered an opportunity to show cause under Section 102(C) of this resolution why the proposed action should not be taken.

2. A user whose permit has been revoked or terminated shall immediately stop all discharges of any liquid-carried wastes covered by the permit to the sewer system. A user whose permit has been revoked must apply for a new permit and

pay all fees, charges, penalties, and such other sums as may be due to the City before issuance of a new permit is considered.

3. The Director may disconnect or permanently block from the sewer system the industrial sewer connection of any user whose permit has been revoked if such action is necessary to ensure compliance with the order of revocation.

G. Posting of Deposit or Bond

A user who violates this resolution or a permit, order, or action issued under authority of this resolution may be required to post a deposit or bond, in a amount acceptable to the Commission, to assure compliance under terms specified by the Commission. Such bond shall be forfeited if compliance is not achieved.

Section 103. Civil Penalties/Costs.

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

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

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

- B. In determining the amount of the fine or 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 quality or on air quality;
4. Reason for the violation;
5. The amount of money saved by noncompliance;
6. Whether the violation was committed willfully or unintentionally;
7. The prior record of the violator in complying or failing to comply with the pretreatment program;
8. The response of the industrial user with regard to the violation (e.g. notification to POTW, attempts to stop, remedy, or minimize the problem; and
9. Subsequent industrial user action so that similar problems do not recur.

- C. Violators will be assessed the costs incurred by the Commission resulting from:
 - 1. Investigative costs;
 - 2. Enforcement costs;
 - 3. Fines and expenses associated with violations of Commission held permits (including fish kills and other environmental impacts);
 - 4. Terminating or revoking a permit;
 - 5. Severance of the sewer connections.
- D. Violators will also be assessed the cost to rectify the damage and the cost of the work required to clear and/or repair any part of the system affected by the discharge violation.
- E. Full payment of all fines, civil penalties and fees shall be made by the user before issuance of a new permit or reconnection to the sewer system.
- F. Assessments for fines, civil penalties and regular service charges shall be paid within thirty (30) days after invoice. If a payment is not made within the allotted time, the City may levy an additional late charge of ten (10) percent of the amount due.
- G. Fines and penalties assessed under this resolution and not paid within the prescribed period of time may be collected in a civil action pursuant to N.C.G.S. 160 A175(c). In addition, the City may seek criminal prosecution for a violation of this resolution, which shall constitute a misdemeanor as provided for in N.C.G.S. 160 A176 (c).

In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have been in violation.

- H. Appeals of fines or civil penalties assessed in accordance with this section shall be as provided in Section 84. The right to appeal is forfeited if the appeal is not requested within thirty (30) days of receipt of notice of the penalty. The Director may utilize all remedies available for collection of such charges, in addition to remedies provided under this section. Costs approved by the Commission are not subject to appeal.

Section 104. Other Available Remedies.

In addition to the remedies previously noted in this resolution, the Director may use any of the following, either singly or in combination, against a noncompliant user. These additional remedies include but are not limited to:

- A. Criminal Violations. The District Attorney for the 21st Judicial District may, at the request of the City, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B, regarding permit application, compliance and falsification.
- B. Injunctive Relief. Whenever a user is in violation of the provisions of this resolution or an order or permit issued hereunder, the Director, through the Commission

Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

- C. **Water Supply Severance.** Whenever a user is in violation of the provisions of this resolution or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- D. **Public Nuisances.** Any violation of the prohibitions or effluent limitations of this resolution or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

Section 105. Annual Publication of Significant Noncompliance.

At least annually, the Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users that were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous twelve (12) months.

ARTICLE X - AFFIRMATIVE DEFENSES TO CERTAIN DISCHARGE VIOLATIONS

Section 106. Upset.

- A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (B), below, are met.
- B. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset [If this information is provided orally, a written submission must be provided within five (5) days]:
 - a. A description of the discharge and cause of noncompliance;

- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- C. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- D. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- E. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 107. Prohibited Discharge Standards Defense.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 46(A) of this resolution or the specific prohibitions in Section 46(B)(2),(3),(5),(6),(7) and (9) through (25) of this resolution if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Section 108. Bypass.

- A. Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:
 - 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate

back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notice as required under paragraph (B) of this section;
 4. As determined by the Director, in his discretion, bypass is essential for maintenance required for efficient operation of the pretreatment unit and does not cause pretreatment standards or requirements to be violated. These bypasses are not subject to the provision of paragraphs (B) and (C) of this section
- B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the four conditions listed in paragraph (A) of this section.
- C. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may, in his discretion, waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

ARTICLE XI - MISCELLANEOUS

Section 109. Severability.

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

Section 110. Conflict.

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

Section 111. Effective Date.

This resolution shall be in full force and effect from and after its passage, approval and publication, as provided by law. This Resolution was passed on November 14, 2011.

Section 112. Electronic Reporting

The Director may develop procedures for receipt of electronic reports for any reporting requirements of this Resolution. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Article IX.

Section 113 – 120. Reserved.

ARTICLE XII – CHARGES AND FEES

Section 121. Waste Treatment Cost Review.

The Director shall review the cost of wastewater treatment annually and shall recommend to the Commission adjustments to the sewer service charges accordingly. These sewer service charges shall be reviewed and approved by the Commission.

Section 122. Sewer Connection Fees.

(a) *Private connections.* The fees charged for individual private sewer connections, both inside and outside the City limits, shall be in accordance with the following schedules:

- (1) The standard connection shall be four-inch cast-iron soil pipe from main to curblin. The fee for such connection is specified in Section 128.
- (2) Connections required other than standard shall be charged at the rate specified in Section 128.
- (3) Where, in making sewer connections the sidewalk paving is cut, a fee shall be charged to cover the expense of replacing the sidewalk pavement. Said fee, given in Section 128, shall be charged for each block of sidewalk required for removal and replacement. Such fee shall be waived if the connection is a renewal of an existing vitrified-clay connection.
- (4) If the sewer connection is installed along with the water connection in the same trench and at the same time, the paving charge will not be made nor will the sidewalk cost be required.

(b) *Special privilege charges.* In addition to the connection fees prescribed above there shall be a special privilege charge in each instance where neither the present nor any prior owner of the property to which the sewer connection is being made shall have paid or been regularly assessed for the construction of the sewer main, along the frontage of said property, to which the connection is being made; provided, however, that this shall not apply to mains already constructed (or in process of construction) and within the corporate limits of the City as of February 5, 1962; but it shall apply to all mains constructed after said date, whether within or outside city as of said date. The amount of such special privilege charge shall be computed in the same manner as sewer assessment charges are normally computed within the City and shall be charged and paid in a lump sum; the rate per frontage foot shall be the rate applicable to standard assessment charges hereunder for that particular calendar year, as determined by the Commission as hereafter provided: Each year, as soon as practicable after January 1, the Commission shall, after receiving and considering the recommendations of the Director of public works, set a rate per frontage foot which fairly

represents the current average cost of constructing eight-inch sewer lines. The rate so determined shall apply to all special privilege charges made hereunder during that calendar year.

It is the policy of the Commission to make available to customers the option of deferring payments for sewer service charges (exclusive of sewer user charges and connection charges). In such cases, the deferred payment shall be treated the same as if it were a confirmed assessment roll (no preliminary assessment roll or public hearing required); and all provisions of Chapter 224 of the Private Laws of 1927 as amended, (or applicable general law relative to confirmed assessments, including, without limitations, interest, enforcement, term and lien on property served) shall be applicable.

(c) Sewer extensions.

- (1) On all sewer improvement projects with respect to which adjoining property owners are to be assessed, the front footage charge shall be assessed as specified in Section 128. This charge is subject to the right of any nonpetitioning property owner to have the assessment against his property adjusted as provided by law upon showing that his property has not been benefited to the extent of the assessment. The foregoing rate is based on the average cost of constructing eight-inch sanitary sewer mains. Such assessments shall be subject to second frontage exemptions as prescribed in Chapter 224 of the Private Laws of 1927, as amended. The provisions of Section 34 of this resolution shall not apply to sewer assessment projects. Street intersections and private alleys intersecting sewer improvement projects, where the alley is owned by more than one adjoining property owner, shall not be subject to sewer improvement project assessments.
- (2) It is hereby declared to be policy of the Commission to grant relief to sewer system improvement assessments to the property owner of a double frontage lot in areas zoned "residential" as hereinafter set forth. For the purposes of this section, a "double frontage lot" is defined to be a lot which adjoins two streets, front and back, and is not a corner lot. In the event one (1) frontage of a double frontage lot has been improved (with respect to sewer system improvements), the lot shall be exempt from assessment for sewer system improvements on the second street frontage, provided:

a. The lot is vacant and the total area or lot depth is less that the following:

| | Area (Square Feet) | Lot Depth (Feet) |
|---------------------------------|-----------------------|---------------------|
| Residential Single-Family RS-9 | 9,000 | 150 |
| Residential Single-Family RS-12 | 12,000 | 150 |
| Residential Single-Family RS-15 | 15,000 | 160 |
| Residential Single-Family RS-20 | 20,000 | 180 |
| Residential Single-Family RS-30 | 30,000 | 200 |
| Residential Single-Family RS-40 | 40,000 | 210 |

Or:

- b. There is a principal building on the lot which is so located that the area or lot depth remaining between the rear of the principal building and the street abutting the rear of the lot, after deduction of the rear yard required by the

City zoning ordinance for the principal building, is less than than one-half (1/2) the area and lot depth indicated for the zoning districts tabulated above;
or

- c. The topography of the lot is such that it would not be feasible to build more than one (1) principal building on the lot regardless of the size. In those cases where topography is the determining factor, the Commission shall determine whether or not it is feasible to build more than one (1) principal building on the lot.
- (3) The policy stated in subsection (c)(2) above shall remain in effect until changed or repealed by the Commission. It shall apply only to those projects which have been ordered under the provisions of the Chapter 224 of the Private Laws of 1927, as amended, by the Commission without petition or for which petitions have been circulated and signed by the property owners requesting improvements under the provisions of the above law, or to those projects pending a preliminary hearing by the Commission as provided for under the general law but which have not been approved by the Commission.
 - (4) It shall be the policy of the Commission to review the standard front footage charge prescribed by this section as soon as practicable after January 1 of each year to make such change, if any, as may be necessary in order that the standard charge for future projects shall fairly represent the City's current average cost per frontage foot of constructing eight-inch sewer mains.
 - (5) It is hereby declared to be the policy of the Utility Commission to grant relief with respect to the sewer system improvement assessments for corner lots. Side frontage exemption for corner lots, used as a single lot, would be credited to the assessment of said lot. The longer of the two (2) frontage of a corner lot would be considered the side frontage. Relief would not exceed the lesser of:
 - a. The total length of the side frontage.
 - b. A maximum of two hundred (200) feet for lots zoned residential.
 - c. A maximum of one hundred (100) feet for lots zoned business.Consideration will be given when assessing the side frontage first, to allow the lot to receive the maximum side frontage exemption when all frontages of the lot have been fully assessed.
 - (6) It is hereby declared to be the policy of the Utility Commission that assessable projects shall be available in public streets only. It shall be the policy of the utility Commission that the assessment plan shall not be available in private streets. The extension of service in private streets shall be pursuant to Section 35 of the Sewerage System Policy Resolution.
 - (7) It shall be the policy of the Commission to terminate water service for delinquent [payments of a] water or sewer assessment, after proper notification to the property owner.

Section 123. Sewer Service Charges.

(a) There shall be billed and collected either monthly or bimonthly a sewer service charge for the purpose of paying all operation and maintenance costs and to pay the principal of and the interest on bonds issued for the sewer system. A sewer service charge shall be assessed to all property in which there is a sewer connection with the sanitary sewer system and a water connection with the public water system. These rates are given in Section 128.

(b) An industrial user's sewer service charge will be calculated based on the total quantity of water metered into the facility. If a user demonstrates to the satisfaction of the Director that all purchased water is not returned to the sewer system, the user's sewer service charge will be calculated only on the total quantity of water returned to the sewer system. The Director may approve a sewer credit if a user produces evidence that more than ten (10) percent of the total annual volume of water consumed is not returned to the sewer. In this case, the sewer service charge shall be determined on measurements from a flow meter installed and maintained by the user and acceptable to the City as to accuracy, maintenance, and point of installation as verified by the submittal of a monthly flow monitoring report. The sewer service charges shall be added to each water bill either monthly or bimonthly and shall be payable at the same time that the water bill is payable. Applicable rates are presented in Section 128.

(c) Any user which is the sole contributor of flow to a wastewater treatment plant constructed for the purpose of serving only that user shall pay to the Commission the entire cost of operating and maintaining said facility. Such charges shall be paid as specified by a written agreement.

(d) The penalties for failure to pay such charges shall be the same as in case of failure to pay the water bill, except that in computing any monetary penalties the penalty shall be based and assessed on the combined water and sewer charge.

(e) Where sewer service is provided by the City, the property to which water service is not provided by the City, whether within or outside the corporate limits of the City, there shall be billed and collected bimonthly a sewer service charge. A current listing of these charges is provided in Section 128.

(f) If a hotel, motel, office building, supermarket, school or other establishment contains a beauty shop, restaurant, drug store, or other activity for which a rate is specified in Section 128, a sewer service charge shall be made for such activity at the rate shown, in addition to the charge made for the building in which the activity is housed.

(g) A charge will be levied for each delivery of a septic tank waste or chemical toilet waste, such rate being set according to a predetermined and periodically updated base rate. Applicable rates are presented in Section 128. Monthly invoices will be sent to contractors stating the number of loads of waste and waste received into the sewer system from them and the amount due the City. Payment shall be made within fifteen (15) days from the date of the invoice. If payment is not made within thirty (30) days from the date of the invoice, the delinquent contractor shall be denied the privilege of emptying septic tank waste or chemical toilet wastes into the City's sanitary sewer system until such payment has been

made. In addition, if a contractor has been denied the privilege of emptying such waste into the City's sanitary sewer system because of delinquency in payment of an account, he may be required by the Director to post a compliance bond in an amount approximating an average monthly charge to such contractor. The posting of this compliance bond may be required by the Director prior to reinstatement of the contractor's privilege of emptying such waste into the City's sanitary sewer system.

Section 124. Surcharges.

- A. A sewer service surcharge shall be billed and collected from industrial/commercial users of the sewer system who discharge waste based on BOD and TSS contribution. The surcharge is calculated on the basis of wastewater BOD and TSS concentrations in excess of two hundred mg/l (200 mg/l) for each of the parameters. The surcharge rates for the BOD and SS are presented in Section 128.

The City will determine by monitoring, as provided for in Section 95, the amount of BOD and TSS being received into its sewer system from industrial/commercial users. Such surcharge shall be imposed in addition to any existing sewer service charge and any sewer charge imposed in the future. The determination of the character and concentration of the constituents of the wastewater discharge by the Director or his duly appointed representatives shall be binding as a basis for charges.

- B. The surcharges for sewer services to properties located outside the corporate limits of the city shall be one and one-half (1 ½) times the amount chargeable under the foregoing schedules for such services inside the City.
- C. The Commission reserves the right to establish surcharges for other pollutants or other industrial categories.

Section 125. Charges for Monitoring.

- A. Industrial/commercial users whose discharge is being periodically monitored by the City shall pay for specific sampling and analytical work performed by the City. If, during the course of normal monitoring by the City, a violation of this resolution is determined, additional monitoring may be imposed on the industrial/commercial user at a frequency defined by the Director. The charge for the monitoring will be for only those wastewater parameters or conditions that are in violation of this resolution and monitoring may continue until the violation ceases. The industrial/commercial user will pay for the additional monitoring charges according to Section 128.

Any additional monitoring for surcharge purposes requested by an industrial/commercial user shall be paid for by the industrial user on a per-analysis basis. Rates for monitoring are presented in Section 128.

- B. The schedule of charges and fees adopted by the City may include charges and fees for:
1. Reimbursement of costs of setting up and operating the pretreatment program;

2. Monitoring, inspections and surveillance procedures;
3. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
4. Other fees as the City may deem necessary to carry out the requirements of the pretreatment program.

C. Permit fees.

All users determined to need a permit shall pay a permit development fee, in accordance with the Schedule of Rates and Fees established by the Commission, and on file at the City's Utilities Administrative Office.

Section 126. Penalty fees

Any person found to be in violation of this resolution may be required to pay penalty fees as outlined in Section 103.

Section 127. Payment Deadline; Penalties for Failure to Pay.

(a) All charges, fees, and assessments shall be made monthly or bimonthly and shall be due on the day following the date the bill is mailed.

(b) The City shall adhere to the following billing schedule for connections subject to Schedule A rates as found in Article II, Section 30 of the Water System Policy for the City of Winston-Salem.

- (1) If any charges remain on the thirtieth day after the due date of such charges, a ten (10) percent penalty will automatically be applied to the unpaid balance. Maximum gross penalties on unpaid balances will not exceed \$5,000.00.
- (2) If a bill is unpaid thirty-five (35) days after the bill was mailed, a second notice of payment shall be mailed to the customer. If the thirty-fifth day falls on a weekend or a holiday, the notice shall be sent on the next business day. This notice shall constitute the City's intent to apply an additional late payment penalty in ten (10) days in the amount of one dollar and fifty cents (\$1.50), and shall contain the information required in Article I, Section 16 of the water system policy.
- (3) If a bill is unpaid forty-five (45) days after the bill was mailed, a notice of termination shall be mailed to the customer. If the forth-fifth day falls on a weekend or a holiday, the notice shall be mailed on the next business day. This notice informs the customer that service has been ordered terminated, the date of termination, and shall contain information as required in Section 127(d). An additional late payment of twenty dollars (\$20.00) is added to the unpaid balance then (10) days after the termination is mailed, if payment has not been received by that date.

- (4) If a bill is unpaid fifty-five (55) days after the bill was mailed, service shall be cut off by locking or removing the meter. If the fifty-fifth day occurs on a weekend or a holiday, said action will be taken on the next business day. The outstanding balance, plus all penalties, shall be paid before sewer service is restored.

(c) The bill in each case, plus the penalties, shall be paid before water service shall again be instituted. In the case of nonresidential customers, water service shall not be provided until a cash deposit has been made to the City revenue department. The deposit shall be in an amount equal to twice the average monthly or bimonthly bill. This average is to be determined on the basis of charges made to the customer for the preceding twelve-month period or the period that the customer has been receiving water at the premises where the water for which a nonpayment occurred was furnished, whichever is the shorter period. Any deposits made pursuant to this section may be applied by the City to any future water charges that become delinquent. The deposit shall be refunded in its entirety, less an accrued interest, to the customer should the customer maintain an acceptable payment record for a period of twenty-four (24) consecutive months after the collection date of the deposit (“acceptable” being defined as no penalties having been accrued during the twenty-four (24) month period). The refund shall be applied in the form of a credit against the customer’s water/sewer account. Otherwise, the deposit shall remain on the account indefinitely, or until the customer requests final termination of service and a final bill is rendered. At this time, the said deposit shall be applied to any final billed amount and any overage shall be refunded to the customer provided the customer owes no delinquent water/sewer bills for any other accounts in the City/county water/sewer system.

(d) All water bills shall be payable at the City revenue office.

Section 128. Rates.

All charges and fees referred to herein are set forth in the Schedule of Rates and Fees established by the Commission. Said Schedule of Rates and Fees and any subsequent amendments thereto, are incorporated herein by reference and are on file and available at the City’s Utilities Division Administration Office.

Secs. 129-150. Reserved.

ARTICLE XIII – GREASE CONTROL POLICY

Section 151. Purpose.

It is the duty and responsibility of the City/County Commission to prevent the excessive introduction of grease into the sewer system and the wastewater treatment plants. This policy is designed to implement and enforce the grease discharge rules of the Sewerage System Policy Resolution.

The intent of this policy is to ensure compliance with the Commission’s Pretreatment Program, as contained in the Sewerage System Policy Resolution; the rules and regulations of the United States Environmental Protection Agency and the North Carolina Department

of Environment and Natural Resources; and to protect the City's infrastructure as it relates to the sanitary sewer collection and treatment system.

The accumulation of grease within the sewer lines increase the potential to cause sewer blockages, which in turn can cause overflows, which potentially degrade the quality of local surface waters. Blockages may also cause sewer to back-up into business establishments, or homes, and can cause extensive damage. Grease can be discharged to the sewer system from several sources, including Food Service Establishments. In order to reduce sewer blockages, Food Service Establishments in the Winston-Salem/Forsyth County area that discharge wastewater that contains grease must install and maintain a grease trap or interceptor. These establishments include any institutional food service or business that serves food or is involved in food preparation services.

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

Section 152. Authority.

City of Winston-Salem Sewerage System Policy Resolution – Part B

A. Section 46. Prohibited Discharge Standards.

General Prohibitions.

(A) 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.

Specific Prohibitions.

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

- (2) Solid or viscous substances in amounts which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW.

- (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residuals, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulation or 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.

B. Section 51. Pretreatment of Wastewater

B(4) All food service establishments shall install and maintain a grease interceptor in accordance with the Grease Control Policy, set forth by the Commission, and on file at the City's Utilities Administration office.

C. The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable federal, state, and local regulations. The user shall be responsible for documenting the transportation and/or disposal of all pretreatment sludges. Manifest and other documentation shall be kept for a minimum of 3 years and shall be made available to the Director upon request.

C. Section 92. Reports from Users.

All users not required to obtain an industrial or commercial user permit shall provide appropriate reports to the Director as the Director may require.

D. Section 98. Inspection and Sampling.

The City has the right to enter and inspect the facilities of any user to ascertain whether the purpose of this resolution is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created, discharged or suspected to be discharged, shall allow City personnel ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Denial of the City's access to the user's premises shall be a violation of this resolution. Unreasonable delays may constitute denial of access.

Section 153. Definitions.

City: The City of Winston-Salem, North Carolina, or any duly authorized agent(s) or official(s) acting on its behalf.

Commission: The City of Winston-Salem/Forsyth County Utility Commission, a joint agency of the City of Winston-Salem and Forsyth County, North Carolina.

Director: The Director of Utilities for Public Works of the City of Winston-Salem, or his authorized representative(s).

Food Service Establishments: Any commercial facility discharging kitchen or food preparation wastewater including, but not limited to the following: restaurants, motels, hotels, cafeterias, hospitals, schools, nightclubs, delicatessen, meat cutting-preparation, bakeries, bagel shops, grocery stores, gas stations, and any other facility that the Commission determines to need a grease interceptor by virtue of its operation.

Grease: The accumulation of oils (animal or vegetable), fats, cellulose, starch, proteins, wax, lipids, or grease, whether emulsified or not, in the sanitary sewer system. These are substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty degrees (150) Fahrenheit.

Grease Interceptor/Grease Trap: A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the “outdoor” or underground type normally of a 1,000-gallon capacity or more, or the “under-the counter” package units, which are typically less than 100-gallon capacity. For the purpose of this definition, the words “trap” and “interceptor” are used interchangeably.

Owner: An individual, person, firm, company, association, society, corporation, or group upon whose property the building or structure containing the Food Service Establishment is located or will be constructed. “Owner” shall also include the owner of a Food Service Establishment who may lease the building, structure, or a portion thereof, containing the Food Service Establishment.

Physical Property Restrictions: A physical property restriction does not include restrictions arising from a new building owner’s decision not to provide a stub-out for grease installation before a food service establishment occupies the premises.

Plumbing Code: The current edition of the North Carolina Plumbing Code.

POTW (Publicly Owned Treatment Works): A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292), which is owned by the City of Winston-Salem, acting through the City/County Utility Commission. This definition includes any devices or system used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid or solid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this resolution, “POTW” shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the POTW.

Septage Management Firm: A person engaged in the business of pumping, transporting, storing, treating or disposing of septage or grease.

User: Any person, establishment, or facility, whether inside or outside the city limits, who contributes, causes, or permits the contribution of wastewater into the POTW.

Section 154. Design, Installation and Maintenance of Grease Interceptors.

All new grease interceptors shall be designed and constructed in accordance with Section 155 and 156 herein unless otherwise approved by the Director, but in no case may it be less than the North Carolina State Plumbing Code. All grease interceptor plans and specifications shall be submitted and approved by the City prior to installation.

All grease interceptors shall be installed by a licensed North Carolina Plumbing Contractor and maintained by the User at the User's expense so as to be in continuously effective operation. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids. Separation, decanting or back flushing of the grease interceptor or its wastes is prohibited except where classified as a restaurant that cleans its own interceptor. This applies only to those restaurants that have a grease interceptor less than 100-gallon capacity.

Maintenance of grease interceptors shall be performed in accordance with the type of interceptor as required in Sections 158 herein.

The User shall be responsible for the proper removal and lawful disposal of the grease interceptor waste. All waste removed from each grease interceptor should be disposed of at a facility permitted by the North Carolina Division of Solid Waste Management to receive such waste. No grease interceptor waste shall be discharged directly to the wastewater collection system or wastewater treatment facilities.

The City may conduct mandatory inspections of every Food Service Establishment connected to the sewer collection system once every two years, and at other times as the City deems necessary, in its discretion.

If grease is responsible for a sewer blockage, all Food Service Establishments upstream from the blockage will be inspected.

The exclusive use of enzymes or biological additives as a grease degradation agent is not considered acceptable grease interceptor maintenance practice. Any user who uses these additives must apply for a variance and follow the procedures for a variance study, as set forth in Section 163, to reduce the monthly maintenance requirements.

Section 155. Design and Structural Criteria For Exterior Grease Interceptors.

Grease Interceptors shall conform to the following criteria when being designed and constructed:

- A. A 24 minute retention time under *actual peak flow*. See Sizing Criteria in Section 156.
- B. New in-ground grease interceptors shall be no less than 1,000 gallons total capacity unless otherwise approved by the Director.
- C. Interior baffles to distribute flows. Will extend six (6) inches above water line but, cannot flood the inlet pipe.
- D. Minimum 2:1 length to width ratio.
- E. Low velocity flow near outlet.
- F. Baffle wall be located a distance from inlet wall of 2/3 to 3/4 of the total length of the interceptor
- G. Nine (9) inches of freeboard at grease interceptor top.
- H. Each grease interceptor shall have inlet and outlet tees. The outlet tee shall extend 50% into the liquid depth. The inlet tee shall extend 25% into the liquid depth. Inlet and outlet tee

must be plugged at the top of the sanitary tee and be a minimum of three (3) inches in diameter.

- I. Access openings over the inlet, outlet, and each compartment within the grease interceptor. Each opening shall be twenty-four (24) inches in diameter and contain pick holes. All covers shall be constructed of cast iron or equivalent traffic bearing material. Manholes/covers must extend to the finished grade and shall be installed to exclude the entrance of surface or storm water into the interceptor.
- J. Full size cleanouts shall be installed on the inlet and outlet sides of the interceptor and extended to grade.
- K. Grease interceptors must be vented in accordance with the NC State Plumbing Code with a minimum 2” diameter vent piping. Vent connections may be made through the top of the interceptor, in which case the bottom of the vent shall extend no closer than 6” to the static water level, or may be made through the side of the interceptor’s access opening.
- L. In-ground grease interceptors shall receive kitchen wastes. Kitchen wastes include: pot sinks, prep sinks, pre-rinse sinks, can wash, floor drains, and dishwasher.
- M. Minimum concrete compressive strength of 3,500 psi.
- N. Joints should be properly sealed to prevent infiltration or exfiltration.
- O. Grease interceptors must meet a minimum structural design of 150-pounds/square foot for non traffic installations. For vehicular traffic conditions the grease interceptor shall be designed to withstand a H-20 wheel load.
- P. Grease interceptors shall meet the following standards: ASTM C-1227 for Septic Tanks, C-913 for Precast Concrete Water and Wastewater Structures, ACI-318 for Design and ASTM C-890 for establishing Minimum Structural Design Loading.
- Q. Grease interceptors made of polyethylene or fiberglass tanks shall be able to withstand the appropriate loading (traffic or non-traffic) or perform under a vacuum test to simulate loading and include 12,000 psi ultimate tensile strength, 19,000 psi flexural strength, and 800,000 psi flexural modulus of elasticity as per ASTM D790. Tanks shall be listed and labeled.
- R. A North Carolina design professional will specifically design cast in place or masonry tanks. Tanks must be manufactured as a grease interceptor.

Section 156. Sizing.

A. How to Determine the Size of an Exterior, In-ground Grease Interceptor Using the Manning Formula:

The formula for calculating grease interceptor sizing is:

$$\text{Gallons of interceptor} = [[(\mathbf{1}) = \text{GPM/fixture (derived from Manning formula)} \times (\mathbf{2}) = \text{total \# fixture ratings of grease-laden waste streams}] + (\mathbf{3}) \text{ direct flow from a dishwasher, can wash, mop sink (in GPM)}] \times (\mathbf{4}) = 24 \text{ minute retention time}$$

Components of equation =

1. **GPM/fixture** – This is derived from the Manning Formula. It takes into account the slope; roughnesses of the pipe (plastic) used, and pipe diameter size. When applying the Manning Formula, we arrive at the drainage rates of various pipe diameter sizes:

- 1.0 inch pipe diameter = 5 GPM/fixture
- 1.5 inch pipe diameter = 15 GPM/fixture
- 2.0 inch pipe diameter = 33 GPM/fixture
- 2.5 inch pipe diameter = 59 GPM/fixture
- 3.0 inch pipe diameter = 93 GPM/fixture

2. **Fixture Ratings of Grease-Laden Waste Streams:** Fixtures that have more grease in their waste stream received higher values while less grease corresponds to a lower value. The table is shown below:

Table of Common Commercial Kitchen Fixtures and their Corresponding Rating (each):

- 2, 3, or 4 compartment pot sink = 1.0
- 1 or 2 compartment **meat** prep sink = 0.75
- Pre-rinse sink = 0.5
- 1 or 2 compartment **vegetable** prep sink = 0.25

3. **Direct Flow from Dishwashers , Can Wash, Mop Sink and Garbage Disposal:** Use the following gpm values: Dishwasher rate of 10 gpm, Can wash, mop sink and garbage disposal rate of 6 gpm.

4. **Twenty-four minute retention time:** Engineers have determined that when applying several criteria to determine proper grease (animal and vegetable lipids) separation (using Stokes’s Law, specific gravity of lipids, etc.), a twenty-four minute retention time is required.

Example 1:

| | GPM x Grease Factor |
|---|----------------------------|
| (1) 3 Compartment Pot Sink, 1.5 waste drain | 15 x 1.0 = 15.00 gpm |
| (1) 1 Compartment Pre-Rinse Sink, 1.5 waste drain | 15 x 0.5 = 7.50 gpm |
| (1) 1 Compartment Prep Sink (Meat), 1.5 waste drain | 15 x 0.75 = 11.25 gpm |
| (1) 1 Compartment Prep Sink (Vegetable), 1.5 waste drain | 15 x 0.25 = 3.75 gpm |
| (1) Can Wash (Use 6 gpm) | = 6.00 gpm |
| | 43.50 gpm |

TOTAL gpm = 43.5 x 24 minutes retention time = 1,044 gallons

MINIMUM 1,000 GALLON GREASE INTERCEPTOR REQUIRED

Example 2:

| | GPM x Grease Factor |
|---|----------------------------|
| (1) 3 Compartment Pot Sink, 2.0 waste drain | 33 x 1.0 = 33.00 gpm |
| (1) 1 Compartment Prep Sink (Meat), 1.5 waste drain | 15 x 0.75 = 11.25 gpm |
| (1) 1 Compartment Prep Sink (Vegetable), 1.5 waste drain | 15 x 0.25 = 3.75 gpm |
| (1) Pre-rinse Sink, 2.0 waste drain | 33 x 0.5 = 16.50 gpm |
| (1) Dishwasher | = 10.00 gpm |
| (1) Mop Sink, 3” waste drain | = 6.00 gpm |
| | 80.50 gpm |

TOTAL gpm = 80.5 x 24 minutes retention time = 1,932 gallons

MINIMUM 2,000 GALLON GREASE INTERCEPTOR REQUIRED

B. How to Determine the Size of a Point-Of-Use Grease Interceptor:

| | | |
|---------------|--|--|
| Step 1 | Determine the cubic contents of the fixture by multiplying length x width x depth | Number of compartments times 24" long by 24" wide by 14" deep. Cubic contents: 3 x 24 x 24 x 14 = 24,192 cubic inches |
| Step 2 | Determine the capacity in gallons 1 gallon = 231 cubic inches | Contents in gallons: 24,192 ÷ 231 = 104.7 gallons |
| Step 3 | Determine actual drainage load. The fixture is usually filled to about 75 percent of capacity with wastewater. The items to be washed displace about 25 percent of the fixture content. Actual drainage load = 75 percent of fixture capacity. | Actual Load: .75 x 104.73 gallons = 78.55 gallons |
| Step 4 | For design considerations, it is good practice to calculate the flow rate in GPM equal to or greater than 75 percent of the fixture capacity | Calculated flow rate for design capacity in GPM on 75 percent of fixture capacity: 75 percent of fixture capacity = 78.55 gallons Flow Rate = 78.55 GPM |
| Step 5 | Select the grease separation device that matches the calculated design flow rate Note: Select next larger size when flow rate falls between two sizes. | 79 GPM |

Section 157. Service Records.

All Food Service Establishments shall maintain a written record on site of grease interceptor maintenance record for three (3) years. Documentation must include at a minimum the date and time of the service; the name of the grease contractor; and the location of the grease treatment/disposal facility. All grease interceptor maintenance records shall be approved by the Director. A copy of each maintenance record shall be mailed to the City, at the address indicated below, no later than fifteen (15) days after the end of the month during which the maintenance occurred. Any person who fails to comply with this section is subject to enforcement actions as outlined in Section 165. Failure to submit monthly maintenance records for two consecutive months may result in an inspection.

Records and/or reports are to be mailed to: City of Winston-Salem, IWC Grease Program, 2799 Griffith Road, Winston-Salem, NC 27103. The phone number is 336-765-0130 and fax number is 336-659-4320.

Section 158. Existing Facilities With Grease Interceptors.

- A. All existing Food Service Establishments shall maintain grease interceptors for continuous, satisfactory and effective operation.
- B. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids. Separation, decanting or back flushing of the grease interceptor or its wastes is prohibited.
- C. The Food Service Establishment should have a licensed North Carolina Septage Management Firm service all interceptors at intervals not to exceed thirty (30) days.
- D. All food service establishments shall inspect the grease interceptor at the time of service or prior to opening business if the interceptor is serviced after hours and shall report to the City County Utilities any conditions that do not comply with the Sewer Use Resolution and/or Grease Control Policy.
- E. Grease Maintenance Service records shall be submitted as stated in Section 157.
- F. Any additional fixtures that are added to the food service establishment and discharge a grease-laden wastestream as identified in Section 156(A)(2) shall be plumbed into the interceptor and/or a new interceptor may be required.

Section 159. Food Service Establishment in New Facilities.

- A. Food Service Establishments, locating in newly constructed facilities, shall install a grease interceptor adequately sized and approved by the City. Facilities are not allowed to share grease interceptor devices.
- B. All new grease interceptors shall be designed and constructed in accordance to Section 155 and 156.
- C. No new Food Service Establishment will be allowed to initiate operations until grease interceptors are approved and inspected by the City.
- D. Following installation of a grease interceptor, all Food Service Establishments shall comply with maintenance requirements as set forth in Section 158.
- E. Food service establishments with a bona fide hardship of a physical property restriction shall install a point-of-use grease interceptor. Construction and maintenance shall follow Section 160(B).

Section 160. New Food Service Establishments in Existing Facilities.

- A. New Food Service Establishments locating in existing buildings are required to comply with the grease interceptor standards applicable to new facilities, as set forth in Section 159.
- B. For cases in which exterior type grease interceptors are infeasible to install *due to physical property restrictions*, a “point-of-use” grease trap shall be installed. The “point of use grease trap shall comply with sizing criteria specified in Section 156 (B). More than one fixture can be plumbed into a single grease interceptor, however, the grease interceptor size shall be equal to the total fixture capacity for all fixtures which the interceptor serves. Flow control fittings must be provided to the inlet side of all point-of-use if required by the manufacturer. The inlet temperature of the grease interceptor shall be 140° F or less. Maintenance procedures shall follow Section 158. Dishwashers shall not be plumbed into a point-of-use grease interceptor.
- C. The City must approve control devices and grease interceptor design prior to installation.

Section 161. New Buildings (Strip Centers) with the Potential for Food Service Establishments.

All new buildings or strip centers containing sections designated for commercial enterprise of the strip center, are encouraged to provide a stub-out for a separate waste line for future grease interceptor installation. The owner of a new strip center shall consider suitable physical property space and sewer gradient that will be conducive for the installation of an exterior, in-ground grease interceptor(s) for any flex space contained within the strip center. Physical Property Restrictions and sewer gradient shall not be a defense for failure to install an exterior, in-ground grease interceptor.

Section 162. Substandard Grease Interceptors.

- A. Any Food Service Establishment without a grease interceptor will be given a compliance deadline not to exceed six (6) months from date of notification to have approved and installed grease interceptors.
- B. In the event an Existing Food Service Establishment's grease interceptors are either under-designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies and required improvements, and given a compliance deadline not to exceed six (6) months to conform with the requirements of this standard. An exterior in-ground interceptor will be required and installation and maintenance shall follow Section 158 of this policy.
- C. For cases in which exterior type grease interceptors are infeasible to install *due to physical property restrictions*, a point-of-use grease trap shall comply with sizing criteria specified in Section 156 (B). More than one fixture can be plumbed into a single grease interceptor however, the grease interceptor size shall be equal to the total fixture capacity for all fixtures which the interceptor serves. Flow control fittings must be provided to the inlet side of all point-of-use if required by the manufacturer. Maintenance procedures shall follow Section 158. Dishwashers shall not be plumbed into a point-of-use grease interceptor.
- D. The Director must approve control devices and grease interceptor design prior to installation.

Section 163. Variance.

- A. A variance to exceed the requirement set forth in Section 158 which sets the scheduled maintenance requirements for all grease interceptors at intervals not to exceed thirty (30) days (for interceptors equal to or greater than 500 gallons), may be requested of the City upon submission of sufficient information and documentation. Such documentation shall provide a written explanation for the need to vary from the maintenance schedule requirements of this resolution. After submission of a request to the City, the City will review all information submitted and will notify the Food Service Establishment in writing of its acceptance or denial of the variance request. All Food Service Establishments requesting a variance shall agree to submit to a variance study. The City has the right to discontinue the variance study at any time the grease interceptor discharge adversely affects the sanitary sewer collection system or treatment works.

Fees associated with the request of a variance will include a variance fee of \$300, which includes estimated costs associated with the variance study. All fees are non-refundable and shall be paid in advance.

A variance to exceed the thirty (30) day interval requirement for scheduled maintenance set forth in Section 158 may be granted if the accumulated grease cap and sludge pocket measurements remain below twenty-five (25) percent of the total depth from the grease interceptor's interior floor to the static or working water level, at any point between the influent and effluent pipes/baffles of the grease interceptor. No variance will be granted to exceed a one-hundred eighty (180) day interval, with the exception of schools and seasonal event facilities and any other FSE as determined by the Director, who may exceed a one-hundred eighty (180) day interval upon submitting a request in writing to the Director and receiving written permission from the Director.

Any Food Service Establishment who is found to violate the twenty-five (25) percent rule as set forth in subsection B(6) herein below, may be required to pump more frequently than monthly.

- B. Variance Study Procedure. Once a variance has been granted, a variance study shall be conducted in accordance with the following procedure:
1. Prior to a variance study, the grease interceptor shall be completely pumped and sufficiently cleaned by a servicing company at the users expense. A variance study cannot be conducted unless the grease interceptor is properly serviced, as determined by the City.
 2. The Food Service Establishment shall contact the City two (2) working days prior to the scheduled interceptor cleaning.
 3. Once the grease interceptor is cleaned properly and refilled with water from the Food Service Establishment, the City will conduct a visual inspection of the grease interceptor and verify that all components of the trap are in place and in proper working order. If a grease interceptor fails the visual inspection, the Food Service Establishment shall correct all inadequacies at the Owner's expense. The Food Service Establishment shall notify the City in writing of all corrected measures upon completion. Such notification shall be mailed to the address set forth in Section 157.
 4. Two (2) weeks after initial pumping, the City will measure the grease cap and sludge pocket to obtain data to determine grease interceptor performance.
 5. Four (4) weeks after the initial pumping, the City will re-measure the grease cap and sludge pocket to further evaluate grease interceptor performance.
 6. This process will continue on a biweekly frequency until the accumulated grease cap and sludge pocket reach twenty-five (25) percent of the total depth of the grease interceptor. Variance studies shall not exceed a period of one-hundred eighty (180) days.
 7. The City will review all data obtained, and submit in writing, the results of the variance. The result will only be furnished to the Food Service Establishment requesting the variance.

8. The City will not be responsible for any grease discharge, odor, or blockages associated during or after the variance study. At no time during the variance study, shall the grease interceptor be pumped, except by direct approval of the City.
- C. Variance Revocation. A variance to exceed the thirty (30) day interval requirement for scheduled maintenance may be revoked by the City, at its discretion, if at any time after a variance is granted the following occurs:
- Grease interceptor discharge adversely affects the sewer collection system or treatment works.
 - Grease and solids accumulation is greater than twenty-five (25) percent of the total depth from grease interceptor's interior floor to the static or working water level, at any point within the grease interceptor.
 - A Food Service Establishment significantly increases food service production, seating capacity, or menu change.
 - A Food Service Establishment causes or contributes to a sanitary sewer blockage or overflow.

Section 164. Prohibitions and Violations.

No User shall contribute or cause to be contributed into the sanitary sewer system the following:

- A. Hot water running continuously through grease interceptor.
- B. Discharge of concentrated alkaline or acidic solutions into a grease interceptor.
- C. Discharge of concentrated detergents into grease traps.
- D. Discharge of oils and grease into the sanitary sewer system.

It shall be a violation of this Resolution for any person or User to:

- A. Modify a grease interceptor structure without consent from the City.
- B. Provide falsified maintenance records.
- C. Not comply with this Policy.

Section 165. Enforcement.

Any Food Service Establishment that is identified, in whole or in part, as the source of a sanitary sewer blockage and/or overflow, will be assessed a fine of not less than \$500 and not more than \$25,000, plus remediation costs for clean up, in addition to any fines dispensed from the State of North Carolina.

Food Service Establishments committing one of the offenses listed herein will be assessed the corresponding amounts on a calendar year basis. These fines will be billed no less than monthly and are payable upon receipt.

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

A. Minor Violation

1st Offense:

| | |
|--|--------|
| Failure to submit records: | \$ 50 |
| Inspection hindrance (equipment related) | \$ 50 |
| Failure to maintain on site records | \$ 50 |
| Failure to pump grease & submit record | \$ 150 |

2nd Offense

| | |
|--|--------|
| Failure to submit records: | \$ 100 |
| Inspection hindrance (equipment related) | \$ 100 |
| Failure to maintain on site records | \$ 100 |
| Failure to pump grease & submit records | \$ 300 |

3rd Offense

| | |
|--|--------|
| Failure to submit records: | \$ 150 |
| Inspection hindrance (equipment related) | \$ 150 |
| Failure to maintain on site records | \$ 150 |
| Failure to pump grease & submit records | \$ 450 |

4th Offense & Up

| | |
|--|--------|
| Failure to submit records: | \$ 300 |
| Inspection hindrance (equipment related) | \$ 300 |
| Failure to maintain on site records | \$ 300 |
| Failure to pump grease & submit records | \$1000 |

B. Intermediate Violation

Failure to maintain necessary equipment

(T's, grease trap not watertight, baffles, etc.)

| | |
|------------------------------|--------|
| 1 st Offense | \$ 150 |
| 2 nd Offense | \$ 300 |
| 3 rd Offense | \$ 500 |
| 4 th Offense & Up | \$1000 |

C. Major Violation

| | |
|---|--------|
| Source of sewer blockage (minimum) | \$ 500 |
| Source of sanitary sewer overflow (minimum) | \$1000 |
| Falsification of maintenance records | \$1000 |

Section 166. Appeal of Grease Policy

Any Food Service Establishment (FSE) may appeal a fine that has been assessed for failure to comply with the Grease Control Policy. The FSE must submit a written request, identifying the specific issues to be contested, to the Grease Compliance Officer within thirty (30) days following receipt of the water bill, assessment of fine, or Notice of Violation. Unless such written request is made within the time frame specified, the fine subject to appeal shall be final and binding.

The Grease Compliance Officer and the Industrial Waste Control Supervisor shall evaluate the information and shall make a written decision within fifteen (15) days of receipt of the appeal request.

The decision made above may be appealed by any party, to the Director of Utilities upon filing a written demand within ten (10) days of receipt of notice of the previous decision. A meeting will be held to evaluate information. Failure to make written demand within the specified time herein shall bar further appeal. The Director shall make a decision on the appeal within ninety (90) days of the date the appeal was filed. Further appeal shall follow Section 84 of this Resolution.