

CITY OF REIDSVILLE

Sewer Use Ordinance

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DIVISION 2 - Sewer Use Ordinance

Article 1 – General Provisions

Sec. 10-60. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated in this section:

Act or the act

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

Approval authority

The director of the Division of Water Quality of the State Department of Environment, and Natural Resources or his designee.

Authorized representative of the industrial user

1. If the industrial user is a corporation, authorized representative shall mean:
 - A. The president, secretary or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - B. The manager of one (1) 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.
2. If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
3. If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
5. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW director prior to 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) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Building

Any structure or part of a structure built for the separate shelter or enclosure of persons, animals, chattels, or property of any kind and which has enclosing walls for at least 50% of its perimeter. Each unit separated from other units by a four hour firewall shall be considered as a separate building.

Building drain

That part of the lowest piping of a drainage system which receives waste from inside the building and conveys it to the building sewer which begins 10 feet outside the building wall.

Building sewer

That part of the horizontal piping of a drainage system which receives the discharge from a single building drain and conveys it directly to a public sewer, private sewer, or on-site sewage disposal system. Pipelines or conduits, pumping stations and appliances appurtenant thereto will not be considered to be building sewers if they traverse adjoining property under separate ownership or travel along any highway right of way.

Bypass

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

Categorical standards

National Categorical Pretreatment Standards or pretreatment standard.

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 such agency.

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.

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

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 USC 1317) into the POTW (including holding tank waste discharged into the system).

Industrial user or user

Any person which is a source of indirect discharge.

Interference

The inhibition or disruption of the POTW treatment processes, operations, or its sludge process, use or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or nondischarge permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic 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.

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

National Categorical Pretreatment Standard or categorical standard

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

National Pollutant Discharge Elimination System or NPDES permit

A permit issued pursuant to Section 402 of the act (33 USC 1342) or pursuant to G.S. 143-215.1 by the State under delegation from EPA.

National Prohibitive Discharge Standard or prohibitive discharge standard

Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 10-63 and are developed under the authority of Section 307(b) of the act and 40 CFR Section 403.5.

New source

1. Any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:
 - A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)b. or (1) c. above but otherwise alters, replaces or adds to existing process or production equipment.
3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - A. Begun or caused to begin, as part of a continuous on-site construction program:
 - i. Any placement, assembly or installation of facilities or equipment; or
 - ii. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - B. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water

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

Nondischarge permit

A disposal system permit issued by the State pursuant to G.S. 143-215.1.

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

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 grams per liter of solution.

Pollutant

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

POTW director

The City manager.

POTW treatment plant

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

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 pollutant 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 nondomestic sources which was developed by the City in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements

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

Pretreatment standards

Prohibited discharge standards, categorical standards and local limits.

Publicly owned treatment works (POTW) or municipal wastewater system

A treatment works as defined by Section 212 of the act (33 USC 1292), which is owned in this instance by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this division, "POTW" shall also include any sewers that convey wastewaters 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 City's POTW.

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.

Significant industrial user

Any industrial user of the wastewater disposal system who:

1. Has an average daily process wastewater flow of twenty-five thousand (25,000) gallons or more; or
2. Contributes more than five (5) percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; or
3. Is required to meet a national categorical pretreatment standard; or
4. Is found by the City, the division of water quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

Significant noncompliance or reportable noncompliance

A status of noncompliance defined as follows:

1. Violations of wastewater discharge limits:
 - A. Chronic violations: Sixty-six (66) percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - B. Technical review criteria (TRC) violations: Thirty-three (33) percent or more of the measurements are equal to or more than the TRC times the limit (maximum or average) in a six-month period. There are two (2) groups of TRCs: For conventional pollutants ammonia, phosphorus, BOD, TSS, fats, oil and grease, TRC = 1.4. For all other pollutants TRC = 1.2.
 - C. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - D. Any discharge of pollutants that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
2. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction and attaining final compliance by ninety (90) days or more after the schedule date.
3. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day compliance reports, and periodic compliance reports within thirty (30) days from the due date.
4. Failure to accurately report noncompliance.
5. Any other violation or group of violations that the control authority considers to be significant.

Slug load or discharge

Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 10-63 of this article.

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.

State

The State of North Carolina

Stormwater

Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow melt. Stormwater also includes any precipitation contained in an impounded or diked area or facility.

Superintendent

The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

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.

Upset

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

Wastewater

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

Wastewater permit

As set forth in section 10-77 of this division.

Waters of the State

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

This division is gender neutral, and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural, and the plural shall include the singular as indicated by the context of its use.

(Ord. of 6-8-94, § 1.2; Ord. of 6-14-00, § 1; Ord. of 1-11-06; Ord. of 9-19-07, §§ 1--3)

Sec. 10-61. Abbreviations.

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

TABLE of ABBREVIATIONS

BOD:	Biochemical oxygen demand
CFR:	Code of Federal regulations
City:	City of Reidsville
COD:	Chemical oxygen demand
DEM:	State Division of Environmental Management
EPA:	Environmental Protection Agency
gpd:	Gallons per day
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
G.S.:	North Carolina General Statutes
NPDES:	National Pollutant Discharge Elimination System
O&M:	Operation and maintenance
POTW:	Publicly owned treatment works
RCRA:	Resource conservation and recovery act
SIC:	Standard industrial classification
SWDA:	Solid waste disposal act
TSS:	Total suspended solids
TKN:	Total Kjeldahl nitrogen
USC:	United States Code

(Ord. of 6-8-94, § 1.2)

Sec. 10-62. Purpose and policy.

1. This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Reidsville, hereinafter referred to as the City, and enables the City 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).
2. The objectives of this division 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 system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
 - C. To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
 - D. To protect both municipal personnel who may be affected by sewage, sludge and effluent in the course of their employment as well as protecting the general public;
 - E. To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - F. To ensure that the municipality complies with its NPDES or nondischarge permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.
3. This division provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement

activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

4. This division applies to all users of the municipal wastewater system as authorized by G.S. 160A-312. Except as otherwise provided herein, the POTW director shall administer, implement and enforce the provisions of this division. Any powers granted to or imposed upon the POTW director may be delegated by the POTW director to other City personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this division, as well as any permits, enforcement actions or orders issued hereunder.

(Ord. of 6-8-94, § 1.1)

Article 2 – General Sewer Use Regulations

Sec. 10-63. General discharge prohibitions.

1. 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.
2. Specific prohibitions: No user shall contribute or cause to be contributed into the POTW the following pollutants, substances or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade) using the test methods specified in 40 CFR 261.21.
 - B. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch in any dimension.
 - C. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - D. Any wastewater having a pH less than five (5.0) or more than nine and one-half (9.5) or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
 - E. 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.
 - F. Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees centigrade) or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees centigrade).
 - G. 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.
 - H. Any trucked or hauled pollutants, except at discharge points designated by the POTW superintendent in accordance with section 10-71 of this division.
 - I. 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.
 - J. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - K. Any wastewater which imparts color which cannot be removed by the treatment process including, but not limited to, dye wastes and vegetable tanning solutions, which consequently

- imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- L. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW superintendent in compliance with applicable State or Federal regulations.
 - M. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW superintendent.
 - N. Fats, oils or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
 - O. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
 - P. Any medical wastes, except as specifically authorized by the POTW superintendent in a wastewater discharge permit.
 - Q. Any material containing ammonia, salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
 - R. Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW superintendent.
 - S. Any wastewater causing the treatment plant effluent to violate State water quality standards for toxic substances as described in 15A NCAC 2B .0200.
 - T. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - U. Recognizable portions of the human or animal anatomy.
 - V. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
 - W. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
3. 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 and/or the environment. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
 4. When the POTW superintendent determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW superintendent shall:
 - A. Advise the user(s) of the potential impact of the contribution on the POTW in accordance with section 10-95; and
 - B. Take appropriate actions in accordance with section 10-76 et seq. for such user to protect the POTW from interference or pass through.
- (Ord. of 6-8-94, § 2.1)

Sec. 10-64. 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.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of pollutant in wastewater, the POTW superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
3. 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.

4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Ord. of 6-8-94, § 2.2)

Sec. 10-65. Local limits.

1. An industrial waste survey is required prior to a user discharge wastewater containing in excess of the following:

Local Limits

300	mg/l BOD
300	mg/l TSS
30	mg/l TKN
0.003	mg/l arsenic
0.003	mg/l cadmium
0.050	mg/l total chromium
0.061	mg/l copper
0.015	mg/l cyanide
0.049	mg/l lead
0.0002	mg/l mercury
0.021	mg/l nickel
10	mg/l phosphorus
0.005	mg/l silver
0.200	mg/l zinc

2. Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permit. The POTW director may impose mass limits in addition to, or in place of, the concentration-based limits above.
3. The POTW is designed to treat sewage carrying influent parameters of biological oxygen demand (BOD) of three hundred (250) mg/l and suspended solids (TSS) of three hundred (250) mg/l. If sewage discharged to the system carries higher average influent parameters, and the cost of operation and maintenance of the system is increased over what it would be for three hundred (300) to thirty (30) sewage, then pretreatment of wastes to lower parameters to three hundred (300) to thirty (30) will be required, or a surcharge will be placed on the individual user charge to cover the increased cost of operation and maintenance (see section 10-74, surcharges.)
(Ord. of 6-8-94, § 2.3; Ord. of 6-14-00, § 2; Ord. of 3-14-01, § 1; Ord. of 1-11-06)

Sec. 10-66. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this division.
(Ord. of 6-8-94, § 2.4)

Sec. 10-67. City's right of revision.

The City reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in section 10-62 of this division or the general and specific prohibitions in section 10-63 of this division, as is allowed by 40 CFR 403.4.

(Ord. of 6-8-94, § 2.5)

Sec. 10-68. Dilution Prohibition.

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

(Ord. of 6-8-94, § 2.6)

Sec. 10-69. Pretreatment of wastewater.

1. Pretreatment facilities: Users shall design, construct, operate and maintain wastewater pretreatment as necessary to comply with this division and wastewater permits issued under section 10-77 of this division and shall achieve compliance with all national categorical pretreatment standards, local limits and the prohibitions set out in section 10-63 of this division within the time limitations as specified by EPA, the State or the POTW director, whichever are more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be approved by the POTW director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW director prior to the user's initiation of the changes.
2. Additional pretreatment measures:
 - A. Whenever deemed necessary, the POTW director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users' compliance with the requirements of this division.
 - B. The POTW director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - C. In addition to meeting the requirements of the State building code, grease, oil and sand interceptors shall be provided when, in the opinion of the POTW director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the POTW director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
 - D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. of 6-8-94, § 2.7)

Sec. 10-70. Accidental discharge/slugs control plans.

1. The POTW 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 10-60.

All SIUs must be evaluated within one (1) year of being designated a SIU. The POTW director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW director may develop such a plan for any user.

2. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see sections 10-82 and 10-83.
3. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - A. Description of discharge practices, including nonroutine batch discharges;
 - B. Description of stored chemicals;
 - C. Procedures for immediately notifying the POTW superintendent of any accidental or slug discharge, as required by section 10-83 of this division; and
 - D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. of 6-8-94, § 2.8; Ord. of 9-19-07, § 4)

Sec. 10-71. Hauled wastewater.

If hauled wastewater is accepted by the City to be introduced into the POTW, it will be regulated by the following provisions:

1. Septic tank waste may be introduced into the POTW only at locations designated by the POTW superintendent, and at such times as are established by the POTW superintendent. Such waste shall not violate any provisions of this division or any other requirements established by the City. The POTW superintendent may require septic tank waste haulers to obtain wastewater discharge permits.
2. The POTW superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW superintendent shall require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
3. Industrial waste haulers may discharge loads only at locations designated by the POTW superintendent. No load may be discharged without prior consent of the POTW superintendent. The POTW superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The POTW superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. of 6-8-94, § 2.9)

Article 3 – Fees and Charges

Sec. 10-72. Purpose.

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

(Ord. of 6-8-94, § 3.1)

Sec. 10-73. User charges.

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

(Ord. of 6-8-94, § 3.2; Ord. of 1-11-06)

Sec. 10-74. Surcharges.

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharges waste which exceeds the level as established in the schedule of fees and charges. The amount of surcharge will be based upon the volume of flow, charge rate, and concentration of the constituents of the wastewater. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the city. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136. The determination of the character and concentration of the constituents of the wastewater discharge by the POTW superintendent or his duly appointed representatives shall be binding as a basis for charges.

(Ord. of 6-8-94, § 3.3; Ord. of 5-11-05, § 1; Ord. of 1-11-06)

Sec. 10-75. Pretreatment program administration.

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. Permitting;
5. Other fees as the City may deem necessary to carry out the requirements of the pretreatment program.

(Ord. of 6-8-94, § 3.4)

Article 4 – Wastewater Discharge Permits Application and Issuance

Sec. 10-76. Wastewater dischargers.

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

(Ord. of 6-8-94, § 4.1)

Sec. 10-77. Wastewater Permits

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

1. Significant industrial user determination: All persons proposing to discharge nondomestic wastewater or proposing to change the volume or characteristics of an existing discharge of

nondomestic wastewater shall request from the POTW superintendent a significant industrial user determination. If the POTW superintendent determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a significant industrial user permit application be filed.

2. Significant industrial user permit application: Users required to obtain a significant industrial user permit shall complete and file with the City an application in the form prescribed by the POTW superintendent and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW director's determination in subsection (1) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - A. Name, address and location (if different from the address);
 - B. Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
 - C. Analytical data on wastewater constituents and characteristics including, but not limited to, those mentioned in section 10-63 et seq. of this division, any of the priority pollutants (Section 307(a) of the act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR Part 136, as amended, as required in section 10-87 and 10-88.
 - D. Time and duration of the indirect discharge;
 - E. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
 - G. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
 - H. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state or Federal pretreatment standards, and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards. The POTW director may require an analysis of the applicant's wastewater;
 - I. 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. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - i. 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. No increment in the schedule shall exceed nine (9) months;
 - ii. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the POTW director;
 - J. Each product produced by type, amount, process or processes and rate of production;
 - K. Type and amount of raw materials processed (average and maximum per day);
 - L. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - M. If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in section 10-78 of this division;

- N. Any other information as may be deemed by the POTW director to be necessary to evaluate the permit application.
3. Application signatories and certification: All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in section 10-60 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."*
4. Application review and evaluation: The POTW director will evaluate the data furnished by the user and may require additional information.
- A. The POTW director is authorized to accept applications for the City and shall refer all applications to the POTW staff for review and evaluation.
- B. Within thirty (30) days of receipt, the POTW director shall acknowledge and accept the complete application or, if not complete, shall return the application to the applicant with a statement of what additional information is required.
5. Tentative determination and draft permit:
- A. The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- B. If the staff's tentative determination in subsection (5)A. above is to issue the permit, the following additional determination shall be made in writing:
- i. Proposed discharge limitations for those pollutants proposed to be limited;
- ii. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
- iii. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- C. The staff shall organize the determinations made pursuant to subsections a. and b. above and the City's general permit conditions into a significant industrial user permit.
6. 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:
- A. 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.
- B. A quantitative description of the discharge described in the application which includes at least the following information:
- i. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
- ii. 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
- iii. The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.
7. Final action on significant industrial user permit applications:
- A. The POTW director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
- B. The POTW director is authorized to:

- i. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this division and G.S. 143-215.1;
 - ii. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - iii. Modify any permit upon not less than sixty (60) days notice and pursuant to subsection (9) of this section;
 - iv. Revoke any permit pursuant to section 10-95 of this division;
 - v. Suspend a permit pursuant to section 10-95 of this division;
 - vi. Deny a permit application when, in the opinion of the POTW director, such discharge may cause or contribute to pass through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- 8. Hearings: The City will conduct hearings in accordance with its regular hearing procedure.
 - A. Initial adjudicatory hearing: An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 10-96, or one issued an administrative order under section 10-95 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW director upon making written demand, identifying the specific issues to be contested, to the POTW director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within forty-five (45) days of the receipt of the written demand for a hearing. The POTW director shall transmit a copy of the hearing officer's decision by registered or certified mail.
 - i. New permits: Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - ii. Renewed permits: Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - B. Final appeal hearing: Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (8)A. above may be appealed to the City Council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with the City's regular hearing procedure. Failure to make written demand within the time specified herein shall bar further appeal. The City Council shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
 - C. Official record: When a final decision is issued under subsection (8)b. above, the City Council shall prepare an official record of the case that includes:
 - i. All notices, motions and other like pleadings;
 - ii. A copy of all documentary evidence introduced;
 - iii. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
 - iv. A copy of the final decision of City Council.
 - D. Judicial review: Any person against whom a final order or decision of the City Council is entered, pursuant to the hearing conducted under subsection (8)b. above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Rockingham County along with a copy to the City. Within thirty (30) days after receipt of the copy of the petition of judicial review, the City shall transmit to the reviewing court the original or a certified copy of the official record.
- 9. Permit modification:

- A. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - i. Changes in the ownership of the discharge when no other change in the permit is indicated;
 - ii. A single modification of any compliance schedule not in excess of four (4) months;
 - iii. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
 - iv. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - B. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by subsection (2) of this section, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard.
 - C. A request for a modification by the permittee shall constitute a waiver of the sixty-day notice required by G.S. 143-215.1(b) for modifications.
10. Permit conditions:
- A. The POTW director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this division and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - i. A statement of duration (in no case more than five (5) years);
 - ii. A statement of nontransferability;
 - iii. Applicable effluent limits based on categorical standards or local limits or both;
 - iv. Applicable monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
 - v. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in section 10-60;
 - vi. Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in section 10-60(1)b.; if determined by the POTW director to be necessary for the user; and
 - vii. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in section 10-60 (also see section 10-82 and 10-83); and
 - viii. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
 - B. In addition, permits shall contain, but are not limited to, the following:
 - i. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - ii. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
 - iii. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
 - iv. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 - v. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

- vi. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - vii. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules.
 - viii. 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).
 - ix. Compliance schedules for meeting pretreatment standards and requirements.
 - x. Requirements for submission of periodic self-monitoring or special notification reports.
 - xi. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 10-90 and affording the POTW superintendent or his representative access thereto.
 - xii. Requirements for prior notification and approval by the POTW director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - xiii. Requirements for the prior notification and approval by the POTW director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - xiv. 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.
 - xv. Other conditions as deemed appropriate by the POTW director to ensure compliance with this division and State and Federal laws, rules and regulations.
11. Permit duration: Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
 12. Permit transfer: Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.
 13. Permit reissuance: A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
- (Ord. of 6-8-94, § 4.2; Ord. of 1-11-06; Ord. of 9-19-07, §§ 5--11)

Article 5 – Reporting Requirements

Sec. 10-78. Baseline monitoring reports.

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW superintendent a report which contains the information listed in paragraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW superintendent a report which contains the information listed in paragraph (2) 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.
2. Users described above shall submit the information set forth below:
 - A. Identifying information: The name and address of the facility, including the name of the operator and owner.
 - B. Environmental permits: A list of any environmental control permits held by or for the facility.
 - C. Description of operations: A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description

should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.

- D. Flow measurement: Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- E. Measurement of pollutants:
 - i. The categorical pretreatment standards applicable to each regulated process.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW superintendent, 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 10-87 of this division.
 - iii. Sampling must be performed in accordance with procedures set out in section 10-88 of this division and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
- F. Certification: A statement, reviewed by the user's current authorized representative as defined in section 10-60 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.
- G. 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 10-79 of this division.
- H. Signature and certification: All baseline monitoring reports must be signed and certified in accordance with section 10-77(3) of this division.

(Ord. of 6-8-94, § 5.1; Ord. of 9-19-07, §§ 12, 13)

Sec. 10-79. Compliance schedule progress.

The following conditions shall apply to the compliance schedule required by section 10-78(2)(G) of this division:

1. 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);
2. No increment referred to above shall exceed nine (9) months;
3. The user shall submit a progress report to the POTW director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the POTW director.

(Ord. of 6-8-94, § 5.2)

Sec. 10-80. Compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW superintendent a report containing the information described in section 10-78(2)(D-G) of this division. 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 10-77(3) of this division.
(Ord. of 6-8-94, § 5.3)

Sec. 10-81. Periodic compliance.

1. All significant industrial users shall, at a frequency determined by the POTW superintendent but in 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 10-87 and 10-88 of this ordinance. All periodic compliance reports must be signed and certified in accordance with section 10-77(3) of this division.
2. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW superintendent, using the procedures prescribed in section 10-87 of this division, the results of this monitoring shall be included in the report.

(Ord. of 6-8-94, § 5.4; Ord. of 9-19-07, § 14)

Sec. 10-82. Changed conditions.

Each user must notify the POTW superintendent 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 ninety (90) days before the change. See section 10-83(d) for other reporting requirements.

1. The POTW superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 10-77 of this division.
2. The POTW superintendent may issue a wastewater discharge permit under section 10-77 of this division or modify an existing wastewater discharge permit under section 10-77 in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater and the discharge of any previously unreported pollutants.

(Ord. of 6-8-94, § 5.5; Ord. of 9-19-07, § 15)

Sec. 10-83. Potential problems.

1. 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 10-60, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW superintendent 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.
2. Within five (5) days following such discharge, the user shall, unless waived by the POTW superintendent, 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 division.
3. 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.

4. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 10-60.

Sec. 10-83.1 Report Submittals

All reports required under the authority of this Ordinance shall be submitted to the following address:

City of Reidsville
Director of Public Works
1100 Vance Street
Reidsville, NC 27320

Sec. 10-84. Unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW superintendent as the POTW superintendent may require.
(Ord. of 6-8-94, § 5.7)

Sec. 10-85. Notice of violation/repeat sampling.

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

(Ord. of 6-8-94, § 5.8; Ord. of 9-19-07, § 18)

Sec. 10-86. Notification of discharge of hazardous waste.

The City prohibits the discharge of hazardous wastes except by special permission by the POTW director.
(Ord. of 6-8-94, § 5.9)

Sec. 10-87. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
(Ord. of 6-8-94, § 5.10)

Sec. 10-88. 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 facility 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, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the POTW director may allow collection of multiple grabs during a twenty-four-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 or grab sampling is authorized by the POTW director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. of 6-8-94, § 5.11; Ord. of 9-19-07, § 19)

Sec. 10-89. Timing.

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

(Ord. of 6-8-94, § 5.12)

Sec. 10-90. Record keeping.

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

(Ord. of 6-8-94, § 5.13)

Article 6 – Compliance Monitoring

Sec. 10-91. Monitoring facilities.

1. The City 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 City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
2. 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.

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

(Ord. of 6-8-94, § 6.1)

Sec. 10-92. Inspection and sampling.

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

(Ord. of 6-8-94, § 6.2)

Sec. 10-93. Search warrants.

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

(Ord. of 6-8-94, § 6.3)

Sec. 10-93.1 Emergency Access

In the event of an emergency affecting the public health or safety, or an immediate threat to the environment or POTW, such inspection may be made without consent or the issuance of a warrant.

Article 7 – Confidential Information

Sec. 10-94. General

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
2. 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 division, the National Pollutant Discharge Elimination System (NPDES) permit, nondischarge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person

furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

3. All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
4. City of Reidsville administrative and legal costs associated with any subsequent third party challenge to the confidentiality of the information provided shall be borne by the user.

(Ord. of 6-8-94, § 7)

Article 8 – Enforcement

Sec. 10-95. Administrative remedies.

1. Notification of violation: Whenever the POTW director finds that any industrial user has violated or is violating this division, wastewater permit or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the POTW director may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the City by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.
2. Consent orders: The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (4) below.
3. Show cause hearing: The POTW director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this division or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event that the POTW director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 10-96, nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under section 10-77(8).
4. Administrative orders: When the POTW director finds that an industrial user has violated or continues to violate this division, permits or orders issued hereunder or any other pretreatment requirement, the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
 - A. Immediately comply with all requirements;
 - B. Comply in accordance with a compliance time schedule set forth in the order;
 - C. Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
 - D. Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
5. Emergency suspensions: The POTW director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or nondischarge permit.
6. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days

of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge.

7. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.
8. Termination of permit or permission to discharge : The POTW director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:
 - A. Failure to accurately report the wastewater constituents and characteristics of his discharge;
 - B. Failure to report significant changes in operations or wastewater constituents and characteristics;
 - C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - D. Violation of conditions of the permit or permission to discharge, conditions of this article, or any applicable State and Federal regulations.
 - E. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under this section why the proposed action should not be taken.

(Ord. of 6-8-94, § 8.1; Ord. of 9-19-07, § 20)

Sec. 10-96. Civil penalties.

1. Any user who is found to have failed to comply with any provision of this division or the orders, rules, regulations and permits issued hereunder may be fined up to twenty-five thousand dollars (\$25,000.00) per day per violation.
2. In determining the amount of the civil penalty, the POTW director shall consider the following:
 - A. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - B. The duration and gravity of the violation;
 - C. The effect on ground or surface water quantity or quality or on air quality;
 - D. The cost of rectifying the damage;
 - E. The amount of money saved by noncompliance;
 - F. Whether the violation was committed willfully or intentionally;
 - G. The prior record of the violator in complying or failing to comply with the pretreatment program;
 - H. The costs of enforcement to the City.
3. Appeals of civil penalties assessed in accordance with this section shall be as provided in section 10-77(8).
4. Penalties between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars. (\$25,000.00) 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 within the five (5) 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 division, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.

(Ord. of 6-8-94, § 8.2; Ord. of 3-14-01, § 2; Ord. of 1-11-06)

Sec. 10-97. Other available remedies.

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

1. Criminal violations: The district attorney for the county judicial district may, at the request of the City, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B.
2. Injunctive relief: Whenever a user is in violation of the provisions of this division or an order or permit issued hereunder, the POTW director, through the City attorney, may petition the county superior court for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
3. Water supply severance: Whenever an industrial user is in violation of the provisions of this division or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
4. Public nuisances: Any violation of the prohibitions or effluent limitations of this division or of a permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 9, Article II of the City Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying such nuisance.

(Ord. of 6-8-94, § 8.3)

Sec. 10-98. Remedies nonexclusive.

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

(Ord. of 6-8-94, § 8.4)

Article 9 – Annual Reporting

Sec. 10-99. Annual publication of significant noncompliance.

At least annually, the POTW director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements during the previous twelve (12) months.

(Ord. of 6-8-94, § 9; Ord. of 9-19-07, § 21)

Article 10 – Affirmative Defenses to Discharge Violations

Sec. 10-99.1. Affirmative defenses to discharge violations.

1. Upset:
 - A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(2) 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:
 - i. An upset occurred and the user can identify the cause(s) of the upset;
 - ii. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

- iii. The user has submitted the following information to the POTW superintendent 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:
 - 1. A description of the indirect discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - iv. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - v. 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.
 - vi. Users shall control production of all discharges to the extent necessary to maintain compliance with all applicable 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.
- 2. Prohibited discharge standards defense: A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 10.63(a) of this division or the specific prohibitions in subsections 10-63(b)(2), (3), and (5) through (7), and (9) through (23), of this division if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- 3. Bypass:
 - A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c)(1) and (2) of this section.
 - B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW superintendent, at least ten (10) days before the date of the bypass.
 - C. A user shall submit oral notice to the POTW superintendent 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 the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - D. Bypass is prohibited, and the POTW director may take an enforcement action against a user for a bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There was 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to

prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The user submitted notices as required under subsection (c)(2) of this section.

E. The POTW superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW superintendent determines that it will meet the three (3) conditions listed in subsection (c)(2)a. of this section.

(Ord. of 6-8-94, § 10; Ord. of 6-14-00, § 3)

Article 11 – Legality

Sec. 10-100. Severability.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance.

Sec. 10-101. Repeal of Previous Use of Sewers Ordinance.

The City of Reidsville North Carolina Use of Sewer Ordinance, adopted in 1994, is hereby repealed.

Sec. 10-102. Conflict.

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

Sec. 10-103. Amendments.

The City of Reidsville expressly reserves the right to amend, modify, rescind, or supplement this Ordinance.