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SEWER USE ORDINANCE

SUO

RRSD Pretreatment Program
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NPDES Permit No. NC0024201
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This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Roanoke Rapids Sanitary District and enables the Sanitary District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

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

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system; which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (f) To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

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

This ordinance shall apply to all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. Except as otherwise provided herein; the Chief Executive Officer (CEO) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or imposed upon the CEO may be delegated by the CEO to other Sanitary District personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the Sanitary District limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

1.2 Definitions and Abbreviations

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this

ordinance, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, *et seq.*
- (2) Approval Authority. The Director of the Division Of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.
- (3) Authorized Representative of the Industrial User.
 - (i) If the industrial user is a corporation, authorized representative shall mean:
 - (A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (B) the manager of one or more manufacturing, production, or operation facilities provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
 - (iii) If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Sanitary District.
 - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the CEO prior to or together with any reports to be signed by an authorized representative.
- (4) Carbonaceous Biochemical Oxygen Demand (CBOD). The quantity of oxygen utilized, **in the absence of nitrification**, in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).

- (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the Publicly Owned Treatment Works (POTW).
- (6) Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.
- (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) Control Authority. Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.
- (9) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (10) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
- (11) Holding Tank Waste. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (12) Indirect Discharge or Discharge. The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (13) Industrial User or User. Any person which is a source of indirect discharge.
- (14) Interference. The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's NPDES, collection system, or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (15) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (16) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users,

and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

- (17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.
- (18) New Source. As defined in 40 CFR 403.3 (m), including any subsequent amendments and additions.
- (19) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (20) National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.
- (21) Non-discharge Permit. A permit issued by the State pursuant to G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to the waters of the State.
- (22) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's NPDES, collection system, or Non-discharge Permit.
- (23) 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.
- (24) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) Pollutant. Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, CBOD, COD, toxicity, and odor).
- (26) POTW Director. The Chief Executive Officer (CEO) of the Roanoke Rapids Sanitary District.
- (27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (28) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in

lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

- (29) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the Roanoke Rapids Sanitary District in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (30) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (31) Pretreatment Standards. Prohibited discharge standards, categorical standards, or local limit; which applies to an industrial user.
- (32) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the Roanoke Rapids Sanitary District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Roanoke Rapids Sanitary District who are, by contract or agreement with the Sanitary District, or in any other way, users of the Sanitary District's POTW.
- (33) Severe Property Damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (34) Significant Industrial User or SIU. An industrial user that discharges wastewater into publicly owned treatment works and that:
 - (A) Discharges an average of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewaters); or
 - (B) contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD TSS, and Ammonia; or
 - (C) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, Subchapter N Parts 405-471; or
 - (D) is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the

POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options.

- (E) Subject to Division approval under 15A NCAC 02H.0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- (35) Significant Noncompliance. SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in Subparagraph (b)(35), Parts (C), (D), or (H) shall also be SNC.
- (A) Chronic Violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1);
 - (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1) multiplied by the applicable TRC: (TRC=1.4 for BOD/CBOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH);
 - (C) Any other violation of a Pretreatment Standard or Requirement as defined by 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
 - (D) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health/welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section 8.1(e) of this SUO to halt or prevent such a discharge.
 - (E) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
 - (F) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
 - (G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations that the Control Authority and/or POTW determine will adversely affect the operation or implementation of the local pretreatment program.

- (36) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or Pass-Through, or in any other way violates POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 2.1 of this ordinance.
- (37) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- (38) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (39) Chief Executive Officer (CEO). The person designated by the Roanoke Rapids Sanitary District to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.
- (40) 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.
- (41) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.
- (42) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
- (43) Wastewater Permit. As set forth in section 4.2 of this ordinance.
- (44) Waters of the State. All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs 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.
- (45) Hearing Officer as enumerated in the Sewer Use Regulations contained herein shall be appointed by the Board of Commissioners of the Roanoke Rapids Sanitary District within ten (10) business days after request for hearing or appeal from the CEO's decision.

(b) This ordinance is gender neutral and the masculine gender shall include the feminine and vice-

versa.

- (c) Shall is mandatory; may is permissive or discretionary.
- (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
- (e) The following abbreviations when used in this ordinance, shall have the designated meanings:
 - (1) CBOD - Carbonaceous Biochemical Oxygen Demand
 - (2) CEO - Chief Executive Officer
 - (3) CFR - Code of Federal Regulations
 - (4) COD - Chemical Oxygen Demand
 - (5) EPA - Environmental Protection Agency
 - (6) gpd - Gallons per day
 - (7) l - Liter
 - (8) mg - Milligrams
 - (9) mg/l - Milligrams per liter
 - (10) N.C.G.S. - North Carolina General Statutes
 - (11) NPDES - National Pollution Discharge Elimination System
 - (12) O & M - Operation and Maintenance
 - (13) POTW - Publicly-Owned Treatment Works
 - (14) RCRA - Resource Conservation and Recovery Act
 - (15) SIC - Standard Industrial Classification
 - (16) SWDA - Solid Waste Disposal Act
 - (17) TSS - Total Suspended Solids
 - (18) TKN - Total Kjeldahl Nitrogen
 - (19) U.S.C. - United States Code.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- (a) General Prohibitions. No user shall contribute or cause to be contributed into the directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
- (b) Specific Prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
 - (3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment. A wastewater having a pH of greater than 9.0 will not be allowed unless specifically addressed in writing in an industrial user permit. Any pH value above 12.5 is considered hazardous under 40 CFR 261.22.
 - (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (CBOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the CEO in accordance with section 2.9 of this ordinance.
 - (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- (10) Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (11) Any wastewater which imparts color 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 to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the CEO in compliance with applicable State or Federal regulations.
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the CEO.
- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the CEO in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents that will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the CEO. The District reserves the right to prohibit any hazardous waste.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface-active agents, or other substances that may cause excessive foaming in the municipal wastewater system.
- (23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor

any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

- (24) The discharge of any paper products into the public sanitary sewer system except from a domestic source is prohibited. The discharge of any paper products from a grinder and/or a grinder pump except from a domestic source is prohibited.

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

When the CEO 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 CEO shall:

- (1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with section 8.1; and
- (2) take appropriate actions in accordance with section 4 for such user to protect the POTW from interference or pass through.

2.2 National Categorical Pretreatment Standards

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

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

2.3 Local Limits

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

250 mg/l CBOD

250	mg/l TSS
25	mg/l Ammonia Nitrogen
0.003	mg/l Arsenic
0.003	mg/l Cadmium
0.05	mg/l Chromium (total chromium)
0.061	mg/l Copper
0.041	mg/l Cyanide
0.049	mg/l Lead
0.0003	mg/l Mercury
0.021	mg/l Nickel
0.005	mg/l Silver
0.175	mg/l Zinc

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 permits. The CEO may impose mass limits in addition to, or in place of, concentration-based limits.

2.4 State Requirements

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

2.5 Right of Revision

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

2.6 Dilution

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

2.7 Pretreatment of Wastewater

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under section 4.2 of this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 2.1 of this ordinance within the time limitations as specified by EPA, the State, or the CEO, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Roanoke Rapids Sanitary District for review, and shall be approved by the CEO 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 Roanoke Rapids Sanitary District under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of

operation shall be reported to and be approved by the CEO prior to the user's initiation of the changes.

(b) Additional Pretreatment Measures

- (1) Whenever deemed necessary, the CEO may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (2) The CEO may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the CEO, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the CEO and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.8 Accidental Discharge/Slug Control Plans

- (a) The CEO 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 1.2(a)(36). All SIU's must be evaluated within one year of being designated an SIU. The CEO may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the CEO may develop such a plan for any user.
- (b) All SIU's 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, anon-customary batch discharge, or a slug load. Also see Sections 5.5 and 5.6.
- (c) An accidental discharge/slug control plan shall address, at minimum, the following:
 - (1) Description of discharge practices, including non-batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by section 5.6 of this ordinance; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

2.9 Hauled Wastewater

The Roanoke Rapids Sanitary District will not allow any hauled wastewater without the specific written permission of the CEO. The following sections address the means of regulating hauled wastewater should permission be granted.

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

2.10 Use of Public Sewers Required

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within any area under the jurisdiction of the Roanoke Rapids Sanitary District any human or animal excrement, garbage or objectionable waste.

It shall be unlawful to discharge to any natural or storm drainage outlet within any area the jurisdiction of the Roanoke Rapids Sanitary District any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with regulations of the Division of Environmental Management, Department of Environment Health and Natural Resources of the State. It shall be unlawful to discharge sanitary wastewater into a storm sewer system without exception. It shall be unlawful to discharge septic tank effluent or cesspool overflow to any open drain, ditch, stream or well penetrating water-bearing formation. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the area of jurisdiction of the Roanoke Rapids Sanitary District and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations, within

ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500) of the property line. Under unusual and/or special circumstances the Roanoke Rapids Sanitary District may waive this provision.

2.11 Private Wastewater Disposal

Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with all applicable provisions of the Halifax County Health Department including but not limited to minimum lot size, soil test, permit procedures, inspections, and materials.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days. Under unusual and/or special circumstances, the Roanoke Rapids Sanitary District may waive this provision.

2.12 Building Sewers and Connections

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written approval from the CEO. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Roanoke Rapids Sanitary District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer provided, however, that such indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the Roanoke Rapids Sanitary District. Excluding industrial plant sites or other sites which have written approval from the CEO for single discharge points, a separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer; but the Roanoke Rapids Sanitary District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the CEO, to meet all requirements of these regulations. Existing building sewers may be kept in service if, in the opinion of the CEO, they are in acceptable structural condition and operate satisfactorily. All new building sewers must comply with the North Carolina State Building Code, Volume II, Plumbing. The connection of the building sewer into the public sanitary sewer shall be made in accordance with the standards and permit requirements of the applicable governmental inspection department (City of Roanoke Rapids, Town of Gaston, Halifax County, or Northampton County) and the Roanoke Rapids Sanitary District.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

It shall be the responsibility of the property owner to keep and maintain the building sewer connected to the public sewer in good repair. The owner shall be responsible for making necessary repairs, at his own expense, to the building sewer when notified in writing by the CEO that repairs are necessary. If the CEO determines that the building sewer is creating a health hazard, i.e., sewer running out on the ground, he may abate said nuisance by the disconnection of water going to the building. In addition thereto, he may pursue administrative and court procedures to abate the nuisance and have the desired repairs made to the building sewer.

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the CEO, they are necessary

for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the CEO, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the CEO. Currently licensed waste disposal firms must perform any removal and hauling of the collected materials not performed by the Owner(s) personnel. Failure to efficiently operate and maintain a grease, oil, or sand interceptor may result in disconnection of water going to the building, disconnection of the sewer connection, fines and penalties in accordance with these regulations, and/or any other administrative and court procedures to abate the nuisance and correct the problems.

2.13 Rate of Discharge and Character of Water and Wastes Admissible to Public Sewers

The discharge of surface runoff waters into the sanitary sewer system is strictly prohibited.

The discharge of sanitary wastewater into the storm sewer system is prohibited without exception.

The discharge of any wastewater from a grinder and/or a grinder pump except from a domestic source is prohibited. The discharge of any paper products into the public sanitary sewer system except from a domestic source is prohibited.

The discharge of uncontaminated cooling water to a storm sewer system may be permitted in accordance with local, State, or Federal law(s).

2.14 Special Regulations

Extension of sewer service by the Roanoke Rapids Sanitary District to adjacent unsewered areas will require the approval of the Roanoke Rapids Sanitary District Board of Commissioners and shall be in accordance with the provisions of the Sanitary District's Water and Sewer Main Extension Policy and the Water/Wastewater Utilization Policy.

The Roanoke Rapids Sanitary District will prosecute to the fullest extent of the law, including punitive action and penalties, any person creating malicious damage to any water and/or wastewater treatment works and appurtenances.

The Roanoke Rapids Sanitary District will require each user of the treatment works to pay its fair share of the annual cost of operation, maintenance, and replacement. The methodology for recovery of these costs is identified in the District's User Charge System. The User Charge System will be updated on an annual basis to ensure the equitable distribution of cost.

Any person(s), contractor, or user of the Roanoke Rapids Sanitary District water and/or wastewater systems are required to comply with any applicable local, State, or Federal OSHA requirements.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the Sanitary District's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Sanitary District's schedule of sewer use charges and fees. A copy of these charges and fees will be made available from the Sanitary District administrative office.

3.2 User Charges

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

- (a) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.
- (b) Each user shall pay its proportionate cost based on volume of flow.
- (c) The CEO shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Sanitary District Board for adjustments in the schedule of charges and fees as necessary.
- (d) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
- (e) Outside rates shall be a minimum of one and one-half (1.5) times the inside rate.

3.3 Surcharges

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

CBOD - 300 mg/l

TSS - 300 mg/l

The amount of surcharge shall be based upon the loading rate (expressed in units of pounds per day) contributed by the subject user above the levels previously established, and shall be cumulative daily for any month a surcharge is mandated. For users with multiple outfalls, surcharges will be based on the sum of pipe specific loads. The amount charged per pound of excess is established in the schedule of charges and fees, hereby incorporated by reference.

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the Sanitary District; or

- (2) If required by the Sanitary District or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the Sanitary District. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the Sanitary District.
- (3) Where any user procures all or part of his water supply from sources other than the Sanitary District, the user shall install and maintain at his expense, a flow-measuring device of a type approved by the Sanitary District.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by either the Sanitary District or, as authorized, by the User. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.
- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the CEO or his duly appointed representatives shall be binding as a basis for charges.

3.3.1 Surcharge Calculations

Surcharge calculations shall be based on cumulative daily loads and flows. The following formula shall be used in computing a User's surcharge bill:

$$SC = 0.00834 \cdot Q \cdot [c_{CBOD} \cdot (CBOD_A - CBOD_a) + c_{SS} \cdot (TSS_A - TSS_a)] + C_{ex}$$

Where:

- SC = Total Surcharge
- 0.00834 = A constant to convert pollutant strength from mg/l to thousand pounds of pollutant per million gallons of flow per day.
- Q = Average Daily industrial waste flow expressed in million gallons per day (MGD).
- c_{CBOD} = Surcharge rate for CBOD expressed as dollars per 1000 pounds of excess CBOD.
- $CBOD_A$ = Actual 5-day CBOD concentration in mg/l as measured at the approved sampling location.
- $CBOD_a$ = Allowable 5-day CBOD concentration in mg/L (300 mg/L, see paragraph 3.3).
- c_{SS} = Surcharge rate for TSS expressed as dollars per 1000 pounds of excess TSS.
- TSS_A = Actual TSS concentration in mg/l as measured at the approved sampling location.
- TSS_a = Allowable TSS concentration in mg/L (300 mg/L, see paragraph 3.3).
- C_{ex} = Extra costs incurred to the District incident to the supervision, inspection, sampling, and/or analyzing of wastes as set forth in this section.

3.4 Violations

All industrial users of the POTW are subject to fines for violations of permit limits. Fines will be assessed semi-annually with their extent outlined in the schedule of charges and fees. Should a user have multiple outfalls, a single violation will be assessed if permit limits are exceeded in more than one outfall.

3.5 Pretreatment Program Administration Charges

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

- (a) reimbursement of costs of setting up and operating the Pretreatment Program;
- (b) monitoring, inspections and surveillance procedures;
- (c) reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (d) permitting; and
- (e) other fees as the Sanitary District may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

4.1 Wastewater Dischargers

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the Roanoke Rapids Sanitary District. When requested by the CEO, a user must submit information on the nature and characteristics of its wastewater within 45 days of the request. The CEO is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Permits

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

(a) Significant Industrial User Determination

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

(b) Significant Industrial User Permit Application

Users required to obtain a significant industrial user permit shall complete and file with the Roanoke Rapids Sanitary District, an application in the form prescribed by the CEO, 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 90 days after notification of the POTW CEO's determination in 4.2(a) above. The application shall include at a minimum the information required by 15A NCAC 02H 0.0916 (c) (1) (A-M). In support of the application, the user shall submit any other information deemed necessary by the POTW CEO to evaluate the permit application. This may include reporting requirements under 40 CFR 403.12 (b) and Section 5.1 of this Ordinance.

- (A) name of industrial user;
- (B) address of industrial user;
- (C) standard industrial classification (SIC) code(s) or expected classification and industrial user category;
- (D) wastewater flow;
- (E) types and concentrations (or mass) of pollutants contained in the discharge;
- (F) major products manufactured or services supplied;
- (G) description of existing on-site pretreatment facilities and practices;
- (H) locations of discharge points;
- (I) raw materials used or stored at the site;
- (J) flow diagram or sewer map for the industrial user;

- (K) number of employees;
- (L) operation and production schedules; and
- (M) description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);

(c) Application Signatories and Certification

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

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

(d) Application Review and Evaluation

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

- (1) The CEO is authorized to accept applications for the Roanoke Rapids Sanitary District and shall refer all applications to the POTW staff for review and evaluation.
- (2) All permit applicants shall list: all NPDES permits held by the applicant; locations of discharge points; governing body (if applicable); fines levied/paid in the past five (5) years for violations of discharge permit(s).
- (3) Within 30 days of receipt the CEO shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(e) Tentative Determination and Draft Permit

- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements,

for meeting the proposed limitations; and

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

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

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

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

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

- (A) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
- (B) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

(g) Final Action on Significant Industrial User Permit Applications

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

(2) The CEO is authorized to:

- (A) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
- (B) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
- (C) modify any permit upon not less than 60 days notice and pursuant to section 4.2(i) of this ordinance;
- (D) revoke any permit pursuant to section 8.1 of this ordinance;
- (E) suspend a permit pursuant to section 8.1 of this Ordinance;
- (F) deny a permit application when in the opinion of the CEO such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(h) Permit Modification

- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (A) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (B) a single modification of any compliance schedule not in excess of four months,
 - (C) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (2) Within 9 months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 4.2(b), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National categorical pretreatment standard.
- (3) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. 143-215.1(b) for modifications.

(i) Permit Conditions

- (1) The CEO shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (A) a statement of duration (in no case more than five years);
 - (B) a statement of non-transferability;
 - (C) applicable effluent limits based on categorical standards or local limits or both;
 - (D) 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;
 - (E) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a)(36);
 - (F) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2(a)(36), if deemed by the

CEO to be necessary for the User and,

- (G) 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 1.2(a)(36). Also see Sections 5.5 and 5.6.;
- (H) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

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

- (A) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
- (B) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (C) 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.
- (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- (E) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
- (F) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (G) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (H) Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
- (I) Compliance schedules for meeting pretreatment standards and requirements.
- (J) Requirements for submission of periodic self-monitoring or special notification reports.
- (K) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 5.13 and affording the CEO, or his representatives, access thereto.
- (L) Requirements for prior notification and approval by the CEO 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.

- (M) Requirements for the prior notification and approval by the CEO of any change in the manufacturing and/or pretreatment process used by the permittee.
- (N) 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.
- (O) Other conditions as deemed appropriate by the CEO to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(j) 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.

(k) 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. A change of ownership of more than 50% of the stock shall constitute a transfer of ownership.

(l) Permit Reissuance

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

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the CEO a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the CEO a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403,6(e).
 - (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the CEO, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 5.10 of this ordinance.
 - (iii) Sampling must be performed in accordance with procedures set out in section 5.11 of this ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
 - (6) Certification. A statement, reviewed by the user's current authorized representative as defined in Section 1.2(a)(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and

maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 5.2 of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 4.2(c) of this ordinance.

5.2 Compliance Schedule Progress Reports

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

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

5.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the CEO a report containing the information described in section 5.1(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 4.2(c) of this ordinance.

5.4 Periodic Compliance Reports

- (a) All significant industrial users shall, at a frequency determined by the CEO 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 5.10 and 5.11 of this ordinance. All periodic compliance reports must be signed and certified in accordance with section 4.2(c) of this ordinance.

- (b) 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.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the CEO, using the procedures prescribed in section 5.10 of this ordinance, the results of this monitoring shall be included in the report.

5.5 Reports of Changed Conditions

Each user must notify the CEO 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 sixty (60) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or POTW. See Section 5.6(d) for other reporting requirements.

- (a) The CEO may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 4.2 of this ordinance.
- (b) The CEO may issue a wastewater discharge permit under section 4.2 of this ordinance or modify an existing wastewater discharge permit under section 4.2 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants, increase or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority and/or POTW; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in Section 1.2(a)(36), that may cause potential problems for the POTW, the user shall immediately telephone and notify the CEO of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the CEO, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the

POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36).

5.7 Reports from Unpermitted Users

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

5.8 Notice of Violation/Repeat Sampling and Reporting

- (a) If sampling performed by a user indicates a violation, the user must notify the CEO 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 CEO within thirty (30) days after becoming aware of the violation. If allowed by the CEO, the user is not required to resample:
 - (1) if the CEO monitors at the user's facility at least once a month; or
 - (2) if the CEO samples between the user's initial sampling and when the user receives the results of this sampling
- (b) If the CEO has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the CEO shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:
 - (1) the CEO monitors at the user's facility at least once a month; or
 - (2) the CEO samples the user between either their initial sampling and when the POTW receives the results of this initial sampling; or
 - (3) the CEO requires the user to perform sampling and submit the results to the CEO within the 30 day deadline of the POTW becoming aware of the violation.

5.9 Notification of the Discharge of Hazardous Waste

The Roanoke Rapids Sanitary District shall prohibit the discharge of hazardous wastes without the expressed written permission of the CEO. The Roanoke Rapids Sanitary District reserves the right to prohibit any hazardous waste.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the

hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days before the discharge commences. The user shall not begin the discharge until receiving written approval from the POTW. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 5.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 5.1, 5.3, and 5.4 of this ordinance.

- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the CEO, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

5.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or POTW. 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 and POTW.

5.11 Grab and Composite Sample Collection

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab samples must be tested for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g) (5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the CEO may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the CEO. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

5.12 Timing

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

5.13 Record Keeping

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

5.14 Electronic Reporting

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

SECTION 6 - COMPLIANCE MONITORING

6.1 Monitoring Facilities

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

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, accurate, and proper operating condition at the expense of the user.

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

6.2 Inspection and Sampling

The Roanoke Rapids Sanitary District will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Roanoke Rapids Sanitary District, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The Roanoke Rapids Sanitary District, 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 Roanoke Rapids Sanitary District, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the Roanoke Rapids Sanitary District's, approval authority's, or EPA's access to the user's premises shall be a violation of this ordinance. Unreasonable delays may constitute denial of access.

6.3 Search Warrants

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

SECTION 7 - CONFIDENTIAL INFORMATION

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

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

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

SECTION 8 - ENFORCEMENT

8.1 Administrative Remedies

(a) Notification of Violation

Whenever the CEO finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the CEO may serve upon such a person a written notice stating the nature of the violation. Within 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 Roanoke Rapids Sanitary District by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders

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

(c) Show Cause Hearing

The CEO may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this ordinance or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the CEO 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 CEO shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 8.2 nor is any action or inaction taken by the CEO under this section subject to an administrative appeal under section 10.

(d) Administrative Orders

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

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 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 CEO 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 CEO shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the CEO prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

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

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit.

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

8.2 Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation. All industrial users of the POTW are subject to fines for violations of permit limits. Fines generally will be assessed semi-annually, however; fines may be assessed more frequently should circumstances warrant immediate enforcement action. Should a user have multiple outfalls, multiple violations may be assessed if permit limits are exceeded in more than one outfall.
 - (i) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - (a) for any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - (b) in the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules regulations and permits issued hereunder, only if the CEO determines that the violation was intentional and a civil penalty has been imposed against the violator within five years preceding the violation.
- (b) In determining the amount of the civil penalty, the CEO shall consider the following:
 - (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (ii) The duration and gravity of the violation;
 - (iii) The effect on ground or surface water quantity or quality or on air quality;
 - (iv) The cost of rectifying the damage;
 - (v) The amount of money saved by noncompliance;
 - (vi) Whether the violation was committed willfully or intentionally;
 - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (viii) The costs of enforcement to the Roanoke Rapids Sanitary District.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 10.

8.3 Other Available Remedies

Remedies, in addition to those previously mentioned in this ordinance, are available to the CEO who may use

any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(a) Criminal Violations.

The District Attorney for Judicial District 6-B may, at the request of the Roanoke Rapids Sanitary District, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B.

(b) Injunctive Relief

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

(c) Water Supply Severance

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

(d) Public Nuisances

Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the CEO. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Roanoke Rapids, The Town of Gaston, the County of Halifax, the County of Northampton, the State of North Carolina, or the United States Environmental Protection Agency governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

8.4 Remedies Nonexclusive

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

SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the CEO 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 12 months.

SECTION 10 – ADJUDICATORY HEARINGS

- (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 [8.2], or one issued an administrative order under section 8.1 shall have the right to an adjudicatory hearing before the District’s CEO or other hearing officer appointed by the District’s CEO upon making written demand, identifying the specific issues to be contested, to the District’s CEO within 30 days following receipt of the 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 and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The District’s CEO shall transmit a copy of the hearing officer’s decision by registered or certified mail as described in paragraph (c) below. The terms and conditions of a permit under appeal shall be as follows:
- (1) **New Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) **Renewed Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remains in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (3) **Terminated Permits.** Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is 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 paragraph (a) above may be appealed to the Board serving the District upon filing a written demand within 10 days of receipt of notice of decision. Failure to make written demand within the time specified herein shall bar further appeal. The Board serving the District shall make a final decision on the appeal within 90 days from the receipt of the demand filed under paragraph (a) and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (c) below. The decision is a final decision for the purposes of seeking judicial review.
- (c) **Official record.** When a final decision is issued under paragraph (b) above, the Board serving the District shall prepare an official record of the case that includes:
- (1) All notices, motions, and other like pleadings;
 - (2) A copy of all documentary evidence introduced;
 - (3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - (4) A copy of the final decision of the Board serving the District.

- (d) **Judicial Review.** Any person against whom a final order or decision of the Board serving the District is entered, pursuant to the hearing conducted under paragraph (b) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Halifax County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter along with a copy to the District. Within 30 days after receipt of the copy of the written request for review by the Court, the Board serving the District shall transmit to the reviewing court the original or a certified copy of the official record.

SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the CEO within twenty-four (24) hours of becoming aware of the upset:
 - (A) A description of the indirect discharge and cause of noncompliance;
 - (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11.2 Prohibited Discharge Standards Defense

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

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit

directly prior to, and during, the pass through or interference; or

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

11.3 Bypass

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

(b)

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the CEO, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the CEO of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time that it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The CEO may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(c)

- (1) Bypass is prohibited, and the CEO may take an enforcement action against a user for a bypass, unless
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The user submitted notices as required under paragraph (b) of this section.
- (2) The CEO may approve an anticipated bypass, after considering its adverse effects, if the CEO determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

SECTION 12 - SEVERABILITY

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

SECTION 13 - CONFLICT

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

SECTION 14 - EFFECTIVE DATE

This ordinance shall be in full force and effect

on the 10TH day of NOVEMBER 20 11.

INTRODUCED the 13TH day of October, 20 11.

FIRST READING: OCTOBER 13, 20 11.

SECOND READING: NOVEMBER 10, 20 11.

PASSED this 10TH day of NOVEMBER, 20 11.


AYES:

NAYS:

ABSENT:

NOT VOTING:

APPROVED this 10TH day of NOVEMBER, 20 11.



CHAIRMAN
Roanoke Rapids Sanitary District
Board of Commissioners

ATTEST: R. Kimberly Bess (Seal) Clerk

Published the 2nd day of November, 20 11.

Document Changes:

Date	Page	Section
5/19/94	32	5.9(a) Changed last sentence to "5.5"
5/19/94	39	8.3(b) Changed "City Attorney" to "District's Attorney"
8/12/97	7	Definition 33: Changed 50,000 gallons to 25,000 gallons
8/12/97	8	Definition 34(I)(B) "more than" was replaced with "equal or exceed"
8/12/97	8	Definition 34(I)(D) the word "and" replaced with the word "or"
7/7/98	10	Changed Superintendent to CEO
7/1/00	4	1.2 (a)(4) Changed BOD to CBOD
7/1/00	18	2.14 Miscellaneous typographical corrections
7/1/00	19	3.3 Clarified multiple pipe surcharges
7/1/00	20	3.3.1 Clarified surcharge equation and variable definitions
7/1/00	38	8.2 (a). Inserted multiple pipe arrangements, increased daily fine per violation
1/8/02	16	2.10 Revised use of Public sewers required from within 150 to 500 feet of property line
5/14/02	20	3.3.1 Surcharge calculations revised to be based on daily average concentrations and flow
1/14/03	8	1.2(b)(34)(i)(B) Inserted "in a six-month period"
1/14/03	19	3.3 Deleted escalation surcharge
1/14/03	21	3.4 Inserted "Violations" section
1/14/03	21	3.4 Changed to Section 3.5
1/14/03	38	8.2(a) Modified fine assessment frequency language
3/1/07	All	Removed brackets and underlining.
3/1/07	1	Table of Contents, Section 5.11 renamed.
3/1/07	4	1.2(a)(2) Update of Division of Water Quality and Department of Environment and Natural Resources
3/1/07	4	1.2(a)(3)(i)(B) and 1.2(a)(3)(iii)(v) Updated the definition of Authorized Representative
3/1/07	8	1.2(a)(33)(iv) Updated title of Division of Water Quality

3/1/07	8	1.2(a)(34)(i)(B) Revised TRC definition
3/1/07	9	1.2(a)(35) Revised definition of Slug Load or Discharge.
3/1/07	14	2.3 Local Limits-moved Chromium between Cadmium and Copper
3/1/07	15	2.8 Changed Accidental Discharge/Slug Control Plans conditions.
3/1/07	19	3.1 Added availability statement regarding schedules of sewer use charges and fees.
3/1/07	22	4.2(b)(3) Added reference.
3/1/07	23	4.2(c) Added signature by authorized person as referenced.
3/1/07	25	4.2(i)(1)(iii) Moved last sentence to 4.2(i)(1).
3/1/07	27	4.2(j)(1)(v), (vi), and (vii) Added additional permit conditions.
3/1/07	28	4.2(j)(2)(xv) Added other conditions deemed appropriate.
3/1/07	28	5.1(b)(5)(iii) Added sampling requirement.
3/1/07	28	5.1(b)(6) Baseline Monitoring Certification requirements.
3/1/07	29	5.4(a) Compliance report requirements.
3/1/07	30	5.5 Added last sentence to lead paragraph.
3/1/07	31	5.6(d) Potential problem notification.
3/1/07	31	5.8 Notification/Repeat Sampling and Reporting requirements and conditions added.
3/1/07	33	5.11 Change in Grab and composite Sample Collection conditions.
3/1/07	33	5.14 Added condition under which CEO may accept Electronic Reporting.
3/1/07	37	8.1(f) Heading change and opening statement change.
3/1/07	38	8.2(a)(i) Removed underline.
3/1/07	39	Section 9 Changed public notice description.
3/1/07	45	Section 13 Changed format of Effective Date.
10/1/11	Cover	Changed “Regulations” to “Ordinance”; added WWTP address, permit #s, acronym “SUO”.
10/1/11	1	Table of Contents - added “SUO”, inserted new Section 10, Adjudicatory Hearings, and renumbered subsequent sections.

- 10/1/11 3 Section 1.1 (a) Purpose and Policy. Added “and wastewater discharges”.
- 10/1/11 3 Section 1.1 (b) Purpose and Policy. Added “and wastewater discharges”.
- 10/1/11 5 Section 1.2 Definitions and Abbreviations. Addition of “(8) Control Authority” definition and renumbered subsequent definitions.
- 10/1/11 5 Section 1.2 Definitions and Abbreviations. “(14) Interference” – 1st line added “collection system”, 3rd line replaced “POTW’s” with “Control Authority’s, and 4th line added “collection system”.
- 10/1/11 6 Section 1.2 Definitions and Abbreviations. “(18) New Source” – deleted entire section and replaced with new North Carolina Division of Water Quality Sewer Use Ordinance Model (Model) definition.
- 10/1/11 6 Section 1.2 Definitions and Abbreviations. “(21) Non-Discharge Permit” – deleted entire definition and replaced with new Model definition.
- 10/1/11 6 Section 1.2 Definitions and Abbreviations. “(22) Pass Through” – replaced “POTW’s” with “Control Authority’s (and /or POTW’s, if different from the Control Authority’s)” and added “collection system”.
- 10/1/11 6 Section 1.2 Definitions and Abbreviations. “(25) Pollutant” – addition of “metals” to pollutant examples and changed “or” to “and”.
- 10/1/11 7 Section 1.2 Definitions and Abbreviations. “(31) Pretreatment Standards” – added “which applies to an industrial user”.
- 10/1/11 7 Section 1.2 Definitions and Abbreviations. “(34) Significant Industrial User” changes to “(34) Significant Industrial User or SIU” and changed wording to match Model.
- 10/1/11 7 Section 1.2 Definitions and Abbreviations. “(34) Significant Industrial User” – renumbered “(i), (ii), (iii), (iv)” as “(A),(B),(C),(D)”, deleted each definition, and inserted the Model wording.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(34) Significant Industrial User” – insertion of section “E”.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-Compliance or SNC. Removed “Reportable Noncompliance. A state of noncompliance defined as follows:”.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance. Removed “(i)”.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance. (A) Chronic violations – replaced existing definition with Model definition.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance. (B) Technical Review Criteria (TRC) violation – replaced existing definition with Model definition.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance. (C)” – delete “(s)

of an effluent limit (average or daily maximum) that the control authority believes” and “or endangered the health of the sewage treatment plant personnel or the public.”

- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance. (D)” – inserted “or wastewater”, “/welfare or to the environment or has resulted in either the Control Authority’s or”, “if different from the Control Authority”, and “authority under 40CFR Part 403.8 (f)(1)(vi)(B) and Sections 8.1 (e) of their SUO”.
- 10/1/11 8 Section 1.2 Definitions and Abbreviations. “(35) Significant Non-compliance” - (ii), (iii), (iv), and (v) changed to E, F, G, and H.
- 10/1/11 9 Section 1.2 Definitions and Abbreviations. “(44) Waters of the State” – added “rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs”.
- 10/1/11 10 Section 1.2 Definitions and Abbreviations. “(e) (19)” moved to “(e) (2)” and the remaining items renumbered accordingly.
- 10/1/11 13 Section 2.2 National Categorical Pretreatment Standards. Addition of (e).
- 10/1/11 22 Section 4.2 Wastewater Permits. “(b) Significant Industrial User Permit Application. Change to match second option in the Model.
- 10/1/11 24 Section 4.2 Wastewater Permits. “(f) Permit Synopsis” replaced with “(f) Permit supporting documentation. (1) and (2)” of the Model.
- 10/1/11 24 Section 4.2 Wastewater Permits. “(g)(2)(i), (ii), (iii), (iv), (v), (vi)” renumbered as “(g)(2)(A), (B), (C), (D), (E), (F).
- 10/1/11 25 Section 4.2 Wastewater Permits. “(h) Hearings” – moved all to Section 10.
- 10/1/11 25 Section 4.2 Wastewater Permits. “(i) Permit Modification – moved to Section 4.2 (h) and renumbered remaining items.
- 10/1/11 25 Section 4.2 Wastewater Permits. “(h)(1) Permit Modification” – (i), (ii), (iii) renumbered as “(h)(1) Permit Modification (A), (B), (C)”.
- 10/1/11 25 Section 4.2 Wastewater Permits. “(i) Permit Conditions (1)(i)-(viii)” renumbered “(i) Permit Conditions (1)(A)-(H).
- 10/1/11 26 Section 4.2 Wastewater Permits. “(i) Permit Conditions (2) (i)-(xv)” renumbered “(i) Permit Conditions (2) (A)-(O).
- 10/1/11 26 Section 4.2 Wastewater Permits. (i)(2)(B) – inserted “/or”.
- 10/1/11 30 Section 5.5 Reports of Changed Conditions. Paragraph 1 – insertion of “The permittee shall not begin the changes until receiving written approval from the Control Authority and/or Municipality.
- 10/1/11 30 Section 5.5 Reports of Changed Conditions. (c) – first sentence – inserted “or pollutant”. Addition of “increases or decreases...customers.”

- 10/1/11 30 Section 5.6 Reports of Potential Problems. (a) – insertion of “load as defined in Section 1.2 (a)(36)” to reflect the Model.
- 10/1/11 31 Section 5.8 Notice of Violation/Repeat Sampling and Reporting. (b) – insertion of “has performed...user.” Deleted “does not require...self-monitoring”.
- 10/1/11 31 Section 5.9 Notification of Discharge of Hazardous Waste. (a) – insertion of “and concentration”, “such”; deleted “after”; insertions of “before” and “The user...POTW.”
- 10/1/11 32 Section 5.10 Analytical Requirements. Inserted “by a laboratory...analyses”, “or unless...EPA or”, and “and”.
- 10/1/11 34 Section 6.2 Inspection and Sampling. – Changed “CEO’s” to “Roanoke Rapids Sanitary District’s”.
- 10/1/11 34 Section 6.3 Search Warrants. Changes “CEO’s” to “Roanoke Rapids Sanitary District’s”.
- 10/1/11 38 Section 8.2 Civil Penalties. (a) – deleted “fined” and inserted “assessed a civil penalty”.
- 10/1/11 40 Inserted Section 10 Adjudicatory Hearings. Utilized the fourth version of the Model.
- 10/1/11 42 Section 11.1 Upset. Changed (b)(3)(i),(ii), and (iii), to (b)(3) (A),(B), and(C).
- 10/1/11 43 Section 11.3 Bypass. Changed 11.3 (c) (1) (i), (ii), and (iii) to 11.3 (c) (1) (A), (B), and (C).
- 10/1/11 42-44 Renumbered Sections 10, 11, 12, and 13 to Sections 11, 12, 13, and 14; respectively
- 10/1/11 ALL Renumbered pages with coordinated Table of Contents
- 10/1/11 46-47 Updated Document Changes page number references