

SEWER REGULATIONS

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GENERAL PROVISIONS

§ 51.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city of Goldsboro, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this chapter are:

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

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

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

(6) To ensure the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws which the municipal wastewater system is subject to;

(7) To aid in the prevention of wastewater collection system blockages and obstructions and resulting sanitary sewer overflows from contributions and accumulation of fats, oils, and greases into the municipal wastewater system from industrial or commercial establishments, particularly food preparation and serving facilities.

(C) This regulation 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.

(D) This regulation shall apply to all users of the city of Goldsboro's wastewater collection and treatment system and to persons outside the city, who are, by permit or agreement with the city, users of the city POTW. Except as otherwise provided herein, the Public Utilities Director shall administer, implement, and enforce the provisions of

this regulation. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other city personnel. By discharging wastewater into the municipal wastewater system, industrial users located beyond the city limits agree to comply with the terms and conditions established in this regulation, as well as any permits or orders issued hereunder. (Ord. 1994-79, passed 11-21-94; Am. Ord. 2001-10, passed 1-16-01)

§ 51.002 DEFINITIONS AND ABBREVIATIONS.

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

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.

APPARENT COLOR. The color of a sample containing both substances in solution and suspended matter, expressed in wavelengths of light.

APPROVAL AUTHORITY. The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources or his designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

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

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

(b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the industrial user is representing federal, state or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

(4) The individuals described in paragraphs (A)(1) through (A)(3) above may designate another authorized representative if the authorization is in writing, the

authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

BUILDING INSPECTOR. The City of Goldsboro Chief Building Inspector.

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

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

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C. with a chemical inhibitor added to prevent interference from nitrogenous demand, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

CHEMICAL OXYGEN DEMAND (COD). The measure of the oxygen equivalent of the organic content of a sample that is susceptible to oxidation by a strong chemical oxidant (oxygen taken up in chemical reaction of organic material).

CITY COUNCIL. The City Council of the city of Goldsboro, North Carolina.

CITY. The city of Goldsboro, North Carolina.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COLOR. The “true color” due to the substances in solution expressed in wavelengths of light.

COMMERCIAL USER. Any facility which discharges non-domestic wastes.

COMMERCIAL WASTES. The wastes resulting from processes employed in commercial facilities, food preparation and/or serving facilities, as distinct from domestic wastes.

CONTROL AUTHORITY. The **APPROVAL AUTHORITY**, as defined hereinabove; or the POTW Director of the city upon approval of the city's pretreatment program.

DIRECT DISCHARGE. The discharge of treated or-untreated wastewater directly to the waters of the state of North Carolina.

DIRECTOR. The Public Utilities Director of the city of Goldsboro, North Carolina, or his authorized representatives.

DOMESTIC WASTES. Liquid wastes

- (1) From the noncommercial preparation, cooking, and handling of food; or
- (2) Containing human excrement and similar matter from the sanitary conveniences of dwelling, commercial buildings, industrial facilities, and institutions.

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.

FOOD COOKING ESTABLISHMENTS. Those establishments engaged in activities of preparing, serving, or otherwise available for public or clientele consumption of foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching, as well as those establishments engaged in activities utilizing infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

FOOD NON-COOKING ESTABLISHMENTS. Those establishments engaged in the preparation of foodstuffs that do not include any form of cooking. These include dairy, ice cream, yogurt, and frozen foodstuffs preparation and serving establishments.

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.

GREASE, FATS, AND OILS. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures (EPA Method 413).

GREASE, FATS AND OILS TRAP OR INTERCEPTOR. Herein referred to as grease trap or grease interceptor. A device for separating and retaining waterborne greases, fats and oils and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from dairy and food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as ***GREASE INTERCEPTORS***.

GREASE TRAP OR INTERCEPTOR MINIMUM DESIGN CAPACITY. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases, fats and oils from wastewaters discharged to the municipal wastewater system.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER. Any facility which discharges industrial wastes or is a source of indirect discharge.

INDUSTRIAL WASTE. The wastes resulting from the process employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

INTERFERENCE. The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or 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 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD or ***CATEGORICAL STANDARD.*** Any regulation containing pollutant discharge limits promulgated by EPA

in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or ***PROHIBITIVE DISCHARGE STANDARD***. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in §51.010 and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

NEW SOURCE.

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

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

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

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (1)(b) or (1)(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

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

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or ***NPDES PERMIT***. A permit issued pursuant to G.S. § 143-215.1.

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

NON-DISCHARGE PERMIT. A disposal system permit issued by the state pursuant to G.S. 143-215.1.

NON-DOMESTIC POLLUTANTS. Any substances other than human excrement and household gray water (shower, dishwashing operations, etc.). Non-domestic pollutants include the characteristics of the wastewater (i.e., including but not limited to pH, temperature, TSS, turbidity, color, BOD, CBOD⁵, COD, toxicity, odor).

NON-RESIDENTIAL USER. Any industrial or commercial user.

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or non-discharge permit, or a downstream water quality standard.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

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

POLLUTANT. Any "waste" as defined in G.S. §143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD⁵, BOD, COD, toxicity, or odor).

POLLUTION. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW DIRECTOR. The city of Goldsboro Public Utilities Director.

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

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

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the city in compliance with 40 CFR 403.8 and approved by the Approval Authority as authorized by G.S. §143-215.3(a)(14) in accordance with 40 CFR 403.11.

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

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM. A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the city. This definition includes any devices for 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 chapter, **POTW** shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, or in any other way, users of the city's POTW.

RECEIVING WATER. That body of water, stream, or water course receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.

RESIDENTIAL USERS. Users discharging domestic wastes that are not industrial users or not commercial users.

SANITARY SEWER. A sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this regulation, without the admixture of surface water and storm water.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial

and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater disposal system who:

- (1) Has an average process wastewater flow of 25,000 gallons per day; or
- (2) Contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; or
- (3) Is required to meet a National Categorical Pretreatment Standard; or
- (4) Is found by the city, the Division Of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

SIGNIFICANT NONCOMPLIANCE or REPORTABLE NONCOMPLIANCE. A status of noncompliance defined as follows:

- (1) Violations of wastewater discharge limits.
 - (a) Chronic violations. 66% or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - (b) Technical Review Criteria (TRC) violations. 33% or more of the sample measurements which are equal to or exceed the TRC times the limit (maximum or average) in a six-month period.
 - (c) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) 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.

(4) Failure to accurately report noncompliance.

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

SLUG LOAD. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference of pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges, discharges of a non-routine, episode nature a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in § [51.010](#).

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

STATE. The state of North Carolina.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm or surface waters and drainage, but excludes sewage and industrial wastes.

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

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

SURCHARGE. A charge to a user of the public sewer system based on the pounds of a particular constituent in wastewater, in excess of a specified level of concentration. Surcharges are levied in addition to a regular sewer service charge.

SURCHARGING OF SANITARY SEWER. The sewer is receiving more wastewater than its flowing full hydraulic capacity and that the amount of wastewater entering the sewer greater than its flowing full hydraulic capacity results in manhole water levels above the elevation of the top of the sewer pipe.

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, expressed as milligrams per liter (mg/l).

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

TRANSMISSIVITY. The percent of light passing unobstructed through a sample at a light wavelength of 254 nm, using Standard Methods 5910-B: Ultraviolet Absorption Method, expressed as percent per cm.

TRUE COLOR. The color of a sample in which turbidity has been removed, expressed in wavelengths of light.

UNIFORM PLUMBING CODE. Written guidelines and regulations of the North Carolina edition of the International Plumbing Code governing plumbing criteria for type and use of plumbing systems.

UNPOLLUTED WATER. Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

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.

USER. Any person who contributes, causes, or permits the contribution of wastewater into the city's wastewater treatment system, and who pays, or who is or would be legally responsible for the payment of utility rates or charges made against said premises upon its connection to the water distribution system of the city of Goldsboro. This term also includes persons who contribute wastes from mobile sources.

VARIANCE. A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest, health, safety or public welfare.

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.

WASTEWATER DISCHARGE PERMIT. As set forth in §51.051.

WASTEWATER PERMIT. As set forth in §51.051.

WASTEWATER TREATMENT SYSTEM. Any devices, facilities, structures, equipment, or works owned or used by the city of Goldsboro for the purpose of the

transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including interception sewer, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATER POLLUTION. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

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

(B) *Other terms.* Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(C) *Gender neutrality.* This chapter is gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(D) *Abbreviations.* The following abbreviations, when used in this chapter, shall have the designated meanings:

- (1) CBOD - Carbonaceous Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) gpd - Gallons per day.
- (6) l - Liter.
- (7) mg - Milligrams.

- (8) mg/l - Milligrams per liter.
- (9) G.S. - North Carolina General Statutes.
- (10) NPDES - National Pollution Discharge Elimination System.
- (11) O&M - Operation and Maintenance.
- (12) POTW - Publicly-Owned Treatment Works.
- (13) SIC - Standard Industrial Classification.
- (14) SIU - Significant Industrial User.
- (15) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
- (16) TSS - Total Suspended Solids.
- (17) TKN - Total Kjeldahl Nitrogen.
- (18) USC - United States Code.
- (19) TP - Total Phosphorous.
- (20) TN - Total Nitrogen.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 1995-57, passed 9-11-95; Am. Ord. 2001-10, passed 1-16-01; Am. Ord. 2007-45, passed 6-4-07)

§ 51.003 CONFLICT.

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

(Ord. 1994-79, passed 11-21-94)

REGULATIONS

§ 51.010 PROHIBITED DISCHARGE STANDARDS.

(A) *General Prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not

the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 1400°F (600°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 ½ inch in any dimension).

(3) Any fats, oils, or greases from any source or solids from a grease trap shall be disposed into any storm drainage piping or public or private sewer, including but not limited to petroleum oil, nonbiodegradable cutting oil, or mineral oil origin, animal and/or plant oils used in food preparation, and the like, in amounts that will cause interference or pass through.

(4) Any wastewater having a pH less than 5.0 is absolutely prohibited.

(5) Any wastewater having a pH more than 9.0, except as allowed in a wastewater discharge permit issued by the city, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

(6) Any wastewater containing pollutants, including oxygen-demanding pollutants (CBOD₅, etc.), in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

(7) 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.

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

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

(10) Any wastewater having a temperature greater than 150° F (65° 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), or wastewater having temperatures in excess of 140° F (60° C) discharging to any grease trap or interceptor.

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

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

(13) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § [51.018\(B\)](#).

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

(15) Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season.

(16) Non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds.

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

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

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

(20) Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW Director.

(21) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

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

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

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

(25) 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 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

(26) Any clothing, rags, remnants or waste, cloth, scraps, except fibers or scrap that will pass through a ¼ inch mesh screen or its equivalent in screening ability.

(C) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system. When the POTW Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operations or pass through, the POTW Director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with § [51.100](#); and

(2) Take appropriate actions in accordance with §§ [51.050](#) and [51.051](#) for such user to protect the POTW from interference or pass through.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 1995-57, passed 9-11-95; Am. Ord. 2001-10, passed 1-16-01; Am. Ord. 2007-45, passed 6-4-07)

§ 51.011 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, or more stringent requirements imposed under this regulation.

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

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

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

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

(Ord. 1994-79, passed 11-21-94)

§ 51.012 LOCAL LIMITATIONS.

(A) A non-domestic waste survey is required prior to a user discharging wastewater containing parameters in excess of the following daily average discharge limits (based on a 24-hour composite sample or composite sample collected during the hours of operation and discharge):

<i>Parameter</i>	Concentration Limit, mg/l
CBOD ₅	250
TSS	250
NH ₃ -N	15
COD	500
Total Phosphorus	4
Phenol	1.2
Arsenic	0.003 (must be below detection level of 0.005 mg/l)
Cadmium	0.003

Copper	0.061
Cyanide	0.015
Lead	0.049
Mercury	0.0003
Nickel	0.021
Silver	0.005
Total Chromium	0.05
Zinc	0.175
Oil and Grease	100
Total Nitrogen	40

(B) A non-domestic waste survey 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 POTW Director may impose mass limits in addition to, or in place of, concentration-based limits. Compliance with all parameters may be determined from a grab sample.

(C) The POTW Director will monitor for transmissivity and determine whether transmissivity limits should be included in the industrial user permits.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 1995-57, passed 9-11-95; Am. Ord. 2001-10, passed 1-16-01; Am. Ord. 2007-45, passed 6-4-07)

§ 51.013 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 regulation.

(Ord. 1994-79, passed 11-21-94)

§ 51.014 RIGHT OF REVISION.

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 51.001 or the general and specific prohibitions in §§ 51.010 through 51.018, as is allowed by 40 CFR 403.4. (Ord. 1994-79, passed 11-21-94)

§ 51.015 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 federal categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the city or state.

(Ord. 1994-79, passed 11-21-94)

§ 51.016 FLOW EQUALIZATION.

When a user's indirect discharge flow rates or concentrations vary to an extent that results in a significant impact on the operation of the WWTP, the POTW Director may require that the user construct and maintain, at his own expense, a flow equalization basin of a design approved by the POTW Director.

(Ord. 1994-79, passed 11-21-94)

§ 51.017 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under §51.051 and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in §51.010 within the time limitations as specified by EPA, the state, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that specific sewers, relocate and/or consolidate points of discharge, separate domestic 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 chapter.

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

(3) Sand interceptors shall be installed when, in the opinion of the Building Inspector, they are necessary for the proper handling of wastewater containing excessive amounts of sand; except that such interceptors shall not be required for residential users. All sand interception units shall be of type and capacity approved by the Building Inspector and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, 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.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2001-10, passed 1-16-01)

§ 51.018 GREASE TRAP PROGRAM.

(A) Grease, fats and oil interceptors shall be installed and maintained by users operating food cooking establishments. Grease interceptors may also be required in food non-cooking establishments and other industrial or non-domestic users when, in the opinion of the Building Inspector, they are necessary for the proper handling of wastewater containing excessive amounts of grease, fats, and oils; except that such interceptors shall not be required for residential users. Interceptors shall be installed and maintained at the user's expense. If no grease is found through investigation by the City Inspector(s) at a food establishment, a grease trap may not be required.

(B) No user shall allow any wastewater discharge concentration from the interceptor to exceed 325 milligrams per liter (EPA Method 1664) or 275 milligrams per liter (EPA Method 413) in fats, oils, and greases. These limits shall be consistently maintained.

(C) All interception units shall be of type and capacity approved by the Building Inspector and shall be so located to be easily accessible for cleaning, inspection, and wastewater effluent sampling. Such interceptors shall be inspected, cleaned of grease, sludge, debris and the like and repaired as required in order to maintain minimum design capability of the grease interceptor, but not less often than every 30 days if grease

problems are found. This maintenance shall be performed by the user at their expense. The Building Inspector will allow the use of an automatic grease separator system under the following conditions:

(1) A food establishment has physical limitations creating a hardship condition which prohibits installing a properly sized in-ground grease trap.

(2) The sizing of an automatic grease separator system will be according to the manufacturer's specifications.

(3) The food establishment manager/staff signs a log certifying each daily, weekly, and quarterly maintenance of the automatic grease separator system has been done according to the manufacturer's specifications.

(D) The POTW Director, in his or her discretion, may grant a variance to a user as it relates to the required grease trap/interceptor cleanout requirements based upon certified documentation that the requirements of this chapter impose an unnecessary or unreasonable burden on the user. The POTW Director may rescind or modify such variance if the quantity or concentration of the user's discharge has changed or causes a detriment to the city's sewer collection system.

(E) Access manholes, with a minimum diameter of 24 inches shall be provided over each interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(F) Minimum design capability of the interceptor must be in accordance with the North Carolina edition of the International Plumbing Code and provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffle with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate.

(G) Grease interceptors that are 50 pounds or larger in size must be cleaned out commercially. The food establishments that clean their own small grease traps (less than 50 pounds) shall put the grease in a sealed container and dispose of it as set forth in state regulations. The grease, fats and oils removed from a grease interceptor must be put in an appropriate container and properly disposed of as solid waste or recycled commercially. The Building Inspection will evaluate and determine the cleaning frequency of under-the-sink traps. Care must be taken to prevent grease, fats, and oils from entering the stormwater system or sanitary sewer system. No non-grease laden sources are allowed to be connected to any sewer line intended for grease interceptor service.

(H) The user shall maintain a written record of interceptor maintenance for three years. All such records will be available for inspection by the city at all times. The user

shall submit written reports of such maintenance when requested by the city. The user shall refer to the Grease Trap User Guidance Manual for information on permitting requirements, forms, non-compliance fines, and the like.

(I) Any user required to install or upgrade a grease interceptor by the Building Inspector must complete the installation/upgrade of the grease interceptor within six months after written notification from the Building Inspector. Adequately sized grease traps shall be required for any new grease trap installation at new food establishments not prohibited by space constraints. The size, type, and location of the grease interceptor shall be approved by the Building Inspector. If an obstruction of a city sewer main(s) occurs that causes a sanitary sewer overflow and the overflow can be attributed in part to the user, the user shall be required to install or upgrade a grease interceptor within 30 days after written notice from the city. In cases of sanitary sewer overflows, the city shall take appropriate enforcement actions, as set forth in the city's industrial pretreatment enforcement plan and the sewer use ordinance, against the user.

(J) Existing undersized grease traps in use at food establishments will be evaluation on the following:

(1) The products sold by the food establishments will be evaluated by City Inspector(s). The Inspector will be given the discretion to allow or resize an existing grease trap.

(2) An existing undersized grease trap may require an increased cleaning schedule.

(3) All final decisions regarding an undersized grease trap will be determined by the Chief Building Inspector.

(Ord. 2001-10, passed 1-16-01; Am. Ord. 2007-45, passed 6-4-07)

§51.019 ACCIDENTAL AND/OR SLUG LOAD DISCHARGES.

(A) *Accidental spill and/or slug control plans.* At least once, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.

(B) All SIU's are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharges, discharges of a non-routine, episode nature, a non-customary batch discharge, or a slug load. Also see §§ [51.064](#) and [51.065](#).

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

- (1) Description of discharge practices, including non-routine batch discharges.
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW Director of any accidental or slug discharged as required by § [51.065](#); 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 or containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (5) It is the responsibility of the user to update plans upon any changes.

(D) *Hauled wastewater.*

(1) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate §§ [51.010](#) through [51.018](#) or any other requirements established by the city. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.

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

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

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

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2001-10, passed 1-16-01; Am. Ord. 2007-45, passed 6-4-07)

FEES

§ 51.030 PURPOSE.

It is the purpose of this chapter to provide for the recover of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's Schedule of Charges And Fees, as established in a resolution by the City Council.

(Ord. 1994-79, passed 11-21-94)

§ 51.031 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 City Manager 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 City Council 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) The user charge system shall take precedence over any terms or conditions of agreements, or contracts that are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2001-107, passed 8-6-01)

§ 51.032 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the levels stated in § 51.012.

(B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed in § 51.012. The amount charged per pound of excess will be set forth in the Schedule of Charges And Fees.

(1) 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:

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

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

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

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

(3) When the quantity of wastewater discharged at any point exceeds 5% of total daily wastewater flow as measured at the treatment plant, the user discharging such wastewater shall install and maintain, at his own expense, a wastewater flow meter and recorder of a type approved by the Director for the purpose of determining the volume of flow to be charged. Each separate industrial plant will be considered and assessed individually even though a User may operate two or more industrial plants on the city of Goldsboro's sewerage system.

(Ord. 1994-79, passed 11-21-94)

§ 51.033 DETERMINING THE CHARACTER AND CONCENTRATION OF WASTES.

(A) The industrial waste of each user discharging same into the city's WWTP shall be subject to periodic inspection and a determination of character and concentration of said wastes shall be made semi-annually, or more often as may be deemed necessary, by

the POTW Director or his authorized assistants. Sampling to determine the concentrations will be on a composite basis. Grab samples may be used as required to determine short term characteristics that may be deleterious to the treatment process.

(B) Samples shall be collected in such manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of said wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, one copy of which shall be maintained in the office of the POTW Director for inspection by any interested parties.

(C) The determination of the character and concentration of the industrial wastes by the POTW Director, or his authorized assistants, shall be binding as a basis for charges. Industries wishing to have another sample taken other than at the regular interval may request the POTW Director to take such a sample. Costs of such additional sampling and testing shall be borne by the industry.

(D) The POTW Director shall receive copies of all test results of samples taken from the wastewater flow within the pretreatment facility.

(Ord. 1994-79, passed 11-21-94)

§ 51.034 SURCHARGE CALCULATIONS.

(A) Surcharge calculations shall be based on monthly average concentrations. The following formula shall be used in computing a user's surcharge bill:

$$SC = 8.34 \times Q \times [(CBOD_5 - 250) \times (\$CBOD_5) + (TSS - 250) \times (\$TSS) + (TP-4) \times (TP) + (NH_3 - 15) \times (\$NH_3)] + C_{ex}$$

(B) Definitions for Surcharge Calculations.

SC = Total Surcharge

8.34 = A constant to convert mg/l to pounds.

Q = Industrial waste flow expressed in million gallons.

CBOD₅ = 5-day CBOB₅ in mg/l of the industrial waste.

\$CBOD₅ = Surcharge rate for CBOB₅ expressed as dollars per 100 pounds of CBOB₅.

TSS = Total suspended solids in mg/l of the industrial waste.

\$TSS = Surcharge rate for total suspended solids expressed as dollars per pound of TSS.

250, 250, 4, 15 =The CBOD₅, TSS, TP and Ammonia-Nitrogen surcharge thresholds as specified in §51.012.

TP = Total Phosphorus in mg/l of the industrial waste.

\$TP = Surcharge rate for total phosphorus expressed as dollars per pound of TP.

C_{ex} =Extra costs incurred to the city incident to the supervision, inspection, sampling, and analyzing of wastes as set forth shall be included in the surcharge made to users discharging wastes into the WWTP.

NH₃ = Ammonia in mg/l of the industrial waste.

\$NH₃ = Surcharge rate for ammonia expressed as dollars per 100 pounds of NH₃-N.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 1995-57, passed 9-11-95; Am. Ord. 2001-10, passed 1-16-01)

§ 51.035 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

(A) The Schedule of Charges And Fees adopted by the city may include charges and fees for:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the city's WWTP of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the city.

(Ord. 1994-79, passed 11-21-94)

WASTEWATER DISCHARGE PERMIT APPLICATION

§ 51.050 WASTEWATER DISCHARGERS.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.051 WASTEWATER PERMITS.

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

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

(B) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the city, an application in the form prescribed by the potw director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in subsection (A) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from the address);
- (2) Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in § [51.012](#), any of the priority pollutants (Section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedure established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, and as required in §§ [51.069](#) and [51.070](#);
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (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. No increment in the schedule shall exceed nine months.
 - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, 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. In no event shall more than nine months elapse between such progress reports to the POTW Director.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in § 51.060;

(14) Any necessary certification and/or signatory requirement as outlined in 40 CFR 403.12(1);

(15) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.

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

(C) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in § 51.002(A) (Authorized Representative of the Industrial User) and contain 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.*

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

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

(E) *Tentative determination and draft permit.*

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

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

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

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

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

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

(F) *Permit synopsis.* A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant, the approval authority and made available to the public upon request. The contents of such fact sheets shall include at least the following information:

(1) A sketch or detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.

(2) A quantitative description of the discharge described in the application which includes at least the following:

(a) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;

(b) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(3) The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

(G) *Final action on significant industrial user permit applications.*

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

(2) The director is authorized to:

(a) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this regulation and 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 § 51.051(I);

(d) Revoke any permit pursuant to § 51.100;

(e) Suspend a permit pursuant to § 51.100;

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

(H) *Adjudicatory hearing and judicial review.*

(1) *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 § 51.100, or one issued an administrative order under § 51.100 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The hearing officer shall have the authority to assess enforcement expenses, attorney's fees and cost associated with the hearing against any party and to include in the decision additional orders and directives as may be issued consistent with the POTW's authority under G.S. Chapter 143 and/or this chapter. The hearing officer shall transmit a copy of the hearing officer's decision by registered or certified mail to all parties.

(a) *New Permits.* Upon appeal of the hearing officer's decision of the terms or conditions of the 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.

(b) Renewed Permits. Upon appeal of the hearing officer's decision of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach mutual resolution.

(2) Judicial Review. Any party against whom a decision of the hearing officer is adversely entered, pursuant to the adjudicatory hearing conducted under paragraph (H)(1) above, may seek judicial review of the decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the decision, but not thereafter, with the Superior Court of Wayne County along with a copy to all parties. Within 30 days after receipt of the copy of the petition of judicial review, the city shall transmit to the reviewing court the original or a certified copy of the official record.

(3) Official record. Upon receipt of the copy of the petition of judicial review under paragraph (H)(2) above, the city shall prepare an official record of the case that includes:

- (a) All notices, motions, and other like pleadings;
- (b) A copy of all documentary evidence introduced;
- (c) 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.
- (d) A copy of the final decision of City Council.

(I) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:

- (a) Modifications of the monitoring program contained in the permit;
- (b) Changes in the ownership of the discharge when no other change in the permit is indicated,
- (c) A single modification of any compliance schedule not in excess of four months,
- (d) 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.
- (e) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(2) Within nine months of the promulgation of a national categorical pretreatment standards 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 contribution permit as required by § 51.051(B), the user shall apply for a wastewater contribution 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.

(J) *Permit conditions.*

(1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this regulation and G.S. § 143-215.1. Wastewater discharge permits shall be expressly subject to all provisions of these regulations and all other applicable regulations, user charges, and fees established by the city of Goldsboro. 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) Notification requirements for notifying the POTW in the event of an accidental discharge or slug discharge as defined by 40 CFR Part 403.5(b) a, and in § [51.002\(A\)](#) (Slug Load or Discharge);
- (f) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in § [51.002\(A\)](#), if determined by the POTW Director 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 § [51.002\(A\)](#) (Slug Load or Discharge). Also see §§ [51.064](#) and [51.065](#).

(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 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 spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

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

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

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

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

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

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

(l) Requirements for maintaining and retaining plans records relating to wastewater discharges as specified in § [51.072](#) and affording the POTW Director, or his representatives, access thereto.

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

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

(o) Requirements for immediate notification of excessive, accidental, or slug or any discharge which could cause any problems to the system.

(p) A statement that compliance with 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.

(q) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this regulation, and state and federal laws, rules, and regulations; the term of the permit

(K) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in §§ [51.010](#) through [51.018](#) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(L) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall apply for a new permit in accordance with § [51.051](#)(B), but shall also comply with the terms and conditions of the existing permit during any interim period.

(M) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with § [51.051](#) a minimum of 180 days prior to the expiration of the existing permit.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

REPORTING REQUIREMENTS

§ 51.060 BASELINE MONITORING REPORTS.

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

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

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.069.

(c) Sampling must be performed in accordance with procedures set out in § 51.070.

(6) *Certification.* A statement, reviewed by the user's authorized representative 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 § 51.061.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 51.051(C).

(Ord. 1994-79, passed 11-21-94)

§ 51.061 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 51.060(B)(7).

(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 months;

(C) The user shall submit a progress report to the POTW Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with 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 months elapse between such progress reports to the POTW Director.

(Ord. 1994-79, passed 11-21-94)

§ 51.062 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 51.060(B)(4-6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's 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 § 51.051(C).

(Ord. 1994-79, passed 11-21-94)

§ 51.063 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the POTW Director 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 measured or estimated average and maximum daily flows for the reporting period. Sampling and analysis must be performed in accordance with procedure set out in §§ [51.069](#) and [51.070](#). All periodic compliance reports must be signed and certified in accordance with § [51.051](#)(C).

(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 POTW Director, using the procedures prescribed in § [51.069](#), the results of this monitoring shall be included in the report.

(D) The Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (i) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.064 REPORTS OF CHANGED CONDITIONS.

Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. See § [51.065\(D\)](#) for other reporting requirements.

(A) The POTW Director may required 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 § [51.051](#).

(B) The POTW Director may issue a wastewater discharge permit under § [51.051](#) or modify an existing wastewater discharge permit under § [51.051](#) in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 15% or greater, and the discharge of any previously unreported pollutants.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.065 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § [51.002\(A\)](#) (Slug Load or Discharge), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; such notification shall not relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(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 change in its facility affecting the potential for spills and other accidental discharge, discharge of a

non-routine, episode nature, a non- customary batch discharge, or a slug load as defined in § [51.002](#)(A) (Slug Load or Discharge).

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.066 REPORTS FROM UNPERMITTED USERS.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.067 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

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

(1) If the POTW Director monitors at the users facility at least once per month;
or

(2) If the POTW Director samples between the users initial sampling and when the user receives the results of this sampling.

(B) If the POTW Director does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the POTW Director shall repeat the analysis within 30 days after becoming aware of the violation, unless one of the following occurs:

(1) The POTW Director monitors at the users facility at least once a month; or

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

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

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.068 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES.

(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 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under § 51.064. The notification requirements in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 51.060, 51.062, and 51.063.

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

(C) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 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 chapter, a permit issued thereunder, or any applicable federal or state law.

(Ord. 1994-79, passed 11-21-94)

§ 51.069 ANALYTICAL REQUIREMENTS.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.070 GRAB AND COMPOSITE SAMPLE COLLECTION.

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

(B) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the users discharge. See 40 CFR 403.12(g)(5) for additional grab sample numbers requirement for BMR and 90-day compliance reports. Additionally the POTW Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.

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

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.071 TIMING.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.072 RECORD KEEPING.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.073 ELECTRONIC REPORTING.

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this chapter. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under § [51.130](#).

(Ord. 2007-45, passed 6-4-07)

COMPLIANCE MONITORING

§ 51.080 MONITORING FACILITIES.

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

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

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable

local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

(Ord. 1994-79, passed 11-21-94)

§ 51.081 INSPECTION AND SAMPLING.

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

(Ord. 1994-79, passed 11-21-94)

§ 51.082 SEARCH WARRANTS.

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

(Ord. 1994-79, passed 11-21-94)

CONFIDENTIAL INFORMATION

§ 51.090 CONFIDENTIAL INFORMATION.

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

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this regulation, 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.

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

(Ord. 1994-79, passed 11-21-94)

ENFORCEMENT

§ 51.100 ADMINISTRATIVE REMEDIES.

The POTW Director is authorized to take action as specified below to enforce the provisions of these regulations. The actions to be taken under specific circumstances are as detailed in the pretreatment program enforcement response plan. This plan is contained in a separate document and is as currently approved by the North Carolina Division of Environmental Management Pretreatment Office.

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

(B) *Consent orders.* The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents

establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to § 51.100(D) below.

(C) *Show cause hearing.*

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

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

(3) A show cause hearing under this section is not a prerequisite to the issuance of an administrative order under § 51.100 or the assessment of a civil penalty under § 51.101.

(D) *Administrative orders.* When the POTW Director finds that an industrial user has violated or continues to violate this regulation, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (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.

Appeals from an administrative order in accordance with this section shall be as provided in § 51.051(H).

(E) *Emergency suspensions.*

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

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

(F) *Termination of permit or permission to discharge.* The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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

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

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

(4) Violation of conditions of the permit or permission to discharge, conditions of this chapter or any applicable state and federal regulations.

Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under § [51.100](#) of this regulation why the proposed action should not be taken.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.101 CIVIL PENALTIES.

(A) (1) (a) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$25,000 per day per violation.

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

1. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or

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

(2) Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges.

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

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

(2) The duration and gravity of the violation;

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

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

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

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

(8) The costs of enforcement to the city.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § [51.051](#)(H).

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.102 JUDICIAL REMEDIES.

If any person violates this regulation, or any order or permit issued hereunder, or any other pretreatment requirement, the POTW Director, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Superior Court of Justice for Wayne County.

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

(B) **Injunctive relief.** Whenever an industrial user is in violation of the provisions of this regulation or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a preliminary or permanent injunction, or both as may be appropriate, which restrains or compels the activities in question. In the event the POTW chooses to correct the violation itself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The POTW shall have such remedies for the collection of such costs as it has for the collection or other sewer service charges.

(Ord. 1994-79, passed 11-21-94)

§ 51.103 OTHER REMEDIES.

(A) **Water supply severance.** Whenever an industrial user or establishment is in violation of the provisions of this regulation 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 consistent compliance.

(B) **Public nuisances.** Any violation of the prohibitions or effluent limitations of this regulation or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate

city code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. 1994-79, passed 11-21-94; Am. Ord. 2007-45, passed 6-4-07)

§ 51.104 REMEDIES NONEXCLUSIVE.

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

(Ord. 1994-79, passed 11-21-94)

ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

§ 51.110 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H.0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. 1994-79, passed 11-21-94)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 51.120 UPSET PROVISION.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and

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

(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.

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

(5) 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.

(6) 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.

(Ord. 1994-79, passed 11-21-94)

§ 51.121 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 § 51.010(A) or the specific prohibitions in § 51.010(A)(1)(b)(2), (3), and (5) through (7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance

with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 1994-79, passed 11-21-94)

§ 51.122 BYPASS.

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

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

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

(C) (1) Bypass is prohibited, and the POTW Director 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 subsection (B) of this section.

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

(Ord. 1994-79, passed 11-21-94)

ENFORCEMENT RESPONSE PLAN

§ 51.130 INTRODUCTION.

(A) Federal and state pretreatment regulations, as well as Part III (B)(6) of the city of Goldsboro's NPDES permit requires the city to take timely and effective enforcement actions against significant industrial users (SIUs) for failure to comply with pretreatment standards and requirements. Federal and state regulations also require each POTW, with an approved pretreatment program, to develop and implement an enforcement response plan (ERP). By regulation, this plan must:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of SIU violations and the time periods within which responses will take place;
- (3) Identify the official(s) responsible for each type of response; and
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards.

(B) The purpose of the city of Goldsboro's enforcement response plan is two-fold. First, to ensure compliance with federal and state regulations. Second, to ensure that, if and when it is necessary for the city to enforce pretreatment standards and requirements, all industries are treated in a fair and equitable manner.

(Ord. 1994-79, passed 11-21-94)

§ 51.131 ENFORCEMENT AUTHORITIES AVAILABLE TO THE CITY.

(A) Sections 51.100 through 51.104 gives the Public Utilities Director the authority to take a wide variety of enforcement actions. Each of these actions can be viewed as having a certain degree of punitiveness. The city's enforcement response plan will utilize all of the enforcement tools available to the Director in the system which outlines escalating enforcement actions dependent on the nature of the violation and the cooperativeness, or recalcitrance, of the violator. The following is a list of remedies authorized by the sewer use ordinance and ordinance citation. It is presented in order of punitiveness, least punitive first and most punitive last.

- (1) Notice of Violation § 51.100(A)
- (2) Consent Order § 51.100(B)

- (3) Administrative Order § 51.100(C)
- (4) Show Cause Order/Hearing § 51.100(D)
- (5) Emergency Suspensions (temporary) § 51.100(E)
- (6) Termination of Permit (permanent) § 51.100(F)
- (7) Civil Penalties § 51.101(A) and (B)
- (8) Judicial Remedies § 51.102(A) and (B)

(B) In addition to the tools listed above, § 51.100 through 51.104 authorizes the Director to assess civil penalties of up to \$1,000.00 per day per violation. Civil penalties are normally used in conjunction with one of the other eight activities listed above and the punitiveness of the penalty depends on the dollar amount.

(Ord. 1994-79, passed 11-21-94)

§ 51.132 NONCOMPLIANCE DETERMINATIONS.

The staff will generally investigate SIU compliance three ways: on site inspections of the SIU, review of SIU self-monitoring data, and review of compliance data collected by the city. Using the this chapter, as well as guidance which has been provided by EPA and the Division of Environmental Management, the city staff has identified four categories of permit noncompliance. Below is a discussion of the types of violations within each category and the city staff member responsibility for the initial compliance determination for each violation type.

(A) Unpermitted discharges.

(1) Unpermitted discharges can result from several activities. An SIU might fail to obtain a permit prior to discharging to the wastewater treatment plant. An SIU might discharge to a point in the collection system which is not identified in the SIU's permit. An SIU might begin to discharge a pollutant which was previously identified as absent by the industry. Also, an SIU might continue to discharge when its permit has expired.

(2) Unpermitted discharges will normally be discovered during the inspection of an industry. The inspector will be responsible for determining the severity of the violation during his inspection. The severity will normally depend on whether the unpermitted discharge poses an immediate threat to the POTW or the environment and whether the industry was unaware of the requirements or was seeking to avoid the regulations.

(B) *Permit noncompliance.* Noncompliance with an SIU's pretreatment permit falls into four areas: limits violations, monitoring violations, reporting violations, and violations of permit conditions.

(1) *Permit limit noncompliance.* Permit limit violations are fairly straight forward and the severity depends on whether the violation is considered reportable noncompliance (RNC). RNC is defined in North Carolina's general pretreatment regulations [15A NCAC 2H.0903(b)(10)]. It is the Pretreatment Coordinator's responsibility to evaluate compliance with pretreatment limitations each time data is received and at the end of each semiannual reporting period.

(2) *Self-monitoring noncompliance.*

(a) Noncompliance with monitoring occurs when an SIU fails to conduct all of the self-monitoring required by its pretreatment permit. The severity of the violations depends on how much self-monitoring was actually completed. If the SIU conducted less than 80% of the sampling and analyses required in a six-month period, the violation is considered significant or RNC.

(b) Each time a self-monitoring report is received from an SIU, it is the responsibility of the Pretreatment Coordinator to compare the report to the permit requirement and evaluate compliance with monitoring requirements.

(3) *Reporting violations.*

(a) Reporting violations occur when an SIU fails to provide information which is required by the permit within the time period stated in the permit or when the information is incomplete or false. Reports required by the permit can include self-monitoring reports, spill prevention plans, baseline monitoring reports, 90-day compliance reports, and sludge handling plans. In the case of late or incomplete reports, the severity of the violation depends on the length of time the report is late. If a complete report is not submitted within 30 days of the due date, the violation is considered RNC. Knowingly submitting false information is always considered a significant violation.

(b) It is the Pretreatment Coordinator's responsibility to track the report due dates included in the pretreatment permits and to evaluate compliance in terms of the tardiness and completeness of the submission.

(4) *Violations of other permit conditions.* The pretreatment permits issued by the city contain about 20 conditions which do not fall into the category of limits, monitoring, or reporting requirements. For example, the pretreatment permit prohibits slug loads and requires the SIU to properly operate its pretreatment facility. Violations of these conditions would normally be discovered as part of an inspection or in conjunction with another enforcement action. The Pretreatment Coordinator is responsible for evaluating compliance with these requirements and the severity of the violation is determined by the Director.

(C) *Violations of enforcement orders.*

(1) Violations of enforcement orders are actually very similar to pretreatment permit noncompliance in that they can be broken down into limits violations (interim limits), monitoring violations (increased monitoring required by the order), and reporting violations. In addition, violations of enforcement orders would include missing milestone dates and noncompliance with final limits once the order has expired. However, all violations of enforcement orders, with the exception of interim limits violations, are considered RNC. Interim limit violations would not be considered significant if they did not meet the criteria listed in 15A NCAC 2H.0903(b)(10)(A) and if the SIU paid the stipulated penalty assessed.

(2) Once an SIU has been put on an enforcement order, the city's initial response to violations becomes simply a matter of notifying the SIU of the violation and collecting the stipulated penalty outlined in the order. It is the Pretreatment Coordinator's responsibility to track compliance with the order and notify the Director when penalties should be assessed. Once the Director is informed of noncompliance with an order, he will determine whether the violations are so severe as to warrant escalated enforcement. For example, an escalated enforcement actions would be needed if it was clear that the SIU could no longer meet the remaining milestone dates in the existing order.

(Ord. 1994-79, passed 11-21-94)

§ 51.133 RESPONSES TO NONCOMPLIANCE.

(A) In order to ensure that the city is taking timely and effective enforcement actions, two tools will be employed - an enforcement response guide in subsection (C) and an enforcement flowchart. The purpose of the enforcement response guide (ERG) is to identify initial responses and time frames for each of the types of violations discussed in § 51.132. Once the enforcement action is taken, the flow chart is used to identify the more punitive action which would be taken if the SIU failed to return to compliance as a result of the previous or initial action.

(B) As an example of how the ERG and flowchart can be used to determine appropriate enforcement responses, consider an SIU which submits a self-monitoring report which shows a violation. The ERG tells the Pretreatment Coordinator to issue a notice of noncompliance within 14 days. The notice will require the SIU to collect additional data to confirm compliance or noncompliance. The next step is to determine if the SIU is in reportable noncompliance (RNC) at the end of the six month reporting period. As indicated by the flow chart, if the data does not show RNC, no action is required. If the data does show RNC, a notice of violation (NOV) is issued. The ERG tells the Pretreatment Coordinator that, in response to RNC with permit limits, an NOV assessing a fine of \$100 should be sent within 30 days of receiving all of the data. The NOV requires the SIU to respond by indicating the cause and time needed to correct the violation. If the time needed to correct the violation was greater than 90 days, a consent

order would be drafted. Hopefully the SIU would comply with the consent order and the violation would be resolved. However, if the SIU failed to meet the compliance date of the consent order, the flow chart indicates that a notice to comply should be issued and the ERG gives the Pretreatment Coordinator information on time frames, penalties, and responses which should be included in the notice to comply. By using the flowchart and ERG, a worst case scenario can be followed in a similar manner through the issuance and violation of an administrative order, through a show cause meeting and, eventually, to termination of service.

(C) *Action chart.* Chart begins on the following page.

<i>Enforcement Response Plan Action Chart</i>				
<i>Type of Violation</i>	<i>POTW Action</i>	<i>Timeframe</i>	<i>Responsible Official</i>	<i>Expected Action from User</i>
<i>Unpermitted Discharges</i>				
Unpermitted discharge; unaware of requirement	Notice of violation	Within 14 days of discovery of discharge	Pretreatment Coordinator	File Permit Application
Unpermitted discharge; aware of requirement	Notice of violation with penalty assessed	Within 30 days of discovery of discharge	Director	File permit application
Unpermitted discharge results in NRDES violation	Order to cease process causing violation; Notice of violation with recommended minimum of \$1,000 and up to \$10,000 per day per violation penalty	Order to cease immediately; Notice of violation within 7 days	Director	File permit application; Steps taken to avoid violation
Unpermitted discharge results in endangerment	Suspend service; Notice of violation with recommended minimum of \$1,000 and up to \$10,000 per day per violation	Suspend service immediately; Notice of violation within 7 days	Director	File permit application; Steps taken to avoid future endangerment

	penalty			
Permit limits violation; Single event; Minor	Notice of non-compliance or notice of violation with \$0 to \$10,000 penalty	Within 14 days of receiving data (once in each 6-month period)	Pretreatment Coordinator	Conduct additional monitoring and return to compliance
Permit limits violation; Technical review criteria (TRC)	Notice of violation with \$0 to \$10,000 penalty	Within 14 days of receiving data (once in each 6-month period)	Pretreatment Coordinator	Conduct additional monitoring and return to compliance
Permit limits violation; significant non-compliance	Notice of violation with \$0 to \$10,000 penalty	Within 30 days of receiving all the data	Pretreatment Coordinator	Report cause non-compliance and steps taken to prevent violation
Permit limits violation causes NPDES violation	Order to cease process causing violation; Notice of violation with recommended minimum \$1,000 and up to \$10,000 per day per violation penalty	Order to cease immediately; Notice of violation within 7 days of discovering violation (once in each 6-month period)	Director	Report cause of non-compliance and steps taken to prevent violation
Permit limits; violation causes endangerment	Suspend service; notice of violation with a recommended minimum of \$1,000 and up to \$10,000 per day per violation penalty	Suspend service immediately; Notice of violation within 7 days	Director	File for reissuance of permit
Self-monitoring violations	Notice of violation with recommended	Within 14 days of discovering (once	Pretreatment Coordinator	Conduct missed sampling

	minimum penalty equal or greater than cost of missing testing	in each 6-month period)		
Reporting violation; late report	Notice of non-compliance	Within 14 days of the report due date (once in each 6-month period)	Pretreatment Coordinator	Submit report
Reporting violations; Incomplete or inaccurate reports	Notice of non-compliance	Within 30 days of report submission (once in each 6-month period)	Pretreatment Coordinator	Submit revised report
Reporting violations; Intentional falsification	Referred to district attorney	As, soon as suspected	Director	
Violation of permit conditions	Notice of violation with penalty up to \$10,000 per day per violation	Within 30 days of discovery (once in each 6-month period)	Pretreatment Coordinator or Director	Varies
Violation of permit conditions (endangerment)	Suspend service; notice of violation with up to \$10,000 per day per violation penalty	Suspend service immediately; Notice of violation within 7 days	Director	Steps taken to avoid reoccurrence

Failure to meet a milestone date in enforcement order (does not affect other dates)	Notice of violation and assess penalty stipulated in order	Within 14 days of discovery	Pretreatment Coordinator	Submit a schedule to complete the requirement
Failure to meet a milestone date in an enforcement order (affects other dates)	Show cause hearing and assess stipulated penalties	Within 30 days of discovery	Director	Negotiate new order and abide by new conditions
Failure to meet final compliance date	Notice of violation and assess stipulated penalties	Within 14 days of discovery	Director	Document compliance

(Ord. 1994-79, passed 11-21-94)