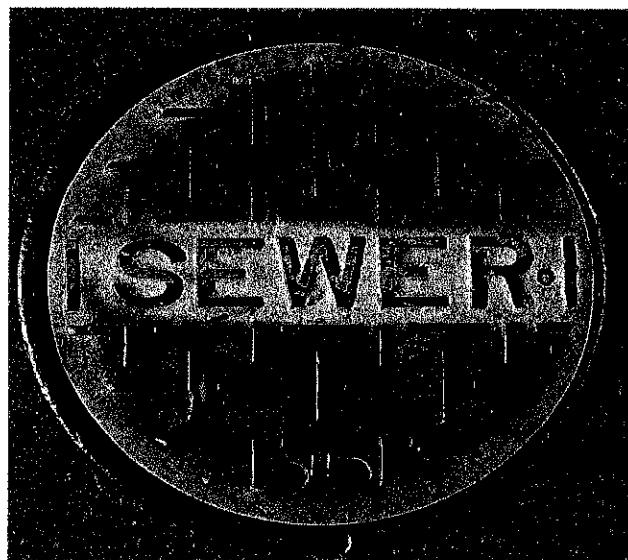


**TOWN OF GAMEWELL**  
**SEWER USE ORDINANCE**



Original Received from Lenoir  
Public Works Department,  
February 13, 2003  
ARCAOISG&M

Revision and Adopted,  
11/13/2023

## SEWER USE ORDINANCE

### SECTION 1 GENERAL PROVISIONS.

#### **1.1 Purpose and Policy**

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Gamewell, hereafter referred to as the Town, and enables the Town to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, being 22 U.S.C. §§ 1251 *et seq.* and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- (c) To Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the costs of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through:

- (1) The issuance of permit to certain non-domestic users;
- (2) Through enforcement of general requirements for the other users;
- (3) Authorizing monitoring and enforcement activities;
- (4) Requiring user reporting;
- (5) Providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the Town and to persons outside the Town, who are, by permit or agreement with the Town, users of the town POTW. Except as otherwise provided herein, the POTW of Lenoir and the Town Council and/or Town Administrator shall administer, implement, and enforce the provisions of this ordinance.

#### **1.2 Definitions and Abbreviations**

For the purpose of this ordinance, the following words and phrases are defined as follows unless it is apparent from the context that another meaning is intended.

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

Approval Authority The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health, and Natural Resources.

Authorized Representative of an Industrial User An authorized representative of an Industrial User may be:

- (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.

Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

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

Control Authority. The term "Control" Authority" shall refer to the "**Approval Authority**", defined hereinabove; or the POTW Director of the Town upon approval of the Town's pretreatment program.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.

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 other duly authorized official of said agency.

Grab Sample. A sample which is taken from a waste stream on a one-time, basis with no regard to the flow in the waste stream and without consideration of time.

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 § 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. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402, of the Act. (33 U.S.C. § 1342).

Interference. The inhibition, or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the POTW's NPDES Permit. 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), being 42 U.S.C. §§ 6901 et seq., the Clean Air Act 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act 15 U.S.C. §§ 2681 et seq., 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.

National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(B) and (C) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(B) of the Act and 40 CFR, § 403.5.

New Source: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a § 307 (C) (33 U.S.C. § 1317) Categorical Pretreatment Standards which will be applicable to such source if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

National Pollution Discharge Elimination System or NPDES Permit. A Permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. § 143-0215.1 by the State under delegation from EPA.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity of any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

Pollutant Any "waste" as defined in G.S. § 143-213(13) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pretreatment or Treatment. The reduction of the number of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR § 403.6 (D).

Pretreatment Program. The Program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the town 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 and as authorized by G.S. § 143-215.3(A)(14).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Publicly Owned Treatment Works /POTW). A treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the Town who are, by contract or agreement with the town, users of the town's POTW.

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

Shall Mandatory: May is permissive.

**Significant Industrial User.** Any industrial user of the wastewater disposal system who (1) has a process wastewater flow of 50,000 gallons or more per average work day, or (2) contributes more than 5% of any design or treatment capacity of the wastewater treatment plant receiving the discharge, or (3) is required to meet a National Categorical Pretreatment Standard, or (4) is found by the Town, the Division of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing Industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system

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

**Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

**Toxic 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.

**User.** Any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.

**Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial building, industrial facilities, and institutions; together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Waters of the State..** All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation system, 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.

### **1.3 ABBREVIATIONS**

BOD	Biochemical oxygen demand
/	Liter
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
MG	Milligrams
MG//	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901
U.S.C.	United States Code
TKS	Total Kjeldahl Nitrogen

## **SECTION 2 REGULATIONS**

### **2.1 General Discharge Prohibitions**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW.

A user shall not contribute the following substances to any POTW: any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.

At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perch, orates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the State or EPA has notified the User is a fire hazard or a hazard to the system.

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.

Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing fuel or lubricating, oil, mud, or glass grinding or polishing wastes.

Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307 (A) of the Act.

Any noxious or malodorous liquids, gases, or solids 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.

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 criteria, guidelines or regulations developed under § 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 *et seq.*; the Clean Air Act, being 42 U.S.C. §§ 7401 *et seq.*; the Toxic Substances Control Act, being 15 U.S.C. §§ 2681 *et seq.*; or state criteria applicable to the sludge management method being used.

Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the Introduction into the POTW which exceeds 40 ° C (104 ° F) unless the POTW treatment plant is designed to accommodate such temperature.

Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

Any wastewater containing any radioactive waste or isotopes of such half-life, or 1 concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Superintendent determines that a user (s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to Interference of POTW operation, the Superintendent shall: 1) Advise the User(s) of the potential impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to protect the POTW from Interference.

#### **Grease Traps, Grit Traps, Oil Traps and Lint Traps**

- (A) Grease, grit, oil, and lint traps shall be installed when in the opinion of the Water Resources Director they are necessary for the proper handling of liquid waste containing floatable oil, grease, solvents, lint, grit or any other ingredients which can cause or threaten to cause stoppage or impair the efficiency of the utility's wastewater collection system or threaten the safety of its employees.
  - (1) All traps shall be of a type and capacity approved by the Water Resources Director and be constructed in accordance with applicable building codes.
  - (2) All traps shall be located so as to be readily accessible for cleaning and inspection.
  - (3) All traps shall be maintained by the user(s) at his, her, or its expense and shall be operated at all times in an efficient manner.
  - (4) The user(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal which are subject to inspection and review by the Water Resources Director.
  - (5) All removal and hauling of the collected material shall be performed by a licensed experienced waste disposal firm.
- (B) Every industry, commercial establishment, or institution which serves meals or washes pots, pans, or dishes and has a grease discharge shall install an adequately sized grease trap prior to discharging into the town's wastewater collection system. The Water Resources Director shall determine the need and approve the installation particularly as to size, design, and location.

(C) All new restaurants, laundries, wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops, and all other facilities that produce grease, grit, oil, lint, or other materials shall install the appropriate approved trap during initial construction.

(D) Existing industry, commercial establishments, or institutions required to install interceptor traps shall:

- (1) Install the trap within 3 months after the initial requirement date set forth.
- (2) Within 30 days after completion, provide the Town Administrator with an affidavit that the establishment has complied with the above. Wastewater 29

(E) Grease and other interceptor traps shall not be required for private living quarters or dwelling units.

(F) Any establishment that fails to comply with the provisions and requirements of this section shall be subject to enforcement action.

## **2.1 Federal Categorical Pretreatment Standards**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance. The superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, § 403.12.

## **2.2 Specific Pollutant Limitations**

Unless authorized by a permit issued under §§ 51.43 of this Ordinance, no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage. For the following parameters exceeding domestic sewage levels shall mean in excess of:

250	mg/l	BOD
250	mg/l	TSS
40	mg/l	TKN
0.003	mg/l	arsenic
0.003	mg/l	cadmium
0.061	mg/l	copper
0.041	mg/l	cyanide
0.049	mg/l	lead
0.0003	mg/l	mercury
0.021	mg/l	nickel
0.005	mg/l	silver
0.05	mg/l	total chromium
0.175	mg/l	zinc
700	mg/l	COD
25	mg/l	nitrogen ammonia
100	mg/l	oil and grease
0.0025	mg/l	phenol
0.0082	mg/l	toluene

Domestic sewage levels for pollutants not listed above shall be determined by the superintendent and shall be based on either actually measured local domestic sewage levels or literature values.

**2.3 State Requirements**

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

**2.4 Right of Revision**

The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation.

**2.5 Excessive Discharge**

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, or in any pollutant specific limitation developed by the town or state.

**2.6 Accidental Discharges**

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete a plan by when requested or determined necessary. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

**2.7 Written Notice:** Within five (5) days following an accidental discharge; the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

**2.8 Notice to Employees:** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**SECTION 3 FEES**

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

### **3.1 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 town 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 Town Council for adjustments to 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.

### **3.2 Surcharges**

- (A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the levels set forth in this ordinance.
- (B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the Schedule of Charges and Fees.
- (C) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
  - (1) Metered water consumption as shown in the records of meter readings maintained by the town; or Wastewater 33;
  - (2) If required by the town or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer.
    - (a) Devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the town.
    - (b) The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the town.
    - (c) Where any user procures all or part of his, her, or its water supply from sources other than the town, the user shall install and maintain at his, her, or its own expense a flow measuring device of a type approved by the town.
- (D) The character and concentration of wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 C.F.R. part 136.
- (E) The determination of the character and concentration of wastewater discharge by the Water Resources Director or his or her duly appointed representatives shall be binding as a basis for charges.

### **3.3 Pretreatment Program Administration Charges**

The Schedule of Charges and Fees adopted by the Town's may include charges and fees for:

- a) reimbursement of costs of setting up and operating the pretreatment program;
- b) monitoring, inspections, and surveillance procedures;
- c) reviewing accidental discharge procedures and construction plans and specifications;
- d) permitting;
- e) other fees as the Town's may deem necessary to carry out the requirements of the Pretreatment Program.

## **SECTION 4 ADMINISTRATION**

### **4.1 Wastewater Discharges**

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the Town of Gamewell.

### **4.2 Wastewater Contribution 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 or Town Council 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 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 town, and 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 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) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.

- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance and any of the priority pollutants which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variation 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 discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by a Town, 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.
- (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) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.

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

(a) Application Review and Evaluation

- (1) The POTW Director is authorized to accept applications for the Town 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.

(b) Tentative Determination and Draft Permit

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

- (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
  - (i) proposed discharge limitation for those pollutants proposed to be limited;
  - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
  - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the Town's general permit conditions into a Significant Industrial User Permit.

(c) 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:
  - (i) the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
  - (ii) the actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
  - (iii) the basis for the pretreatment limitation includes the documentation of any calculations in applying categorical pretreatment standards.

(d) Hearing

- (1) Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director, upon making a written demand, identifying the specific issues to be contended, to the POTW Director within 30 days following receipt of the Significant Industrial User permit. Unless such demand is made, the decision on the application shall be final and binding.

- (2) Appeal Hearings. Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (1) above may be appealed, to the Town Council upon filing a written demand within 10 days of receipt of notice of the decision.
- (3) Any person against whom a final order or decision of the Town Council is entered pursuant to the hearing conducted under paragraph (2) above may appeal from the order or decision of the within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, to the Superior Court of Caldwell County. Upon such appeal the Town shall send a transcript certified by the Town Council of all testimony and exhibits introduced before the Council, the order or decision, and the notice of appeal to the superior court.

(e) 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 ordinance and N.C.G.S. § 143-215.1;
  - (b) issue a Significant Industrial User permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
  - (c) modify a permit upon not less than 60 days notice and pursuant to § 4.2 (h) of this ordinance;
  - (d) revoke any permit pursuant to section 5.1 of this ordinance;
  - (e) suspend a permit pursuant to section 5.1 of this ordinance
  - (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.

(f) Permit Modification

- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permit except as follows:
  - (i) modifications of the monitoring program contained in the permit,
  - (ii) changes in the ownership of the discharge when no other change in the permit is indicated,

- (iii) a single modification of any compliance schedule not in excess of four months,
- (iv) 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.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (2) Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution 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 4.2(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.
- (4) **Permit Conditions**

The POTW Director shall *have* the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose this ordinance and N.C.G.S. 143-215.1 such conditions shall include 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 and reporting requirements;
- e. Notification requirements for slug discharges as defined by 40 CFR Part 403.5(b) a; and,
- f. a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

- (5) **Permits Duration**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit.

- (6) **Permit Transfer**

Wastewater Discharge Permits are issued to a specific Use for a specific operation. A wastewater discharge permit shall not be reassigned or transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

#### **4.3 Monitoring Facilities**

The Town 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 system. The monitoring facility should normally be situated on the User's premises, but the Town may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

#### **4.4 Inspection and Sampling**

The Town shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Town, 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 Town, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### **4.5 Pretreatment**

Users shall provide necessary wastewater treatment-as required to comply with this Ordinance, wastewater contribution permits issued under Section 4.2 of this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the POTW Director. Any facilities required to pretreat wastewater to a level acceptable to the Town 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 Town for review and shall be acceptable to the POTW Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the POTW Director prior to the user's initiation of the changes.

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

#### **4.6 Confidential Information**

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the 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.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System 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 proceeding involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten-day notification is given to the User.

## SECTION 5 ENFORCEMENT

### **5.1 Administrative Remedies**

#### **(a) Notification of Violation**

Whenever the POTW Director finds that any industrial user has violated or is violating this Ordinance, wastewater contributor permit, or any prohibition, limitation or requirements contained therein, 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 a plan for the satisfactory correction thereof shall be submitted to the Town 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 section 5.1(d), below.

#### **(c) Show Cause Hearing**

The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this Ordinance or is in noncompliance with a wastewater contributor permit to show cause why a proposed enforcement action should not be taken. A notice shall be served to the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.

The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least (ten) days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. The POTW Director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing the

following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(d) Administrative Orders

When the POTW Director finds that discharge violated the prohibitions or effluent limitations of this ordinance, or those contained in any permit issued hereunder, the POTW Director may issue an order to cease and desist, and direct those persons in noncompliance to:

- (1) Comply forthwith.
- (2) Comply in accordance with a compliance time schedule set forth in the order.
- (3) Take appropriate remedial or preventative action in the event of a continuing or threatened violation.

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the Notice of Suspension determine whether the suspension may be lifted, or the user's waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. 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

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having its permit terminated:

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

(5)

## 5.2 Civil Penalties

Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, shall be fined up to one thousand dollars (\$1,000) per day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. 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.

## 5.3 Judicial Remedies

If any person discharge sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the POTW Director, through the Town Attorney, may commence an action for appropriate legal and/or equitable relief in the General Court of Justice for Caldwell County.

## 5.4 Criminal Violations

Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, shall be, upon conviction, guilty of a misdemeanor, punishable by a fine or imprisonment or both as provided in NCGS 14-5.4.

## 5.5 Penalties For Falsify Information

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.

## 5.6 Injunctive Relief

Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the POTW Director, through the Town Attorney, may petition the General 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 of other sewer service charges.

## 5.7 Other Remedies

### 5.7.1 Annual Publication of Reportable Noncompliance

At least annually, the POTW Director will publish in the largest daily newspaper circulated in the service area, a list of those Industrial users which are found to be in significant violation, as defined by Section .0903(b)(10) of the NRCD rules, with this ordinance or any order to permit issued hereunder during the 12 months period since the previous publication.

### 5.7.2 Performance Bonds

The POTW Director may refuse to reissue a permit to any Industrial user which has failed to comply with the provisions of this ordinance, or any order or previous permit issued hereunder unless such user first files with it, a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the POTW Director to be necessary to achieve consistent compliance.

### 5.7.3 Water Supply Severance

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

### 5.7.4 Public Nuisances

Any violation of the prohibitions or effluent limitations of this ordinance or contained in 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 Section 8-6017 of the Gamewell Town governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.

## **SECTION 6 UPSET PROVISION**

Any discharge which experiences an upset in operations which places the dischargers in a temporary state of noncompliance with this Chapter shall inform the POTW Director thereof immediately following first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger within five (5) days. The report shall specify:

- (a) Description of the upset, the cause thereof and the upset's expected impact on the discharger's compliance status;
- (b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonable expected to occur;

(c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified operating upset, demonstrated as required by 40 CFR 403.1B(c) shall constitute an affirmative defense to my enforcement action brought by the POTW Director against the discharger for any noncompliance with the Ordinance, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

#### **SECTION 7 SEVERABILITY**

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

#### **SECTION 8 CONFLICT**

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

#### **SECTION 9 EFFECTIVE DATE**

Adopted this 13 day of November, 2023

Barbara Pennell  
Barbara Pennell, Mayor  
Town of Gamewell

Bonnie Caudle  
Bonnie Caudle, Town Administrator