

CHAPTER 50: SEWER USE

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GENERAL PROVISIONS**§ 50.001 RESPONSIBILITY FOR SEWER SYSTEM.**

The City of Trinity will provide any required maintenance and/or repair of all sewer mains, service lines to property line and the operation of all public pump stations.
(Ord. passed 12-19-2000)

§ 50.002 PURPOSE OF CHAPTER.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the City of Trinity's wastewater collection system and enables the City of Trinity and neighboring cities to which

the City of Trinity transfers wastewater for treatment and disposal, to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 C.F.R. 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; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

(C) This chapter provides for the regulations of direct and indirect contributors to the municipal wastewater system through the issuance of permits to all proposed users and through enforcement of this chapter, authorizes monitoring 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 chapter shall apply to all users of the city sewer system, or users who are located within the city and receive direct sewer service from a neighboring cities' POTW. Except as otherwise provided herein, the City Manager or designees shall administer, implement and enforce the provisions of this chapter.

(Ord. passed 12-19-2000)

§ 50.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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 State Division of Environmental Management or designees.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL OR COMMERCIAL USER. An authorized representative of an industrial or commercial user may be:

(1) A principal executive officer of at least the level of vice president, if the user is a corporation;

(2) A general partner or proprietor, if the user is a partnership or proprietorship, respectively;
or

(3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

AVERAGE FLOW PER WORK DAY. The total metered consumption measured during 5 consecutive 24-hour periods of discharge divided by 5.

AVERAGE HOURLY FLOW RATE. The average flow per work day divided by the number of hours during which the process discharge occurs.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20° centigrade expressed in terms of concentration (milligrams per liter [mg/l]).

BUILDING SEWER. A privately owned sewer line conveying wastewater from the premises of a user to the publicly owned sewer collection system.

BYPASS. The intentional diversion of wastewater from any portion of a sewer system.

CATEGORICAL STANDARDS. National categorical pretreatment standards or pretreatment standard.

CITY. The City of Trinity, North Carolina or the City Council of the City of Trinity.

CHLORINE DEMAND. The difference between the amount of chlorine applied to a sample of waste and the amount of available chlorine residual remaining, after a contact period of 20 minutes, under analytical procedures given in the latest edition of *Standard Methods*.

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designated to treat pollutants and, in fact, does treat pollutants to the degree required by the POTW's NPDES permit.

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

DOMESTIC SEWAGE. That waste from residence sewer fixtures, public rest rooms in commercial or industrial establishments and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

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 the agency.

GARBAGE. Solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE. A sample which is taken from a waste stream on a 1-time basis with no regard to the flow rate of the waste stream and over a period of time not to exceed 15 minutes.

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

IDOD (IMMEDIATE DISSOLVED OXYGEN DEMAND). That quantity of molecular oxygen that is required immediately in the oxidation of certain substances which is not included in the oxygen consumed in the 5-day BOD test and is conducted according to analytical procedures given in the latest edition of *Standard Methods*.

INCOMPATIBLE POLLUTANT. All pollutants other than compatible pollutants as defined in the above definition "compatible pollutant".

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 contribute to a violation of any requirements 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), the Clean Air Act, the Toxic Substances Control Act 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.

MONITORING FACILITY. A structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the waste. The design, location, materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

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 to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes of other means, except as prohibited by 40 C.F.R. § 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292) which is owned either by the City of Trinity or neighboring cities to which the City of Trinity transfers wastewater for treatment and disposal. This definition includes any sewers that convey wastewater to the POTW treatment plant.

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

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority and includes the service connection up to and including the clean-out at the right-of-way easement or property line boundary.

RATE SCHEDULE. A document adopted by City Council that outlines charges and fees to be paid under this chapter, a copy of which is to be on file in the office of the City Clerk.

SANITARY SEWER. A sewer which carries polluted wastes and to which storm, surface and ground water are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with ground, surface and storm water as may be present because of infiltration or inflow.

SEWER SYSTEM. All facilities of collection, pumping, treatment and disposition of sewage.

SHALL is mandatory; **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the city's wastewater system who:

- (1) Is subject to categorical pretreatment standards (NRDC Consent Decree Industries);
- (2) Is found by the City of Trinity, and/or POTW owner, state 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 emission generated by the system;
- (3) Is a manufacturing industry using substances of concern or has a process discharge flow of more than 25,000 gallons per average work day;
- (4) Contributes more than 5% of the treatment plant capacity (i.e., allowable pollutant load) of the wastewater system receiving the indirect discharge; or
- (5) Is required to meet a national categorical pretreatment standard.

SIGNIFICANT NONCOMPLIANCE or **REPORTABLE NONCOMPLIANCE.** A state of noncompliance is defined as follows:

- (1) Violations of wastewater discharge limits:
 - (a) Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a 6-month period;
 - (b) Thirty-three percent or more of the measurements equal or exceed the TRC times the limit (maximum or average) in a 6-month period. There are 2 groups of TRCs:
 1. For conventional pollutants BOD, TSS, fats, oil and grease, $TRC = 1.4$
 2. For all other pollutants, $TRC = 1.2$

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(c) Any other violation(s) of an effluent limit (average or daily maximum) that the city 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; and

(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 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; and

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

SLUG LOAD.

(1) Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards;

(2) Any discharge of water, sewage or polluted wastes which in concentration of any given constituent exceeds for any period of duration longer than 10 minutes more than 3 times the average hourly flow concentration during normal operation; and

(3) Any discharge of water, sewage or polluted wastes whose flow rate exceeds for any period of duration longer than 10 minutes more than 3 times the average hourly flow rate.

STANDARD MANHOLE. A sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of 4 feet and located on the sewer collection system.

STANDARD METHODS. The latest edition of *Standard Methods for the Examination of Water and Waste Water* as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

STORM SEWER. A pipe or pipes which carry storm, surface water, drainage and other unpolluted water, but excludes sewage.

STATE. State of North Carolina.

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.

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

SS (denoting *SUSPENDED SOLIDS*). The material removed from water, sewage or other liquids by laboratory filtering when performed according to prescribed procedures in the latest edition of *Standard Methods* expressed in milligrams per liter.

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.

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 preventative maintenance or careless or improper operation.

USER. Any person who contributes, causes or permits contribution of wastewater into the sewer system.

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

WATERS OF THE STATE. All streams, lakes, ponds, marshes, water courses, 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.

WASTEWATER DISCHARGE PERMIT. As set forth in §§ 50.035 through 50.050 of this chapter. (Ord. passed 12-19-2000)

§ 50.004 ABBREVIATIONS.

The following abbreviation shall have the designated meanings:

BOD. Biochemical oxygen demand.

CFR. Code of Federal Regulations.

COD. Chemical oxygen demand.

EPA. Environmental Protection Agency.

gpd. Gallons per day.

l. Liter.

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National pollutant discharge elimination system.

O&M. Operation and maintenance.

POTW. Publicly owned treatment works.

SIC. Standard Industrial Classification.

SWDA. Solid Waste Disposal Act, 42 U.S.C. §§ 6901 *et seq.*

TSS. Total suspended solids.

TKN. Total kjeldahl nitrogen.

U.S.C. United States Code.

(Ord. passed 12-19-2000)

SPECIFIC USE REQUIREMENTS

§ 50.015 CONTROL OF WASTEWATER.

All wastewater from homes, commercial establishments and manufacturing plants, whether water is obtained from the public water system or not, when polluted by its use, shall be transferred into the city's sanitary sewer system provided that wastes meet the requirement of this chapter, and provided that access to the city's sanitary sewer system is readily available. Where public sewer service is not available, wastewater shall be discharged into a private sewage disposal system permitted by the Randolph County Health Department.

(Ord. passed 12-19-2000)

§ 50.016 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any septage, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction any sewage or other polluting material, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event that polluting material is discharged, whether accidental or otherwise, or where an objectionable or offending condition shall exist, as determined by the City Manager or designees, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the City Manager or designees. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the city may then take actions as determined necessary to remove the polluting materials and eliminate the offending condition with costs to be borne by the person causing the condition.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other permanent facility intended or used for the disposal of sewage. Temporary portable toilet facilities shall be allowed at construction sites, provided that these units are self-contained and are pumped out on a regular basis. Temporary toilet facilities shall not be allowed to discharge into private sewage disposal systems or the city's public sewer system. Upon completion of construction projects, temporary toilet facilities shall promptly be removed from the project sites. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the city, is hereby required at their expense to install suitable toilet facilities therein and to connect facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official written notice from the City Manager to do so; provided, that the public sewer is within 200 feet of the specific property and can be reached by gravity flow. Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 50.061 of this chapter and with applicable local, state and federal laws, ordinances and policies. (Ord. passed 12-19-2000) Penalty, see § 50.999

§ 50.017 PROHIBITED USE OF PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off or subsurface drainage into any sanitary sewer. Storm water and surface drainage shall be admitted to only the sewers that are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the city, be discharged to storm sewers or storm drains.

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(B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

(1) Any clothing, rags, textile remnants or waste, cloth, scraps and the like, except materials of a size that will pass through a 1/2-inch mesh screen or its equivalent in screening ability;

(2) Any liquid or vapor having a temperature higher than 140°F measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer;

(3) Any wastes or water containing mineral or hydrocarbon fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter; or containing substances which may solidify or become viscous at temperatures between 32°F and 140°F, but this prohibition shall not be deemed applicable to vegetable and animal fats, grease or oils which are compatible with or biodegradable by the sewerage pumping or treatment facilities unless otherwise prohibited by this section;

(4) Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or in any way be injurious to persons, the public sewer system, the pollution control plants or the operation of the pollution control plants;

(5) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(6) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 which also have some demonstrable property capable of causing damage or hazard to structures, treatment processes, equipment or personnel of the sewerage system;

(7) Any waters, except as hereinafter provided in § 50.069, which have the following characteristics:

(a) BOD greater than 250 mg/l;

(b) TSS greater than 250 mg/l; or

(c) TKN greater than 40 mg/l.

(8) Liquid wastes containing any toxic or poisonous substances in sufficient quantities to:

(a) Constitute a hazard to personnel operating or maintaining the sewer system and pollution control plants;

(b) Interfere with the biological processes used in the treatment plant;

(c) Which, in combination with other liquid wastes, upon passing through the sewer system will be harmful to persons, livestock or aquatic life utilizing the receiving streams into which water from the treatment plant is discharged; or

(d) As may be restricted by local, state and federal regulations.

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance while being conveyed through the sewerage system or at the treatment plant;

(10) Any garbage that has not been properly shredded;

(11) Any ashes, cinders, sand, mud, straw, shavings, metal, grease, fats, glass, bones, glue, feathers, fish or poultry offal, tar, plastics, wood, rubber, parch manure or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewers or pollution control plants;

(12) Any materials which form excessive amounts of scum that may interfere with the operation of the pollution control plants or cause undue additional labor in connection with their operation;

(13) Any waters or wastes containing dyes or other substances which are not removable by existing sewage treatment plant processes;

(14) Any waters or wastes in unusual volume of flow or concentration of wastes constituting "slugs" as defined herein and where, in the opinion of the city slugs may interfere with the process operation and/or maintenance of the sewerage system;

(15) Any waters or wastes have a chlorine demand in excess of 20 mg/l;

(16) Any waters or wastes that have an immediate dissolved oxygen demand in excess of 3 mg/l;

(17) Petroleum oils or greases and exhaust gases from internal combustion engines; or

(18) Any waters or waste having a concentration greater than the specific concentration listed below:

(a) 0.003 mg/l arsenic;

(b) 0.003 mg/l cadmium;

(c) 0.061 mg/l copper;

(d) 0.041 mg/l cyanide;

(e) 0.049 mg/l lead;

(f) 0.0003 mg/l mercury;

- (g) 0.021 mg/l nickel;
- (h) 0.005 mg/l silver;
- (i) 0.05 mg/l total chromium; or
- (j) 0.175 mg/l zinc.

(C) No user shall 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 this chapter. Equalization of process water is not to be construed as dilution.

(D) The city may impose mass (weight) limitations in the permits of users which are using dilution to meet applicable pretreatment standards or where the City Manager deems the imposition of mass (weight) limitation as appropriate.

(E) The spirit and intent of this section will apply in any situation involving liquid wastes not specifically covered by this section.
(Ord. passed 12-19-2000) Penalty, see § 50.999

§ 50.018 RIGHT OF REVISION.

This city reserves the right to establish limitations and requirements which are more stringent than those necessary by either state or federal regulation if deemed necessary to comply with the objectives presented in this chapter.
(Ord. passed 12-19-2000)

§ 50.019 DILUTION.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard or in any other pollutant-specific limitation developed by the city or state.
(Ord. passed 12-19-2000)

§ 50.020 FLOW EQUALIZATION.

In order to promote equalization of flows and/or BOD or SS loadings on the sewer system, each person who discharges slug loadings of more than 40,000 gallons per 24-hour day may be required by the city to install and maintain at his or her own expense a suitable storage or holding tank. The holding

or storage tank and the outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the city who will also determine the settings for the outlet control device.
(Ord. passed 12-19-2000)

§ 50.021 MONITORING FACILITIES.

(A) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:

- (1) The BOD concentration exceeds 250 mg/l;
- (2) The SS concentration exceeds 250 mg/l;
- (3) The average flow per work day exceeds 25,000 gallons; or

(4) The manufacturing processes produce toxic or poisonous wastes such as, but not limited to cyanides, heavy metals, insecticides, herbicides and the like.

(B) All industrial users subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the city or the categorical pretreatment standard. Plans for the location and construction of the control manhole and monitoring facilities shall be approved by the city prior to commencing the installation.

(C) In special and unusual circumstances pertaining to the requirement that a monitoring facility be installed, the city shall make disposition of those instances in keeping with the intent of this chapter and the best interests of the city.

(D) Any person who discharges or proposes to discharge polluted wastes other than domestic sewage and who is not required to install monitoring facility shall provide a standard manhole located on the building sewer or other approved access to the wastes.

(E) Certain categories of industries, who by virtue of the volume, strength or toxicity of their waste water discharge, will be required to furnish, install and maintain an automatic sampler and flow meter of a type approved by the city. Categories of industries will include but not be limited to electroplaters, chemical manufacturers and any industry required to pretreat their wastes prior to discharge.

(F) Grease, oil, volatile liquids and sand interceptors shall be provided when, in the opinion of the city, these constituents are present in excessive amounts and may interfere with collecting and treating of wastes. Interceptors shall be of a type and capacity subject to approval by the city, shall be located to be readily and easily accessible for cleaning and inspection and shall be maintained at all times by the person discharging the wastes.

(G) Any person who is required under provisions of this section to install any of the following structures, namely a holding tank, monitoring facility, sewer manhole or other approved access, an interceptor or any other pretreatment device, shall submit plans and specification to the city for approval within 3 months following written notice of this requirement.

(H) Within 6 months from the date of written approval of submitted plans and specifications by the city, the device shall be completed and in operation.

(Ord. passed 12-19-2000)

§ 50.022 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12. (Ord. passed 12-19-2000)

§ 50.023 ACCIDENTAL DISCHARGES.

(A) Each user shall provide protection from accidental discharge into the public sewer system of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials into the public sewer system shall be provided and maintained at the owner or user's own cost and expense.

(B) The city shall require an approved "Spill Control and Prevention Program" of all users under permit and all users deemed by the city to have significant potential for accidental spills, such as users who at any time, use, consume, produce or store on their premises any flammable, volatile, explosive or corrosive materials in excess of 50 gallons.

(C) A Spill Control and Prevention Program shall include but not necessarily be limited to:

(1) The submission of detailed plans showing facilities and operating procedures to provide protection from spills prior to construction of new facilities;

(2) Procedures for immediate notification of the City Manager or his or her designees in case of accidental spills into the public sewer system. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions;

(3) *Written notice.* Within 5 days following an accidental discharge into the public sewer system, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 sewer system, kills or any other damage to person or property; or shall notification relieve

the user of any fines, civil penalties or other liability which may be imposed by this section or other applicable law; and

(4) *Notice to employees.* 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 dangerous discharge into the public sewer system. Employers shall ensure that all employees who may cause or suffer a dangerous discharge to occur to be advised of the emergency notification procedure of the specific user.
(Ord. passed 12-19-2000)

§ 50.024 APPEAL OF FINDINGS.

In the event of differences or disputes over findings, rulings or interpretations of this chapter by the City Manager, an appeal may be made to the City Council.
(Ord. passed 12-19-2000)

§ 50.025 POWER AND AUTHORITY FOR INSPECTION.

(A) The City Manager or duly authorized employees shall 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 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.

(B) (1) The city, approval authority and the EPA shall have the right to set up on the user's property devices that are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

(2) 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.

(3) In the event any authorized employee is refused admittance to the premises for the above purposes or is hindered or prevented from making inspection, the water shall be turned off and not turned on again until free access is permitted.
(Ord. passed 12-19-2000)

WASTEWATER DISCHARGE PERMITS**§ 50.035 GENERAL.**

(A) It shall be unlawful to discharge without a city permit to any public sewer within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the city in accordance with the provision of this chapter.

(B) Any person who discharges or proposes to discharge any wastes into the sanitary sewers shall make application to the city for a wastewater discharge permit. The City Manager shall approve applications only when evidence is submitted by the applicant that discharge will comply with all requirements of this chapter.

(Ord. passed 12-19-2000) Penalty, see § 10.99

§ 50.036 PERMIT APPLICATION.

(A) All sewer system users are required to obtain a wastewater discharge permit. Each applicant shall complete and file with the city an application in the form prescribed by the city and accompanied by a fee as prescribed in a rate schedule adopted by City Council. Each domestic single family residence shall complete and file a residential short form wastewater discharge permit. All other wastewater users other than single family residences shall complete the standard wastewater discharge permit application as described below and shall also submit all information required by 40 C.F.R. § 403.12. Include information on the nature of the industrial processes on the premises, the characteristics of the wastewater and its constituents, a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if the pretreatment standards are not being met consistently, the shortest schedule with which the user will provide the necessary pretreatment and/or operation and maintenance to meet the pretreatment standards. Permit application forms will be provided by the city.

(B) The single-family residence short form application shall include the name and address of applicant, location of site and number of bedrooms to be included in the home.

(C) All other applications shall also include the following support data:

(1) Name, address and location of site;

(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 §§ 50.015 through 50.025 of this chapter, any of the priority pollutants of the Act which the applicant knows or suspects are present in the discharge as determined by a reliable laboratory and any other pollutant of concern to the city or POTW owner; 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 C.F.R. part 136, as amended;

(4) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonable variations if any;

(5) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;

(6) Description of activities, facilities and plant processes on the premises including all materials which are, or could be accidentally or intentionally, discharged;

(7) 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;

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

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

(10) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system (if required); and

(11) If subject to a categorical standard, a baseline monitoring report in accordance with 40 C.F.R. § 403.12 and 15A NCAC 2H. 0908 (a).
(Ord. passed 12-19-2000)

§ 50.037 APPLICATION REVIEW AND EVALUATION.

(A) The City Manager and Engineer will evaluate the data furnished by the user and may require additional information. The City Manager is authorized to accept applications for the city and may refer the application to the city's consulting engineer. If industrial pretreatment is required, the application shall also be forwarded to the POTW owner for review and evaluation. Within 30 days of receipt of the application, the City Manager shall acknowledge receipt of the completed application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(B) The city will evaluate the data furnished by the user and may require additional information.

(C) After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(D) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations." (Ord. passed 12-19-2000)

§ 50.038 PERMIT MODIFICATIONS, CONDITIONS, DURATION AND TRANSFER.

(A) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the director within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required.

(B) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics;
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (4) Compliance schedules;
- (5) Requirements for submission of technical reports or discharge reports;
- (6) Requirements for maintaining and retaining users system records relating to wastewater discharge as specified by the city and affording city access thereto;
- (7) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;

- (8) Requirements for notification of slug discharges; and/or
- (9) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(C) Residential permits shall be issued for the physical life of the structure as long as the structure is used solely for residential purposes. All other permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period 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. 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 § 50.017 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her 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.

(D) No permit renewal is required for residential users. All other wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city.

(Ord. passed 12-19-2000)

§ 50.039 COMPLIANCE DATE REPORT.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional registered engineer.

(Ord. passed 12-19-2000)

§ 50.040 PERIODIC COMPLIANCE REPORT.

(A) Any user subject to a pretreatment standard after the compliance date of the pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average reported daily flow. At the

discretion of the city and in consideration of factors such as local high or low flow rates, holidays, budget cycles and the like, the City Manager or designees may agree to alter the months during which the above reports are to be submitted.

(B) The City Manager or designees may impose mass (weight) limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass weight limitations are appropriate. In those cases, the report required by division (A) above shall include the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Regional EPA Administrator pursuant to § 304(9) of the Act and contained in 40 C.F.R. part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Regional EPA Administrator.

(C) Each user, other than residential users, must notify the city of any planned significant changes to the user's operations or system which might alter the nature, quality, quantity or volume of its wastewater at least 90 days before the change. The city may require the user to submit information as may be deemed necessary to evaluate the changed condition. The city may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions. For purposes of this requirement significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

(D) In the case of any discharge, including, but not limited to, accidental discharges, discharges of nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the sewer system, the user shall immediately telephone and notify the city 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.

(E) Within 5 days following the discharge, the user shall, unless waived by the City Manager or designees, submit a detailed written report describing the cause(s) of the discharge and the occurrences. 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 sewer system, natural resources or any other damage to person or property; nor shall notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this chapter.

(F) Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977 and amendments thereto or with any other sampling and analytical procedures approved by the Regional EPA Administrator.

(Ord. passed 12-19-2000)

§ 50.041 INDUSTRIAL PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards, except that where state or city standards are more stringent, then the more stringent standards shall apply, within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of 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 city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(B) If construction of pretreatment facilities or additional pretreatment facilities and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide additional pretreatment shall be undertaken. 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:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed 9 months.

(2) 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 city 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 9 months elapse between progress reports to the city. If pretreatment is necessary, special discharge limitations for the specific user may be established by the City of Trinity and/or by the POTW owner.

(C) The city shall annually publish in a newspaper of general local circulation, a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

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

(Ord. passed 12-19-2000)

§ 50.042 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 city that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(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 chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that 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) Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until a 10 day notification is given to the user.
(Ord. passed 12-19-2000)

§ 50.043 HARMFUL CONTRIBUTIONS.

(A) The city may suspend the wastewater treatment service and/or a wastewater discharge permit when suspension is necessary, in the opinion of the city, in order to stop actual or threatened discharge which presents or may present imminent or substantial endangerment to the health or welfare of persons, to the environment or cause interference to the POTW which results or could result in a violation of any condition of the POTW's NPDES permit.

(B) (1) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the persons to comply voluntarily with the suspension order, the city shall take 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.

(2) The City Manager shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the City Manager or designees within 15 days of the date of occurrence.

(Ord. passed 12-19-2000)

§ 50.044 ENFORCEMENT.

Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of this chapter:

(A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

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

(D) Violation of conditions of the permit.
(Ord. passed 12-19-2000)

§ 50.045 NOTIFICATION OF VIOLATION.

Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit or any prohibitions, limitation of requirements contained herein, the city may serve upon the person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.
(Ord. passed 12-19-2000)

§ 50.046 SHOW CAUSE HEARING; TRANSCRIPT.

(A) (1) The city may order any user who causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be serviced on the user specifying the time and place of a hearing to be held by City Council regarding the violation, the reasons why the action is to be taken and the proposed enforcement action. 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 City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

(a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

(b) Take the evidence; and/or

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(B) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost for reproducing the transcript.
(Ord. passed 12-19-2000)

§ 50.047 ORDERS.

After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Additional orders and directives, as are necessary and appropriate, may be issued.
(Ord. passed 12-19-2000)

§ 50.048 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court of this state.
(Ord. passed 12-19-2000)

SEWER SERVICE REQUIREMENTS

§ 50.060 SERVICE CONNECTION REQUIRED.

(A) Pursuant to the authorization of G.S. § 160A-317, the owners of improved real property requiring sanitary sewer service located within the city and whose property abuts the public sewer line and whose premises on the property are located within 200 feet of the public sewer line and can be served by gravity flow, are hereby required to connect premises with the available sewer lines as services are made available by the city to the property, within the time period specified in the most current version of the city's rate schedule.

(B) No zoning or building permits shall be issued to construct a building upon real property abutting, or within a reasonable distance of existing public sewer collection lines without written

assurance that premises will be promptly connected to a public utility service prior to completion of the structure and a deposit toward the connection fee being made.

(C) Any owner of improved real property located within the city who is in violation of division (A) above may be billed monthly as a customer as a penalty for the violation. The penalty shall be additional to any other charges or tap-on fees established by the existing schedule of rates established by the City Council.

(D) The procedure for reports of violations of this chapter are on file with the City Clerk and notice given in writing to the owner of improved real property to connect a premises with the available public water or sewer lines. Notices under this chapter shall be mailed to the property address or posted at street side or upon the door of the improved property.

(E) Enforcement of this penalty shall be made by the City Attorney as he or she deems prudent if the owner of improved real property fails to connect premises with the available public water or sewer lines within 30 days from the date of the mailing or posting of the notice from the City Manager.
(Ord. passed 12-19-2000)

§ 50.061 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of this chapter the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) At a time that a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Randolph County Health Sanitarian. The application for permit shall be made on a form furnished by the county, which the applicant shall supplement with plans, specifications and other information as are deemed necessary to the sanitarian.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sanitarian. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the sanitarian when the work is ready for final inspection and before any underground portions are covered.

(D) The type, capacities, location and layout of a private sewage disposal shall comply with all recommendations of the North Carolina Department of Environment and Natural Resources. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(E) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.

(F) No person shall discharge into the sanitary sewer system any waste from any septic tank or other private sewerage disposal device.
(Ord. passed 12-19-2000)

§ 50.062 CLASSIFICATION OF SERVICE.

All services are classified under 1 category to include residential, schools, churches and commercial users.
(Ord. passed 12-19-2000)

§ 50.063 APPLICATION FOR SERVICE.

(A) Application for sewer service shall be made in person, at city hall and at the same time, if required, the user shall make the deposit guarantee required by the city.

(B) The city may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons, in which case the deposit will be refunded.

(C) The city may reject any application for service when the applicant was delinquent in payment of bills incurred for service previously supplied at any city location. The city shall not be required to render service to any applicant where the sewer bill for service previously supplied has not been paid.
(Ord. passed 12-19-2000)

§ 50.064 DEPOSIT.

(A) All users of the public sewer system will make a minimum cash deposit established by the City Council and contained in the schedule of rates maintained by the City Clerk. Deposits shall not draw interest.

(B) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

(C) A separate deposit is required for each installed service.

(D) The deposit receipt is not negotiable and can be redeemed only at the city hall.

(E) When the city finds that the request for a deposit refund is questionable, the city may require the applicant to produce the deposit receipt properly endorsed.
(Ord. passed 12-19-2000)

§ 50.065 MINIMUM CHARGE.

The minimum charge, as provided in the rate schedule, shall be made for each service installed, regardless of location.
(Ord. passed 12-19-2000)

§ 50.066 RATE SCHEDULE AND TAP-ON FEES.

A schedule of all rates and tap-on fees authorized by this chapter shall be adopted and revised from time to time by resolution of the Council upon recommendation of the City Manager. A copy of the current schedule of rates shall be kept on file in the Clerk's office.
(Ord. passed 12-19-2000)

§ 50.067 SEWER ASSESSMENT FEE.

(A) Each new demand on the City of Trinity sewer system uses a portion of the remaining capacity of the system's sewer transportation and treatment facilities. Eventually, these demands create the need to build additional capacity improvements with general public benefit such as outfall lines and the like. This section codifies the policy that customers who create additional demands for sewer service should help fund the cost of future expansion.

(B) These sewer assessment fees shall be paid by owners of industrial, commercial or residential facilities constructed after public sewer service has been made available to the respective property.

(C) The new demand placed on the sewer system by the customer shall be determined by reference to the N.C. Department of Environment and Natural Resources' Usage Schedule, a copy of which is on file in the office of the Town Clerk for inspection and copying. In the event the particular use in question is not covered by the usage schedule, the city shall use the best data readily available to determine the amount of the new demand.

(D) All assessment fees collected by the City of Trinity from customers that place additional demands on the sewer system shall be placed in a separate sewer reserve fund and shall be appropriated for the construction of additional sewer system expansions or renovations as deemed necessary to improve or expand the sewer systems.

(E) Sewer assessment fees shall be waived for owners of existing industrial, commercial or residential facilities with existing private sewer systems, upon abandonment of the existing private sewer system and connection to the city's public sewer system.
(Ord. passed 12-19-2000)

§ 50.068 SEWER SERVICE CHARGE.

(A) For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for sewer service is set forth by a rate schedule adopted by City Council. The occupants of the premises shall be liable for the payment thereof. Charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable.

(B) Water used for irrigation, manufacturing ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by Davidson Water, Inc., at the expense of the owner, to measure only the water not returned to the sanitary sewer.

(C) Any commercial or industrial establishment which is connected to the public sewer system shall also receive potable water from Davidson Water, Inc., or another public or private water supply as approved by the city. For residential customers only, potable water may be taken from a well and discharged into the public sewer system. Residential customers who receive public sewer service and obtain potable water from a well shall be charged a monthly flat fee for sewer service in accordance with the most current rate schedule.
(Ord. passed 12-19-2000)

§ 50.069 SURCHARGE.

(A) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or SS exceeds the limits as herein before prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and SS concentration above the permissible limits of 250 mg/l BOD and 250 mg/l SS, according to the following formula:

(1) The number of hundreds of pounds of constituent (BOD or SS) subject to the surcharge will be determined by: $P = U \times C \times 0.00834$ divided by 100.

(2) Where:

(a) P=Pounds of constituent (BOD or SS) in hundreds.

- (b) U = Units of wastewater discharge (1 unit-1,000 gallons).
- (c) C = Concentration of constituent in wastewater in mg/l in excess of 250 for BOD, or 250 for SS.
- (d) 0.00834 = Weight of wastewater (million pounds per 1,000 gallons).
- (3) The amount of the surcharge will be calculated by: $ST = R1 \times P1 + R2 \times P2$
- (4) Where:
 - (a) ST = Total surcharge.
 - (b) R1 = Surcharge rate per CWT BOD.
 - (c) R2 = Surcharge rate per CWT SS.
 - (d) P1 = Pounds of BOD in hundreds.
 - (e) P2 = Pounds of SS in hundreds.
 - (f) R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by City Council.

(B) The City Council, in a meeting with the City Manager, will periodically review the actual cost of operation and maintenance of the sewer system and adjust the surcharge rate to reflect the true cost of constituent treatment. Adjustment, if any, may become effective with the next billing period following.

(C) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings. Where satisfactory evidence can be produced that more than 10% of the total annual volume of water consumed does not return to the public sewer, water may be metered separately, subject to the approval of the City Manager and excluded from the surcharge computation.

(Ord. passed 12-19-2000)

§ 50.070 SAMPLING AND TESTING PROCEDURES.

(A) Each person discharging liquid wastes into the public sewer shall be subject to periodic inspection to determine the character and concentration of wastes. The concentration of the BOD and SS shall be determined by the city in a manner to provide a typical, representative sample.

(B) The costs incident to the supervision, inspection, sampling and analysis for regularly scheduled samplings shall be included in the surcharge fees. The city shall also make inspection and tests

immediately after any significant process changes which may affect the quantity or quality of wastes discharged.

(C) The frequency of sampling shall be as required by the City Manager but no less than the following:

(1) When the amount of the surcharge is \$500 or less per month, samples shall be taken twice per year.

(2) When the amount of the surcharge is between \$500 and \$1,000 per month, samples shall be taken 3 times per year.

(3) When the amount of the surcharge is greater than \$1,000 per month, samples shall be taken 4 times per year.

(D) The city, upon request by the industry concerned, shall make available a split sample of the composite sample collected. If the industry feels the results are not representative of their wastes, the city will resample at a cost to the industry of \$100 per day which will include the analyses for BOD and SS. The values determined from any resampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing.

(E) Samples from monitoring facilities will be composited according to flow. All other sampling will be conducted in a manner prescribed by the City Manager or designees.

(F) Tests and analyses of wastewaters shall be made in accordance with procedures contained in the latest edition of *Standard Methods for the Examination of Water and Wastewater* as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(Ord. passed 12-19-2000)

§ 50.071 CITY'S RESPONSIBILITY AND LIABILITY.

(A) The city shall install a service line from its collection main to the edge of the right-of-way of the main, for which a tap fee, based upon service line size required, shall be charged.

(B) The city may install a sewer cleanout at the approximate curb line, or, at the city's option, on the consumer's property or in a location mutually agreed upon.

(C) When 2 or more services are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated to which consumer it applies.

(D) The city does not assume responsibility for inspecting the consumer's piping or apparatus and will not be responsible therefore.

(E) The city shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises. The city shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumer's premises. The city shall not be responsible for negligence of third persons or forces beyond control of the city resulting in any interruption of service.

(F) Under normal conditions, the consumer will be notified of any anticipated interruption of service.

(Ord. passed 12-19-2000)

§ 50.072 CONSUMER'S RESPONSIBILITY.

(A) (1) Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the city's service lines or mains.

(2) If the consumer's piping on consumer's premises is so arranged that the city is called upon to provide additional services, each service will be considered as a separate and individual account.

(3) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the local building code.

(4) The consumer shall guarantee proper protection for the city's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the city.

(5) In the event that any loss or damage to the property of the city or any accident or injury to persons or property is caused by or results from the negligence of the consumer, his or her agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the city; and any liability otherwise resulting shall be assumed by the consumer.

(6) The amount of loss or damage or the cost of repairs shall be added to the consumer's bill; and if not paid, service may be disconnected by the city.

(Ord. passed 12-19-2000)

(B) (1) All owners of improved real property located within the city and whose property abuts the public sewer line and whose premises on the property are located within 200 feet of the public sewer line and can be served for gravity flow are required to connect their premises to the sewer line within 6 months of the sewer line construction.

(2) After the specific customer's application for service is approved, the customer shall pay the appropriate tap fee and assessment fee before the specific tap is constructed or the customer is allowed to connect his or her plumbing piping.

(3) No swimming pools shall be connected to the sewer system.

(4) Any residential customer with a privately owned swimming pool will be allowed an annual sewer bill adjustment for filling the pool. The minimum volume of water used for this purpose must exceed 5,000 gallons based upon water consumption records for that month.

(5) The pool owner must make the request to the city and the last 12 months of water consumption records will be reviewed by the city to determine the amount of the sewer charge to be adjusted. Any residential customer who must refill a pool during the same season because of making repairs to the pool must make application to the city, meet the aforementioned minimum water consumption criteria and provide proof of swimming pool repair.

(6) Separate meters will be required for any commercial customer who wishes to separate water consumption usage that is not returned to the sewer system for filling pools, irrigation and the like. (Ord. passed 6-17-2004)

§ 50.073 EXTENSIONS TO MAINS AND SERVICES.

(A) Water distribution lines and sanitary sewer lines to serve undeveloped property will be handled as follows:

(1) The developer shall design all sewers to serve both the subject property and the full drainage area tributary to the sewer system. The development may be required to extend sewer lines to the borders of the development or provide easements to the city to allow for future extensions of the collection system.

(2) The development will submit plans and specifications for review and approval by the city, its engineer, Davidson Water, Inc., and the State Division of Health Services for water lines or the Division of Environmental Management for sewer lines.

(3) The developer will install the lines in accordance with the approved plans and specifications.

(4) Upon completion of the new extension, the developer will deed the complete facility, to include all rights-of-way, easements, permits and other instruments needed for the operation and maintenance of the facility to the city.

(5) The city may participate in the cost of any oversizing of lines required to serve land area or improvements beyond the development. Should the city require sewer line extensions (off-site or on-site larger in size than required by the applicant, the city may pay for that portion of material cost over and above such requirements. Also, due allowance may be made to the owner of the development for intersections and alleys crossed, outside the development.

(B) Extension of water lines and sewer lines to serve other customers within the city's service area will be handled as follows:

(1) The plans and specifications for the extension will be submitted for review and approval by the city, its Engineer and Davidson Water and the respective state agencies.

(2) The lines will be installed in accordance with the approved plans and specifications.

(3) Prior to or upon completion of the new extension, all rights-of-way, easements, permits or other instruments needed for installation, operation and maintenance of the facility, will be deeded to the city. The cost involved in the new extension will be paid by the person or persons requesting the extension.

(C) Multi-family metering requirements shall be identical to those established by Davidson Water, Inc. until such time as the city assumes responsibility for water metering. Davidson Water, Inc. requires individual meters for each residence.

(Ord. passed 12-19-2000; Am. Ord. passed 6-20-2005; Am. Ord. 6-20-2006)

§ 50.074 ACCESS TO PREMISES.

(A) Duly authorized agents of the city shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing city property, inspecting piping or for any other purpose in connection with the city's service facilities.

(B) Each consumer shall grant or convey or shall cause to be granted or conveyed, to the city a perpetual easement and right-of-way across property owned or controlled by the consumer wherever the perpetual easement and right-of-way is necessary for the city's utilities so as to be able to furnish service to the consumer.

(Ord. passed 12-19-2000)

§ 50.075 CHANGE OF OCCUPANCY.

(A) Notice must be given in person or in writing, at the city's office, to discontinue service for a change in occupancy.

(B) The outgoing party shall be responsible for all water or sewer used up to the time of departure or the time specified for departure, whichever period is longest.

(Ord. passed 12-19-2000)

§ 50.076 METER READING; BILLING; COLLECTIONS.

(A) Meters will normally be read and bills rendered monthly by the city's duly authorized billing agency, but the city reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.

(B) Bills for sewer service will be figured in accordance with the city's published rates that are in effect and will be based on the amount consumed for the period covered by the meter readings.

(C) Charge for service commences in accordance with the conditions listed on the rate schedule and fees sheet.

(D) Readings from different meters will not be combined for billing, irrespective of the fact that meters may be for the same or different premises, or for the same or different consumers or for the same or different services.

(E) Bills are due when rendered in accordance with the standard procedures of the duly authorized billing agency. Customers who are delinquent in payment of bills shall be subject to applicable penalties and fees defined in the city's most current rate schedule and/or discontinuance of service.

(F) Failure to receive bills or notices shall not prevent bills from becoming delinquent or relieve the consumer from payment.
(Ord. passed 12-19-2000)

§ 50.077 SUSPENSION OF SERVICE.

(A) When services are voluntarily discontinued by the customer and all bills are paid, the deposit will be refunded.

(B) Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the city toward settlement of the account. Any balance will be refunded to the consumer; but if the deposit is not sufficient to cover the bill, the city will proceed to collect the balance in the usual way provided by law for the collection of debts.

(C) Service discontinued for nonpayment of bills will be restored only after bills are paid in full, redeposit made and a non-payment charge made for each meter reconnected.

(D) The city reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Consumer's willful disregard of the city's rules;
- (3) Emergency repairs;
- (4) Insufficiency of supply due to circumstances beyond the city's control;
- (5) Legal processes;

(6) Direction of public authorities; and/or

(7) Strike, riot, fire, flood, accident or any unavoidable cause.

(E) The city may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(F) Disconnection for late payment shall be in conformance with adopted procedures.
(Ord. passed 12-19-2000)

§ 50.078 COMPLAINTS; ADJUSTMENTS.

(A) If the consumer believes his or her bill to be in error, he or she shall present this claim to the city's duly authorized billing agency before the bill becomes delinquent. The claim, if made after the bill has become delinquent, shall be effective in preventing discontinuance of service as heretofore provided. The consumer may pay the bill under protest and payment shall not prejudice their claim.

(B) The city can request that the duly authorized billing agency make special meter readings at the request of the consumer for the purpose of verifying readings.

(C) Meters will be tested at the request of the consumer upon payment to the duly authorized billing agency for the actual cost of making the test provided; however, if the meter is found to be in error, the cost of the test shall be refunded to the customer.

(D) If the seal of a meter is broken by other than the duly authorized billing agency representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his or her previous bills and/or from other data.
(Ord. passed 12-19-2000)

§ 50.999 CIVIL PENALTIES.

(A) Any user who is found to have violated an order of the City Council or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$100 nor more than \$10,000 for each day of violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(B) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate

any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for no more than 6 months or by both.

(Ord. passed 12-19-2000)