



## **SEWER USE ORDINANCE**

**AN ORDINANCE** establishing rules and regulations for the discharge of wastewaters into the wastewater collection system of the Town of Pine Level.

**WHEREAS**, the Federal Water Pollution Control Act Amendments of 1972 and 1977, P. L. 92-500 and P. L. 95-217 (hereinafter referred to as the "ACTS") have resulted in an unprecedented program of cleaning up our Nation's waters; and

**WHEREAS**, this Town has already made and will continue to make a substantial financial investment in a wastewater collection system to achieve the goals of the Act and eliminate unsafe public health conditions resulting from malfunctioning individual septic tank disposal systems; and

**WHEREAS**, this Town seeks to provide for the use of its wastewater collection system by users served by it without damage to the physical facilities, without impairment of their normal function of collecting, and conveying wastewaters, and without the ultimate discharge by the County of Johnston's Central Johnston County Wastewater Treatment System of pollutants which would violate the discharge allowed under the County's Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of the Town of Pine Level, State of North Carolina as follows:

## ARTICLE

### DIVISION 1. GENERAL

#### Section 1 - General.

This Sewer Use Ordinance is designed to provide uniform requirements for discharge into the Town's wastewater collection system. Nothing included herein shall contravene the requirements and conditions of the County of Johnston NPDES Permit(s).

#### Section 2 - Definitions.

For the purpose of this Article, the following terms shall have the following meanings:

**1. Act** means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

**2. Approval Authority** means the Director.

**3. Approved POTW Pretreatment Program or POTW Pretreatment Program** means a program administered by a POTW that meets the criteria established in Section 403.8 and 403.9 of the Act and which has been approved by a Regional Administrator of EPA or State Director in accordance with Section 403.11 of the Act.

**4. Average Daily Flow** is the total quantity of liquid tributary to a point divided by the number of days of flow measurement.

**5. B.O.D.** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 200 C, expressed in milligrams per liter or parts per million by weight.

**6. C.O.D.** (denoting Chemical Oxygen Demand) is the quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods, as set out herein, expressed in milligrams per liter.

**7. Central Johnston County Regional Wastewater Facilities** are the wastewater interceptor, pumping, equalization, and treatment facilities which serve the Towns of Smithfield, Selma, Pine Level, and Four Oaks; the West Smithfield Sanitary District; and environs.

**8. Collector (or Collection) Lines** are the conduits to which laterals and service connections from residential, commercial, institutional and industrial users are connected.

**9. Color** is the "true color" due to the substances in solution expressed in wave lengths of light.

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

**11. Compatible Pollutant** means B.O.D., suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the County's NPDES permit(s) for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

**12. Complete Wastewater Treatment System** consists of all the connected treatment works necessary to:

(a) transport wastewaters from individual homes or buildings to a plant or facility wherein treatment of the wastewater is accomplished;

(b) the treatment of the wastewaters to remove pollutants; and

(c) the ultimate disposal, including recycling or reuse, of the treated wastewaters and residues resulting from the treatment process. The term may also be referred to as a sewerage system or wastewater system.

**13. County** shall mean Johnston County, North Carolina, or any duly authorized official(s) acting on behalf of the County.

**14. Director** means the chief administrative officer of the Division of Environmental Management, N. C. Department of Natural Resources and Community Development.

**15. Domestic Wastes** means liquid wastes (a) from the non-commercial preparation, cooking and handling of food or (b) containing human excrement and wash waters from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

**16. E.P.A.** means the Federal Agency named the United States Environmental Protection Agency.

**17. Excessive Radiation Dose** means a dose of radiation in excess of the maximum permissible dose. Maximum Permissible Dose shall mean a dose of radiation to any part of the body, internal and external or both that, in the light of current knowledge, is not expected to cause appreciable bodily injury to a person at any time during his lifetime. Application of this section will conform to all Federal and State regulations concerning the use of radioactive materials.

**18. Expansion** of a treatment works means increasing the hydraulic capacity and treatment capacity of a facility but not increasing the level or degree of efficiency of treatment.

**19. Federal Acts** means Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972; and/or Public Law 95-217, the Federal Water Pollution Control Act Amendments of 1977.

**20. Garbage** means solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**21. Grease and Oils** means a group of substances with similar physical characteristics including hydrocarbons, fatty acids, soaps, waxes, oils, and any other material that is extracted with a stated solvent from an acidified sample and that is not volatilized during the test.

**22. Holding Tank Waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

**23. Hydraulic Load** means the tributary wastewater flow to a line segment, pumping station, treatment plant, etc., measured in million gallons per day, gallons per day, gallons per minute, or other unit of flow.

**24. Incompatible Pollutant** means any pollutant which is not a "compatible pollutant" as defined in this section.

**25. Industrial User** means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (GPD) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry, and Fishing.

Division B - Mining.

Division D - Manufacturing.

Division E - Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I - Services.

In determining the amount of a user's discharge for purposes of classification as an industry, the Town may exclude domestic wastes or discharges from sanitary conveniences.

After applying the sanitary waste exclusion in the above paragraph (if the Town chooses to do so), dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The Town, with the Regional Administrator's approval, shall define the strength of the residential discharges in terms of parameters including, as a minimum, BOD and SS per volume of flow.

Any nongovernmental user of the treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the municipal system, or to injure or to interfere with any sewage treatment process, or which

constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.

All commercial users of an individual system constructed with grant assistance under Section 201(h) of the Act and Subpart E.

**26. Industrial Wastes** means liquid or water-carried wastes from institutional, commercial and industrial processes and operations, as distinguished from domestic sewage.

**27. Infiltration** means the water entering a wastewater system, including wastewater service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

**28. Inflow** means the water discharged into a wastewater system, including service connections from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.

**29. Interceptor Line** means a conduit whose primary purpose is to transport wastewaters from collector (or collection) lines to a pumping station or treatment facility.

**30. Interference** means inhibition or disruption of the Town's sewer systems, treatment processes, or operations which contributes to a violation of any requirement of the NPDES Permit(s). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, 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.

**31. Lateral Line** means a line that discharges into a branch or other wastewater conduit and has no other common wastewater line tributary to it.

**32. Mass Emission Rate** means the weight of material discharged to the Town's wastewater collection system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

**33. Monitoring Facility** means a manhole, flume box, junction box, or other structure approved by the Town which shall provide access to a wastewater stream for purpose of visual observation, sampling, and flow measurement.

**34. National Pollutant Discharge Elimination System (NPDES)** means the Federal and/or State managed program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters.

**35. National Pretreatment Standard or Pretreatment Standard** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users.

**36. NPDES Permit or Permit** means a permit issued to a POTW pursuant to Section 402 of the Act.

**37. Owner** means the person(s) holding legal title to the premises or the tenant(s) occupying same, whoever is obligated to pay the Town for water consumed on the premises taken from the Town water system and/or who is obligated to pay the Town for sewer service.

**38. Peak Flow** means the maximum rate of flow occurring at any time measured in terms of gallons per normal calendar day of twenty-four (24) hours.

**39. Person** means individual, firm, company, association, society, corporation, institution, or group as indicated by the context in which used.

**40. pH** means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the wastewater is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

**41. ppm** means part per million by weight in water and wastewater analysis and is the equivalent of milligrams per liter-(mg/l).

**42. Pollution** means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such water for beneficial use or affects the facilities which serve such beneficial uses.

**43. Premises** shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the Town to be a single user for purposes of receiving, using, and paying for sewer service.

**44. Pretreatment** means application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the publicly owned wastewater system.

**45. Pretreatment Standards** means all applicable Federal rules and regulations implementing Section 307 of the Act, as well as any nonconflicting State and local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**46. Properly Shredded Garbage** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public wastewater lines, with no particle greater than one-half inch in any dimension.

**47. Public Sanitary Sewer or Public Sewer** means a sewer owned or controlled by the Town or County and tributary sewer owned by the Town which carries wastewater or polluted industrial wastes, and to which storm, surface, and ground waters and unpolluted industrial wastes are not intentionally admitted.

**48. Publicly Owned Treatment Works or POTW** means a treatment works as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

**49. Regional Administrator** means the appropriate EPA Regional Administrator.

**50. Replacement Costs** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the collection, interception, pumping, and treatment works to maintain the capacity and performance for which such works were designed and contracted. The term "operation and maintenance" includes replacement.

**51. Sanitary Sewers** means a sewer which is intended to carry only sanitary or sanitary and acceptable strength industrial wastewater from residences, commercial buildings, industrial plants and institutions.

**52. Sewer** means a pipe or conduit that carries wastewater or drainage water.

**53. Sewer Connection** means a sewer pipe line, normally a four-inch or six-inch diameter pipe, running laterally from a street line, an off-street line or a trunk line to an individual tract, lot or parcel of land to serve one or more houses or other buildings, whether or not connected to any house or building. The jurisdiction, responsibility and liability of the Town concerning sewer connections is limited to the portion of sewer pipe lines within public rights-of-way.

**54. Shall** is mandatory; "may" is permissive.

**55. Significant Industrial User** means a user who has a flow of 25,000 gallons or more per average day; has a flow greater than five percent of the flow carried by the Town's system receiving the waste; has in its waste a toxic pollutant as defined in standards issued under Section 307(a) of the Act; or has a significant impact either singly or in combination with other contributing industries, on the treatment works or the quality of effluent discharged from the treatment works.

**56. Storm Sewer or Storm Drain** means a line or drain designed and constructed to carry storm and surface waters and drainage, but not wastewater and polluted industrial wastes.

**57. Suspended Solids** mean solids that either float on the surface or, are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering (expressed in parts per million or milligram per liter by dry weight).

**58. Town** shall mean the Town of Pine Level, North Carolina, or any authorized official(s) acting on behalf of the Town.

**59. Toxic Waste** means those wastes, or combination of wastes, including disease-causing agents, which, after discharge, and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformities, in such organisms or their offspring. Toxic substances include, by way of illustration and not limitation: lead, cadmium, chromium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, orthonitro-chlorobenzene (ONCB), polychlorinated biphenoyls (PCB's)and dichlordipn trichloroethane (DDT); and any other materials that have or may hereafter be determined to have toxic properties.

**60. Treatment Works** mean any devices and systems used in the storage, treatment, recycling, and reclamation of municipal waste or industrial wastes of a liquid nature. Treatment works include intercepting lines, outfall lines, pumping; power, and other equipment for wastewater treatment and their appurtenances; extensions, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal wastes including industrial wastes.

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

**62. User** means any political entity, corporation, business, organization, or person who discharges, causes or permits the discharge of wastewater into the Town's wastewater collection system.

**63. User Charge** means a charge levied on users of a wastewater system, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works under Sections 204(b) (1) (A) and 201(h) (2) and Subpart E of the Act.

**64. Upgrading** a treatment works means increasing the level, degree, and efficiency of treatment of a facility.



**65. Violation** means a contravention of one or more points of the ordinance. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

**66. Waste** means and includes sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers for whatever nature prior to, and for purposes of disposal.

**67. Wastewater** means a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

**68. Wastewater Collection System** means all of the common lateral lines and pumping facilities within a publicly owned wastewater system, which are primarily installed to receive wastewaters directly from facilities which convey wastewaters from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures or from private property to the public lateral line or its equivalent, are specifically excluded from the definition, with the exception of pumping units and pressurized lines for individual structures or groups of structures when such units are cost effective and are owned and maintained by the Town.

**69. Water Pollution Control Plant (Wastewater Treatment Plant or Facilities)** means an arrangement of devices and structures for treating wastewater to remove or alter its objectionable constituents and thus render it less offensive or dangerous, including any devices and structures used to recycle or reuse the treated wastewater and to process and dispose of any sludge derived from any of the treatment processes.

**70. Wastewater Constituents and Characteristics** mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, and strength of wastewater.

**71. Other terms used in this Article**, but not defined hereinabove, shall have the meaning set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association (APHA), the American Waterworks Association (AWWA) and the Water Pollution Control Federation (WPCF). Unless otherwise expressly stated in this Article, waste constituents and characteristics shall be measured by methods set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, and/or Methods for Chemical Analysis of Waters and Wastes, published by the Environmental Protection Agency.

## **DIVISION 2. REGULATIONS GOVERNING SEWER USE**

### **Section 1 - Prohibition On Wastewater Discharges.**

**1.** It shall be unlawful for any person to discharge or cause to be discharged any inflow, as defined herein, or any unpolluted industrial and commercial process water into any public sanitary sewer.

**2.** Except as hereinafter provided, it shall be unlawful for any person to discharge or cause to be discharged any of the following described materials, water, liquids, or wastes into any public sanitary sewer:

- (a)** Liquids or vapors having a temperature higher than 150° F (66°C)
- (b)** Water or wastes containing more than 100 parts per million by weight of animal or vegetable fats, or grease;
- (c)** Any flammable or explosive liquid, solid or gas, including, but not limited to gasoline, benzene, naphtha, and fuel oil;
- (d)** Waters or wastes having pH lower than 6 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater system;
- (e)** Liquid wastes containing any toxic or poisonous substances in sufficient quantities to
  - (a)** interfere with the biological processes used in a water pollution control plant, or
  - (b)** which, in combination with other liquid wastes, upon passing through a water pollution control plant will be harmful to persons, livestock, or aquatic life utilizing the receiving streams into which water from a waste treatment plant is discharged.
- (f)** Noxious or malodorous gases or substances capable of creating a public nuisance while being conveyed through the sewage collection and treatment system in its normal operation;
- (g)** Garbage that has not been properly shredded;
- (h)** Ashes, cinders, sand, mud, straw, shavings, metal, glass, septic tank sludge, hair, bones, feathers, tar, plastics, resin, paint, wood, paunch manure, butcher's offal, dead animals, or any other solids or viscous substances capable of causing obstructions to the flow in wastewater lines or other interference with the proper operation of the wastewater collection system, pumping facilities, or a wastewater treatment plant;

(i) Materials which form excessive amounts of scum that may interfere with the operation of a wastewater treatment plant or cause undue additional labor in connection with its operation;

(j) Waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment in order for water pollution control plant effluent to meet standards set by the State and Federal laws or rules, regulations or orders made pursuant to law;

(k) Waters or Wastes which require excessive quantities of chlorine for disinfection in addition to biological treatment. The amount of excess demand shall be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the County's plant.

(l) Any waters or wastes having a Biochemical Oxygen Demand in excess of 212 parts per million (mg/l) on a weekly average basis unless a surcharge is paid in accordance with the current adopted user charge schedule, and no waters or wastes having a Biochemical Oxygen Demand in excess of 300 parts per million (mg/l) on a weekly average basis;

(m) Any waters or wastes having a Chemical Oxygen Demand in excess of 600 parts per million (mg/l) on a weekly average basis;

(n) Any waters or wastes containing more than 30 parts per million of Ammonia Nitrogen on a weekly average basis;

(o) Any waters or wastes containing more than 250 parts per million of Suspended Solids on a weekly average basis unless a surcharge is paid in accordance with the current adopted user charge schedule, and no waters or waste containing more than 400 parts per million (mg/l) by weight of suspended solids on a weekly average basis;

(p) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the County water pollution control plant;

(q) Any waters or wastes containing substances in excess of the following amounts:

| <b>Constituent</b> | <b>Code</b> | <b>Maximum<br/>Concentration<br/>For Avg. Day<br/>(mg/l)</b> | <b>Avg. of Daily Value<br/>Of 30 Consecutive Days<br/>Shall Not Exceed<br/>(mg/l)</b> |
|--------------------|-------------|--|---|
| <b>Arsenic</b>     | As          | 0.10   | 0.10  |
| <b>Boron</b>       | B           | 10.00  | 10.00   |
| <b>Barium</b>      | Ba          | 0.50   | 0.50  |
| <b>Cadmium</b>     | Cd          | 1.20   | 0.50  |

|                       |       |        |        |
|-----------------------|-------|--------|--------|
| <b>Copper</b>         | Cu    | 2.00   | 0.80   |
| <b>Cyanide</b>        | CN    | 0.80   | 0.23   |
| <b>Lead</b>           | Pb    | 0.50   | 0.25   |
| <b>Mercury</b>        | Hg    | 0.0005 | 0.0005 |
| <b>Nickel</b>         | Ni    | 4.10   | 1.80   |
| <b>Silver</b>         | Ag    | 1.20   | 0.50   |
| <b>Total Chromium</b> | Cr    | 7.00   | 2.50   |
| <b>Vanadium</b>       | V     | 0.50   | 0.50   |
| <b>Zinc</b>           | An    | 0.50   | 0.20   |
| <b>Chloroform</b>     | CHCL3 | 1.00   | 1.00   |

(r) Any waters or wastes containing more than 0.20 mg/1 total identifiable chlorinated hydrocarbons which cannot be removed by the County's treatment processes;

(s) Any waters or wastes containing more than 0.01 mg/1 phenolic compounds;

(t) Any waters or wastes which will dissolve, attack, corrode, or harm in some other way polyvinyl chloride, acrylonitrile-butadiene-styrene plastic, concrete, or cast iron;

(u) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater facilities or personnel operating the system.

## **Section 2 - Prohibition of Storrs Drainage and Ground Water**

Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connection to a sanitary sewer unless a permit is issued by the Town. The Town shall approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a sanitary sewer, the user shall pay such charges and fees and meet such other conditions as required by the Town.

## **Section 3 - Prohibition of Unpolluted Water.**

Unpolluted water, included by a way of illustration but not limited to cooling water, process water or blow-down water from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a sanitary sewer unless a permit is issued by the Town. The Town shall approve the discharge of such water only when there is no reasonable alternative method of disposal available.

If a permit is granted for the discharge of such water into a sanitary sewer, the user shall pay such charges and fees and shall meet such other conditions as required by the Town.

#### **Section 4 - Limitations on the Use of Garbage Grinders.**

Waste from garbage shredders and grinders shall not be acceptable for discharge into a sanitary sewer except:

(a) Wastes generated in preparation of food normally consumed on the premises, or

(b) Where the user has obtained a permit for that specific use from the Town, and agrees to undertake whatever self-monitoring is required to enable the Town to determine the waste constituents and characteristics and applicable fees and charges.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the sanitary sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

#### **Section 5 - Limitations on Point of Discharge.**

No person shall discharge any substances directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer, unless he has been issued a permit by the Town. If a permit is issued for such a direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions necessary to properly treat this discharge as required by the Town.

#### **Section 6 - Holding Tank Wastes.**

No person shall discharge any holding tank waste, including by definition, but not limited to, pumpings from septic tanks into a sanitary sewer.

#### **Section 7 - Flow Equalization.**

No person shall discharge wastes into the collection system with such a volume flow rate that the flow results in hydraulically overloading downstream sewer lines and/or pumping facilities. In such cases where a peak flow rate of wastewater discharge may cause overloading of the Town's collection system and pumping facilities, and/or the County's pumping and interceptor facilities, the Town may require the discharger to provide holding facilities of sufficient capacity and design for flow regulations so as to discharge into the collection system at an equalized rate as specified by the Town.

#### **Section 8 - Special Requirements for Industrial Users.**

1. The Town shall require each industrial user to construct, operate, and maintain waste treatment facilities necessary to pretreat its industrial wastewater, to produce an effluent which conforms in quality with the effluent limitations established for each class of industrial users by

the Environmental Protection Agency and State regulatory agencies, prior to discharging said wastewater into Town Sewers.

Industries shall pretreat industrial wastewater in accordance with National Pretreatment Standards for the various industrial classifications as promulgated by EPA under Section 403 of the Act. Any substances which result in interference with the County's treatment processes shall be specifically prohibited.

The Town, without limitations by other sections of this ordinance, may authorize any person to discharge industrial waste into the collection system without requiring pretreatment under the following conditions:

(a) The industrial waste contains no pollutant which cannot be removed in treatment processes provided to remove pollutants in wastewater introduced from non-industrial sources.

(b) When it is proven that treating combined untreated industrial wastewater and non-industrial wastewater is more cost effective than requiring industries to pretreat their waste.

2. The Town may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the wastewater treatment system.

3. Any person discharging industrial wastes into Town's wastewater collection system shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurements, and sampling of all wastes including domestic wastewater, from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the Town. Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a flume, nozzle, or other suitable devices as may be approved by the Town. The manhole shall be installed at the expense of the person discharging the wastes and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times. Ready, twenty-four (24) hour per day access to the control manholes shall be provided to the Town.

4. Plans for the construction of said control manhole and flow measuring devices shall be approved by the Town prior to the beginning of construction.

### **Section 9 - Disposal of Unacceptable Waste.**

Waste not permitted to be discharged into the sanitary sewer must be transported to a State approved disposal site.

### **Section 10 - Special Provisions Concerning Discharges to Public Sanitary Sewers.**

If any waters or wastes (discharged or proposed to be discharged to the Town sewers) contain the substances or possess the characteristics enumerated in Division 2, and which in the

judgment of the Town or County may have a deleterious effect upon the wastewater treatment works, processes, equipment, or receiving waters, or which create a hazard to life, or constitute a public nuisance, the Town may reject the wastes.

The Town may discontinue water service or sewer service, or both, to any user who violates Division 2 when, in the judgment of the Town, such action is necessary to protect the wastewater treatment works, processes, equipment or receiving waters from injury or damage, or is necessary to protect life or health.

### **DIVISION 3. WASTEWATER VOLUME DETERMINATION**

#### **Section 1 - Wastewater Volume Determination, Generally**

1. Persons receiving wastewater service shall have installed at their expense, water meters of a type approved by the Town for the purpose of measuring the volume of water being used.

2. In event a person is not served by the Town's water system, then that person shall have installed and maintain at his own expense a water meter of a type approved by the Town on his well or other source of supply. Ready access to the meter shall be provided to authorized representatives of the Town. The meter shall be maintained by the user.

3. Except as noted in Section 2, wastewater user charges shall be based on metered water consumption.

4. It shall be unlawful for any person to tamper with or damage any recording device necessary to determine a volume of flow required by this ordinance.

#### **Section 2 - Special Wastewater Volume Determinations for Industry**

1. In event an industry employs a process involving consumptive use of water and wastewater and discharge volume cannot be adequately measured by water usage volume, then that industry may install and maintain at its own expense a wastewater meter of a type approved by the Town. In this case, wastewater user charges will be based on wastewater meter readings.

2. The volume of flow used in computing any industrial waste surcharge shall be based upon metered water consumption records except where the industrial waste has been segregated from the wastewater discharge from sanitary conveniences located on the premises; in which case, the charge will be computed from the flow recorded by an approved measuring device located at the point of water supply to all the industrial processes which generate wastewater or located on the sewer line tributary to the Town wastewater collection system. Said measuring devices shall be installed and maintained at the expense of the industry.

**3.** The Town has the right to read all private meters as required in paragraphs 1 and 2 of this section and all water meters and/or wastewater flow measuring devices recording water consumed and/or wastewater discharged by industrial users.



## **DIVISION 4. WASTEWATER CHARACTER AND CONCENTRATION DETERMINATION**

**Section 1** - The Town shall make a periodic determination of character and concentration of wastes of any user as may be deemed necessary by the Town.

**Section 2** - Location and design of sampling sites should be approved by the Town.

**Section 3** - Samples shall be collected in such a manner as to be satisfactory to the Town. The laboratory methods used in the examination of said wastewaters shall be those set forth in the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Health Association, American Water Works Association and Water Pollution Control Federation, ASTM Standards, Part 31, Water 1978, or Methods for Chemical Analysis of Water and Wastes (EPA).

**Section 4** - the determination of the character and concentration of the industrial wastes by the Town shall be binding as a basis for charges. Industries wishing to have another sample taken other than at regular intervals may ask the Town to take such a sample.

**Section 5** - Costs incident to sampling and analyzing of wastes that are applicable to surcharges shall be included in the surcharge made to persons discharging wastes into the Town wastewater collection system.

## **DIVISION 5. WASTEWATER CONNECTIONS**

### **Section 1 - Wastewater Connection. Generally**

Wastewater connections shall be made at the expense of the property owner at whose request the wastewater connection was made. All plumbing work shall be in accordance with the N. C. State Plumbing Code. The work in connection with wastewater connections shall be done under the supervision of the Town. The property owner in question shall pay connection charges which shall include the cost of replacing the pavement, if applicable.

### **Section 2 - Separate Wastewater Connections.**

Each residence or other building and structure shall have a separate sewer connection; provided, however, that this requirement shall not be construed to apply to a building customarily incident to and located upon the same lot occupied by the main building.

### **Section 3 - Materials for Sewer Service Lines.**

Materials for sewer service line shall be either ABS, PVC, or Cast Iron Soil Pipe conforming to the following specifications:

**ABS** (acrylonitrile-butadiene-styrene) pipe and fittings shall be the push-on type with solvent cemented joints conforming to ASTM Specification D2751 with SDP 23.5. Installation procedures shall conform to the requirements of ASTM Specification 2680.

**PVC** (polyvinyl chloride) pipe and fittings shall be the push-on, rubber gasketed type conforming to ASTM Specifications D3034 and D3212 with SDR 35. Minimum allowable wall thickness shall be 0.125 inches. Installation procedures shall conform to the requirements of ASTM Specification D2321.

**Cast Iron Soil Pipe** and fittings shall be the push-on, rubber gasketed type conforming to Cast Iron Soil Pipe Institute Specification HS-67. Pipe and fittings may be either service weight (SV) or extra heavy (XH) and shall be stamped as such on the exterior. Installation shall be in accordance with the Cast Iron Soil Pipe Institute recommendations.

Connections between new service lines and the cleanout provided at the right-of-way line and existing or new sanitary drain lines from the user's premises. shall be made using mechanical couplings employing rubber gaskets and/or sleeves. No "concrete collar" connections shall be allowed. Normally, connections between new sanitary sewer service lines and the cleanouts installed at the right-of-way line can be made using a plane-end piece of pipe and special transition rubber gasket.

### **Section 4 - Installation of Sewer Service Lines and Connection to Sewer Laterals.**

Construction and installation of all new sanitary sewer service lines on public and private property shall conform to the North Carolina State Plumbing Code.

Long-sweep combination bends and cleanouts shall be installed at each change in direction (horizontal alignment). Connections to existing sanitary drains shall be made between the structure and existing septic tank at a point upstream of the septic tank. If, in the opinion of the Town Inspector or the authorized Town representative, the existing sanitary drain line is unsuitable (for example, infested with roots, cracked, clogged, or in some way impaired or subject to infiltration) connection shall be made to the plumbing system inside the foundation wall or to the sanitary drain line at a point three feet (3') outside the foundation wall.

Upon installation of the new sanitary sewer service line, but prior to connection of the line to the cleanout at the right-of-way and backfilling of the line, the line installation shall be inspected by the Town Inspector or the Town's authorized representative and tested in his presence. The test shall consist of a hydrostatic test with water at a head of at least five feet (5') above ground level or six feet (6') above service line level, whichever is greater. The test shall be conducted by capping both ends of the service line, filling the line through a riser extending from a cleanout in the line or from a connection to one of the end pipe caps with the water and observing the water level in the riser to insure no drop in same. The test shall have passed when no appreciable leakage is observed as evidenced by no drop in the water level in the riser pipe over a period of 30 minutes. Any defects in the service line installation shall be repaired to the satisfaction of the Town Inspector or the Town's authorized representative prior to connection to the cleanout at the right-of-way line.

#### **Section 5 - Repair of Broken, etc., Sewers.**

Whenever any house or building sewer, or connection with any main sewer or common drain becomes clogged, broken, out of order, or detrimental to the use of the sewer or other drain or unfit for the purpose of drainage, the owner, agent, occupant, or person having charge of any building or premises which is drained through such defective connection shall, when directed by the Town, within five (5) days after notice in writing, reconstruct or repair such sewer, drain, or connection as the condition of same may require.

#### **Section 6 - Outside Connections.**

Any person owning or controlling premises located beyond the corporate limits of the Town of Pine Level and desiring to install a plumbing system for the purpose of discharging domestic wastewater and/or industrial wastewater into the collection system owned or controlled by the Town may do so by complying with the requirements of this ordinance.

#### **Section 7 - All Substances to Enter Sewerage System Through Proper Connections.**

It shall be unlawful for any person to introduce any substance either, solid or liquid, into the wastewater collection system of the town through the tops of manholes or in any other way than through a proper connection, except under specific permit or as hereinafter provided.

## **DIVISION 6. POWERS AND AUTHORITY FOR INSPECTION**

Duly authorized employees and representatives of the Town, bearing proper identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

## **DIVISION 7. DISCHARGE REPORT, WASTEWATER DISCHARGE PERMITS AND ADMINISTRATION**

### **Section 1 - Discharge Reports.**

The Town may require that any person discharging or proposing to discharge wastewater of the industrial variety into a sanitary sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees or other information which relates to the generation of wastes including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the Town may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports.

### **Section 2 - Wastewater Discharge Permits.**

**1. Mandatory Permits** - Each discharger of industrial wastewater must obtain a Wastewater Discharge Permit before connecting to or discharging into a sanitary sewer. Each currently connecting industry must obtain a Wastewater Discharge Permit within 90 days after being so directed by the Town.

**2. Optional Permits** - The Town may issue a Wastewater Discharge Permit to any user, upon application, in accordance with the terms of this section in the following category: Any user whose wastewater strength is less than the normal range for the user classification to which he is assigned because of pretreatment, process changes or other reasons.

**3. Permit Application** - Users seeking a Wastewater Discharge Permit shall complete and file with the Town an application in the form prescribed by the Town and accompanied by the applicable fees. the applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, Address, and Standard Industrial Classification number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in Division 2, Section 1 as determined by a laboratory approved by the Town;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;

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

(h) Each product produced by type, amount, and rate of production;

(i) Number and type of employees, and hours of work;

(j) Any other information as may be reasonably deemed by the Town to be necessary to evaluate the permit application.

**4. Permit Conditions** - Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other ordinances, regulations, charges, and fees established by the Town. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Town in accordance with this Ordinance, and applicable State and Federal Regulations. Permits may contain the following:

(a) The unit charge or schedule of charges and fees for the wastewaters to be discharged to a sanitary sewer;

(b) The average and maximum wastewater constituents and characteristics;

(c) Limits on rate and time of discharge or requirements for flow regulation and equalization;

(d) Requirements for installation of inspection and sampling facilities;

(e) Pretreatment requirements;

(f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharges as specified by the Town, and affording Town access thereto;

(i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by Division 2, Section 1) are proposed or present in the user's wastewater discharge.

(j) Other conditions as may be reasonably deemed appropriate by the Town to insure compliance with this Ordinance.

**5. Duration of Permits** - Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the Town 30 days prior to the expiration of the Permit, the Permit shall be extended one additional year. The terms and conditions of the Permit may be subject to modification and change by the Town during the life of the Permit as limitations or requirements as identified in Section 2 are modified and changed. The user shall be informed of any proposed changes in his Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

**6. Transfer of a Permit** - 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 another or changed operation.

**7. Suspension or Revocation of Permit** - Any user who violates the conditions of the Wastewater Discharge Permit, any provisions of the Ordinance, applicable State and Federal regulations, or any of the following is subject to having his Permit suspended or revoked:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his 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;
- (d) Failure to report a chemical spill or accidental discharge.

### **Section 3 - Monitoring Facilities.**

1. Users who propose to discharge, or who in the judgment of the Town likely could discharge, wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

2. when more than one user can discharge into a common service connection, C the Town may require installation of a separate monitoring facility for each user. Also, when, in the judgment of the Town, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Town may require that separate monitoring facilities be installed for each separate discharge.

3. Monitoring facilities that are required to be installed shall be constructed, operated, and maintained at the user's expense. the purpose of the facility is to enable inspection,

sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is required by the Town, it may be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The Town may, however, 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 with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

4. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for Town personnel, such as a gate secured with a Town lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall or may be supplied and/or maintained by the user, at his expense.

5. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Town's requirements and all applicable local Town construction standards and specifications. When in the judgment of the Town an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following a written notification unless a time extension is otherwise granted by the Town.

#### **Section 4 - Inspection and Sampling.**

The Town and/or County may 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, the County, or their representatives ready access at all reasonable times to all parts of the premises for purposes of inspection or sampling or in performance of any of their duties. The Town and/or County shall have the right to set up on the user's property such devices as are necessary to conduct sampling 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 and/or County will be permitted to enter without delay for the purposes of performing their specific responsibilities.

#### **Section 5 - Pretreatment.**

Users shall make wastewater acceptable under the limitations established herein before discharging into any sanitary sewer. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facility and operating procedures shall be submitted to the Town for review, and shall be approved by the Town before beginning construction of the facility. The review and approval 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 complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be approved by the Town.

**Section 6 - Protection from Accidental Discharge.**

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's 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.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

**Section 7 - Flow Control Measuring Equipment.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his expense. All flow control equipment including, but not limited to, pumps, nozzles, wires, gates, valves, and flumes shall be subject to the approval of the Town.

### **DIVISION 3. USER CHARGES**

#### **Section 1 - General.**

A schedule of charges and fees shall be adopted by the Town which will enable it to comply with the revenue requirements of the State Clean Water Grant Program, Public Law 92-500, Public Law 95-217, and which will distribute the cost of operation, maintenance, and debt service of treatment works to each user in proportion to such user's contribution to the total waste loading of collection and treatment works. Said charges and fees shall be determined in a manner consistent with the regulations of the grant programs that have benefited the Town and its industrial users. All industries using the Town's treatment works are subject to Industrial Waste Surcharges on discharges whose characteristics exceed the limits set out in Section 2 of this Division for certain pollutants.

#### **Section 2 - Classification of Users.**

All users are to be classified by the Town either by assigning each on to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the Town's cost.

Users are hereby classed as non-industrial and industrial, as follows:

(a) An industrial user is any user which meets the definition of an industry, as defined in Division 1 with the definition of domestic strength waste for exclusion purposes, as follows:

|                            |                 |
|----------------------------|-----------------|
| <b>BOD<sub>5</sub></b>     | <b>220 mg/1</b> |
| <b>T. Suspended Solids</b> | <b>220 mg/1</b> |
| <b>Ammonia Nitrogen</b>    | <b>25 mg/1</b>  |
| <b>Oil and Grease</b>      | <b>50 mg/1</b>  |
| <b>pH</b>                  | <b>6-9 mg/1</b> |

\* No heavy metals, toxicants, etc.

Hydraulic loading allowance of no greater than 20 gpd per employee.

(b) A non-industrial user is a user who does not meet the qualifications of an industrial user.

### **Section 3 - Types of Charges and Fees.**

The charges and fees as established in the Town's schedules of charges and fees, may include, but not be limited to:

- (a) Tap (sewer connection) charges;
- (b) User classification charges;
- (c) Fees for extra monitoring; i.e., that which requires costs above the average cost of assessing an average or representative analysis;
- (d) Fees for permit applications;
- (e) Appeal fees;
- (f) Charges and fees based on hydraulic load and wastewater constituents and characteristics;
- (g) Industrial waste surcharges;
- (h) Ad valorem tax;
- (i) Industrial Cost recovery payments (if required by Federal regulations).

### **Section 4 - Basis for Determination of Surcharges.**

Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of wastewater from a domestic premise with the characteristics as given under item (a) in Section 2, above.

The charges and fees for all classifications of users other than the domestic premise shall be based on the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, Suspended Solids, Ammonia Nitrogen, Oil and Grease, Chlorine Demand, and Volume.

## Section 5 - Method of Determining Surcharges.

The charges for excesses of the constituents listed in Section 4 will be based upon the "mass emission rate" of those constituents and determined thusly:

1. Mass Emission Rate,  $MER ( ) = MG \times C \times 8.34$

where: **MER** is the **mass emission rate** in pounds of a particular constituent

**MG** is the **millions of gallons** of wastewater discharged and

**C** is the **concentration** in mg/1 of the particular constituent being charged for (as example: BOD, SS, Ammonia Nitrogen, COD, etc.), and

**8.34** is equal to the number of **pounds/one gallon** of water

2. The **amount** of the charge in dollars will be calculated thusly:

$$Ao = R \times MER ( )$$

where: **Ao** is equal to the **amount** of the charge in dollars and

**R** is equal to the **rate of charge per lb. of** constituent, and

**MER ( )** is equal to the **lbs.** of a constituent

## Section 6 - Method of Determining Charge Rates.

(a) The Town shall annually review the actual cost of operation and maintenance of the Town's wastewater collection system and wastewater transmission and treatment charges by the County, adjust the surcharge rates and the volume user charge rate (per 1000 gallons) to reflect the true cost of constituent collection and treatment. The adjustments, if any, will become effective following the first day of each new fiscal year. The Board of Commissioners may review these rates and adjust them accordingly at any time it deems adjustments are in the best interest of the Town.

(b) In addition, the Town will establish connection charges or "tap on" charges for various size service lines and shall review and adjust these charges annually. Also, the Town may establish, review, and change from time to time other special service charges concerning the sewer system.

## Section 7 - Sampling Procedures and Analysis.

(a) All samples and determinations of wastewater characteristics shall be as representative of the waste discharge as possible. The costs of regular sampling and analysis

will be included in the charges and fees. The Town may take additional samples after a significant process change which significantly affects the quantity or strength of the wastewaters discharged. The frequency of sampling shall be as follows:

| YEARYLY CUMULATIVE FLOW<br>Million<br>Gallons | Minimum Required<br>Frequency of Tests<br>for Surcharge Parameters |
|---|--|
| Less than 3.0                                 | 0-1 per year   |
| 3.0 to 6.0                                    | 1 per year   |
| 6.0 to 9.0                                    | 1 per six months   |
| 9.0 to 12.0                                   | 1 per five months  |
| 12.0 to 15.0                                  | 1 per four months  |
| 15.0 to 18.0                                  | 1 per three months   |
| Over 18                                       | 1 per month  |

More frequent sampling may be done at any time at the option of the Town.

(b) Upon requests by the user concerned, the Town shall make available split samples of the composite sample collected. If the user feels the results are not representative of their wastes, the Town may re-sample at the actual cost to the Town.

## **DIVISION 10. ENFORCEMENT**

### **Section 1 - Duties of User upon Unlawful Discharges.**

1. Any user who discharges wastes in violation of this Article shall, upon discovery thereof, immediately notify the Town so that the Town may take necessary countermeasures to minimize the damage to the wastewater conveyance, equalization, and treatment facilities, treatment processes, and receiving waters. In addition, such user shall, within fifteen (15) days of such occurrence, deliver to the Town a detailed written report describing the cause of such discharge and the measures taken or to be taken to prevent a re-occurrence in the future.

2. A user who gives the notice and report required by the preceding paragraph shall thereby be relieved from the imposition of any criminal sanctions, and if the discharge was accidental, from the imposition of any civil fines authorized by this Article, but shall remain liable to the Town for any expenses incurred by the Town as a result of the violation of this article and for any loss, injury or death to personnel working in or around the Town wastewater system, or the County interceptor, pumping and/or wastewater treatment facilities; damage to the Town's sewer system or the County's wastewater interceptor, pumping and/or treatment facilities treatment processes, or receiving waters, and shall further be liable to the Town and/or County for any liability or for any fines imposed upon the Town and/or County by (a) the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, under provisions of G.S. 143-215.6 and/or (b) the Environmental Protection Agency, under any applicable Federal laws or regulations, and shall further be subject to termination of service or injunctive relief as deemed appropriate by the Town should the measures taken by the violator be deemed inadequate by the Town to prevent a reoccurrence of the violation.

### **Section 2 - Penalties, etc., for Violation of Ordinance.**

1. Any person (including any responsible officer or employee of a corporate violator) who willfully or negligently violates any provisions of this ordinance, or falsifies any information or data in any application, report, or other document given to the Town under this Article, shall be guilty of a misdemeanor, and shall be punishable by fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed thirty (30) days, or both, in the discretion of the court.

2. Any person (including any corporation) who violates any provisions of this ordinance shall, in addition to the criminal penalties as outlined above, be subject to the imposition by the Board of Commissioners of a civil penalty payable to the Town not to exceed five thousand dollars (\$5,000) for each violation, and, in addition, shall reimburse the Town upon demand for any expenses, loss or damage actually sustained by the Town to its sewer system(s) or the County to its wastewater interceptor, pumping, and treatment facilities, treatment processes or receiving waters as a result of such violation, and in addition to any civil penalty imposed by

the Town shall be liable for the amount of any fine or penalty imposed upon the Town by the State or Federal regulatory agency as a result of such violation.

Such civil penalty shall be assessed only after the Town shall have given the alleged violator notice in writing of the alleged violation. Such notice shall notify the alleged violator that a hearing before the Board of Commissioners will be held at a designated time and place not more than ten days after the date the notice is sent to the alleged violator. At such hearing, the Town Board shall hear evidence from the Sewer System Superintendent, consulting engineers, and any other appropriate officials regarding the alleged violation and shall also hear evidence from or offered by the alleged violator regarding the alleged violation. After hearing such evidence, the Town Board shall make appropriate findings of fact and conclusions of law regarding the alleged violation and shall determine whether or not a civil penalty is to be assessed against the alleged violator. If a civil penalty is deemed appropriate, the Town Board shall have authority to assess a civil penalty against the alleged violator in the amounts provided above.

The Town Clerk shall notify the alleged violator by certified mail the decision made by the Town Board within ten days of such decision, including a copy of the decision setting forth the findings of fact and conclusions of law as made by the Town Board of Commissioners.

After receiving notice of the Town Board's decision, the alleged violator shall have the right to appeal that decision to Johnston County Superior Court and any act on the part of the Town to collect such imposed civil penalty shall be stayed until a decision is either upheld or reversed by the Superior Court.

If the alleged violator does not appeal the decision of the Town Board within ten days after receipt of the same, then the civil penalty assessed shall become due and payable within 30 days. Failure to pay the assessed penalty shall result in termination of sewer service; and, in the case when the user owns the premises, a lien will be placed upon the alleged violator's property located in Johnston County. The Town shall have the authority to begin a civil action in the nature of a debt to recover the civil penalty imposed by the Town.

### **Section 3 - Injunction and Abatement.**

The violation of this Ordinance is hereby declared to be a public nuisance, and this Ordinance may be enforced by injunction and Order of Abatement in an action instituted in the General Court of Justice, as provided in G.S. 160A-175.

### **Section 4 - Termination of Services; Revocation of Permits; Issuance of Cease and Desist Orders.**

If any person or user violates any provisions of this Ordinance, the town may:

- (a) Terminate water and/or sewer services to a user who violates any provisions of this Ordinance.
- (b) Suspend for a specified period of time or permanently revoke any permit granted to such user under any provisions of this Ordinance; or
- (c) Issue a Cease and Desist Order directing such user to (1) comply with this Article forthwith, (2) comply with this Article in accordance with a time schedule set forth by the Town, or (3) take appropriate remedial or preventive action; or (4) a combination of (2) and (3) above.

### **Section 5 - Notice and Hearing.**

Water and sewer service shall be terminated, Cease and Desist Orders shall be issued and permits shall be denied, suspended or revoked by order of the Town only after the Town shall have given written notice to an alleged violator of contemplated action. Such notice shall advise the alleged violator that a hearing may be requested before the Town Board and that if such hearing is requested within ten days after the Town's notice to the user, such hearing shall be held within thirty days after the request for such hearing. At that hearing, the Town Board shall hear evidence from the Sewer Superintendent and from the alleged violator and any other pertinent evidence shall be received by the Town and the Town shall render a decision making appropriate findings of fact and conclusions of law prior to any orders for service termination, cease and desist, or permit denial, suspension, or revocation.

Provided, however, the provisions of this paragraph shall not be applicable and the Town may, without notice and opportunity for hearing to be had, temporarily order water or sewer services, suspension, or both, to any user, if an emergency exists or is imminent which threatens the public health, or is likely to cause severe injury or damage to or interruption of the Town's wastewater collection facilities or the County's wastewater interceptor, pumping, and treatment facilities, and/or treatment processes, or threatens the lives or severe injury to the Town's or County's employees, agents, or other authorized personnel.



### **DIVISION 11. SAVINGS CLAUSE**

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 articles shall not be affected and shall continue in full force and effect.

### **DIVISION 12. EFFECTIVE DATE**

This Ordinance shall become effective from and after the date of its adoption.

Adopted this    day of    , 1980

Hon. Gordon L. Godwin, Mayor

(Seal)

Attest:

Danny K. Casey, Town Clerk

Approved As To Form:

Robert A. Spence, Jr., Town Attorney

**AMENDMENT TO TOWN OF PINE LEVEL  
SEWER ORDINANCE**

**BE IT RESOLVED** that the Sewer Ordinance of the Town of Pine Level is hereby amended to add the following paragraph as a second (2nd) unnumbered paragraph under Section 2 (entitled Separate Wastewater Connection) of Division 5 (entitled Wastewater Connection) on Page 25 of the Sewer Ordinance; except for this addition, the original Sewer Ordinance is in no way changed.

Each residence, building, or structure (hereinafter called merely structure) serviced by a private septic tank prior to the enactment of the Sewer Ordinance on \_\_\_\_\_, 1980 is grandfathered (not required to be connected to the Town's Sewer System) until a malfunction in the grandfather plumbing line (being the plumbing line located outside the confines of the structure or its foundation) or septic tank causes it to treat inadequately sewage. From the time of the malfunction, the grandfathered structure must be connected by its owner and occupant to the Town's Sewage System. Any repair to the existing malfunctioning septic tank or the plumbing line will be a general misdemeanor in violation of this ordinance.

This addition to the original ordinance shall become effective from and after the date of its adoption.  
Adopted this the 7th day of June, 1988.

HONORABLE RUDOLPH NES, MAYOR

ATTEST:  
Sharon Thompson

APPROVED AS TO FORM:  
ROBERT A. SPENCE, JR. TOWN ATTORNEY

**AMENDMENT TO PINE LEVEL SEWER ORDINANCE CONCERNING SEWER  
LINE REPAIRS**

**WHEREAS**, the Town of Pine Level has a sewer ordinance to govern the operation of the town's wastewater system, and

**WHEREAS**, the Town Board has found it necessary to amend said ordinance to address the responsibility for repairs to the wastewater system,

**NOW THEREFORE**, the Sewer Ordinance of the Town of Pine Level shall be amended to declare:

1) Repairs to a sewer service line between the street side sewer clean-out and a private dwelling and/or business shall be the sole responsibility of the property owner.

2) Repairs necessary in any part of a sewer service line past the street side cleanout back toward the street will be the responsibility of the Town of Pine Level unless the problem is established to be the fault of the property owner in part or whole.

3) Should a sewer customer have plumbing repairs made and discover that a problem lies in that part of a sewer line determined to be the town's responsibility, that customer shall notify the town that a problem exists in the town's portion of said sewer line and that repairs need to be made.

4) Should the town, for some unforeseen reason, be unable to make expedient repairs to the line in question, the affected customer may request the town's permission to contact a person or persons licensed to perform such work and present an estimate(s) to be considered by proper town employees or officials.

5) The town will not assume liability for such repair charges without first having had prior knowledge of the need for repairs and having granted authority for said needed repairs to be made. Reimbursement to the customer will be considered only after the proper authority has been obtained from the town.

This amendment shall be in effect as of October 2, 1990, and shall supersede any such policy that might have existed prior to the effective date.

Adopted, this the 2nd day of October, 1990.

PHIL PITTMAN, MAYOR

ATTEST:  
Sharon Thompson

**AN ORDINANCE TO AMEND THE SEWER USE ORDINANCE OF THE  
TOWN OF PINE LEVEL TO AID IN THE PREVENTION OF  
SANITARY SEWER BLOCKAGES AND OBSTRUCTIONS**

**Section One. Purpose.**

This ordinance is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the town's wastewater collection system by commercial, industrial, institutional and all other non-residential activities.

**Section Two. Definitions.**

1. **"Town"** shall mean the Town of Pine Level, North Carolina and its utility service area.
2. **"County"** shall mean the County of Johnston, North Carolina and its utility service area.
3. **"Person"** shall mean any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.
4. **"Grease"** shall mean all greases, grease complexes, fats, oils, scum, sludge and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 C.F.R. 136.
5. **"Wastewater"** shall mean any substance introduced, contributed to, or discharged into the town's wastewater collection system.
6. **"Grease trap" or "grease interceptor"** shall mean a device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the town's wastewater collection system. The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.
7. **"Cooking establishment"** shall mean any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires

washing, rinsing, or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and daycare facilities where meals for more than six (6) children are prepared, served or otherwise made available for human consumption.

**8. "Non-cooking establishment"** shall mean any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

**9. "User"** shall mean any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who introduces, contributes, or discharges (or causes or permits the introduction, contribution, or discharge of) wastewater into the town's wastewater collection system, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system through any mobile source.

**10. "Commercial establishment" and "industrial establishment"** shall mean any user that has the potential to use, contribute to or otherwise impact the town's wastewater collection system. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

### **Section Three. Grease Trap and Interceptor Installation, Maintenance, Record-keeping, and Removal.**

**1.** No later than one (1) year after the adoption of this ordinance, ALL users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the town's wastewater collection system. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment. Grease traps and interceptors must have a minimum capacity of one thousand (1,000) gallons or more as required to effect a grease concentration maximum of 200 mg/l.

**2.** Alternative methods of compliance may be approved by the town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in Section III of this ordinance, and the user must adequately demonstrate to the satisfaction of the town that the proposed alternative method must be cleaned a more frequent interval than is required of grease traps and interceptors under Section III (5) of this ordinance. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the town for review and approval.

**3.** Grease traps and interceptors may also be required in other facilities, as deemed necessary by the town.

**4.** Upon the prior written approval of the town, non-cooking establishments may be exempted from the requirements of this ordinance after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the discretion of the Public Works Superintendent. At a minimum, such supporting documentation shall include; blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

**5.** Users shall empty and service grease traps and interceptors to comply with the performance criteria in Section III (1) of this ordinance as often as necessary, but in any event no longer than every sixty (60) days. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in Section III (1) of this ordinance. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/I or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the town's wastewater collection system.

**6.** Users shall supply (I) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows and (ii) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four inch (4") vertical clean out.

**7.** Users shall retain detailed records on-site for a minimum of three (3) years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all service rendered by the waste hauler providing the service.

**8.** Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc. which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

**9.** Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

**10.** Except as provided herein, for a period of one (1) year following the adoption of this ordinance, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in Section III (1) of this ordinance. If, during such period, (I) an obstruction of any of the town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (ii) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the town will seek enforcement action under the Sewer Use Ordinance. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (I) such overflow or other event involves an amount of wastewater equal to or in excess of one thousand (1,000) gallons, or (ii) any amount of wastewater reaches any body of surface water.

**Section Four. Enforcement.**

The town shall enforce this ordinance pursuant to provisions of Division 10. Section 1.2 of the town's Sewer use Ordinance.

**Section Five. Incorporation.**

This amendment upon adoption shall become an integral part of the Town of Pine Level Sewer Use Ordinance.

**Section Six. Effective Date.**

This amendment shall be effective immediately upon its adoption by the Pine Level Board of Commissioners.

**Section Seven. Adoption.**

ADOPTED THIS 9TH DAY OF APRIL 2002.

Tony Braswell, Mayor

ATTEST:  
Sharon Thompson

(SEAL)