

CHAPTER 51 WATER AND SEWER

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ARTICLE I. GENERAL PROVISIONS

§51.001 Scope of Provisions

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the town furnishes water or sewer service to any person, or whereby the town makes any sewer or water connections or performs any work of any kind in connection with the furnishing of sewer or water service. ('63 Code, Ch. Q, Art. I, §1)

§51.002 Incorporation of Agreement between Warren County and the Town for Operation and Maintenance of Water Lines

The most recent agreement between the Town and Warren County dated February 4, 2002 as adopted or hereafter amended, providing for operation and maintenance of water lines by the Town to serve specified areas of Warren County is hereby incorporated by reference and made a part of this chapter as if fully set forth herein.

§51.003 Laterals to Be Laid Only to Inside of Curb

Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid only to the inside of the curb unless in the resolution ordering the improvement the Board specifically directs otherwise. ('63 Code, Ch. Q, Art. I, §2)

§51.004 Extension of Laterals

After laterals are laid from water or sewer mains to the inside of the curb, no such lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefore. ('63 Code, Ch. Q, Art. I, §3)

§ 51.005 Maintenance of System by Consumer

The consumer of water and sewer service furnished by the town shall maintain and keep in good repair all connections and pipes connected to the town system.

§51.006 Injury to Utility Lines and Fixtures Prohibited

No person shall obstruct, break, remove or otherwise injure any portion of the public water or sewer system, manhole, flush-tanks or any part of the storm water collection system. ('63 Code, Ch. Q, Art. I, §14)

§51.007 Prohibited Discharges into Sewers

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No person shall pour, throw or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole or at any opening therein other than a sewer connection; nor shall any person discharge into any sanitary or storm sewer any substance likely to obstruct or to cause undue injury to the same or any substance of such high causticity or of a sufficiently acid nature to interfere materially with the equipment used in connection therewith. ('63 Code, Ch. Q, Art. I, §14)

§51.008 Right of Entry.

Authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of reading the water meter, inspection, observation, measurement, sampling, testing, disconnecting or connecting water in accordance with the provisions of this chapter.

§51.009_ Limitation of liability.

- (A) It is expressly stipulated by and between the town and consumers of water that no claims shall be made against the town on account of the bursting or breaking of any main or service pipe, or any attachments to the town's water system.
- (B) The town and its employees shall incur no liability for turning off a customer's water when provided for according to the procedures set out in this Chapter.

§ 51. 010 Penalty for Ordinance Violation

- (A) Where another penalty is stated herein, a violation of any provision of this chapter may also subject the violator to a civil penalty in the amount of one hundred dollars (\$100)
 - (1) Written notice of the violation shall be served in person or sent by certified mail and shall require payment within thirty (30) days to the town clerk.
 - (2) In the event of failure to pay within the time specified on the citation, a civil penalty shall be recovered by the town in a civil action in the nature of a debt.
- (B) Any action to recover a civil penalty may be joined in an action for appropriate equitable relief, including injunctions and orders of abatement and including an action to recover damages owing to the town by reason of expenses incurred by the town in abating, correcting, limiting and otherwise dealing with the harmful effects of the offending action.
- (C) As provided in this chapter, a customer is subject to disconnection of water service for failure to comply with provisions for deposit and payment for service.

§§ 51.011-51.019 Reserved

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ARTICLE II. CONNECTIONS, METERS AND EXTENSIONS

§51.020 Connection of Property to Water and Sewer within Corporate Limits Required

- (A) Developed Property, Connection Required - As provided in G.S. 160A-317, all owners of developed property within the corporate limits shall connect their premises to a water line or sewer collection line where such line is installed and ready for use.
- (B) New Lines, Connection Required - Upon completion of any extension of a water main or sewer collection line within the town, the town shall send official written notice to owners of abutting property of the requirement to connect to the system. Owners shall thereafter make application for connection within 30 days of such notice.
- (C) Sewer Connection Exception, Capacity, Topography, Cost - As provided in G.S. 160A-317(a)(1), a property owner of developed property shall be exempt from the requirement to connect to the sanitary sewer line if the town has inadequate capacity to treat proposed new wastewater. Also, a property owner shall be exempt if the grade is such that a pump or other measures are required to move wastewater to the sanitary sewer line, making the connection cost greater than the costs of installing an on-site wastewater (septic) system, as determined by the professional standards set forth in the statute.
- (D) Water Connection Exceptions
 1. As provided in G.S. 160A-317 (a)(2) a property owner shall be exempt from this requirement if installing a larger meter and corresponding larger piping connection, or imposing an increased fee, is required to achieve adequate water pressure.
 2. Notwithstanding the above, as provided in G.S. 87-97.2, the town may not mandate connection to the water system if the owner has a functioning well that complies with the requirements of said statute including having a well permit for that property, and the well is compliant with county health department requirements and is in use.

§51.021 Connection to Be Made Only Upon Application

No connection shall be made from a property to any sewer or water lateral except after the written application therefore has been approved by the Director of Public Works. ('63 Code, Ch. Q, Art. I, §6)

§51.022 Application for New Connection

- (A) The owner shall complete the town's tap application which requires the name of the owner of the lot; the name of the street on which such lot is situated; the number of the

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house, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired, and any other information required by the town. The application shall be accompanied by proof of ownership. Every such application shall be signed by the person making the application.

- (B) Upon approval of any application for a sewer or water connection and payment by the customer of costs billed to the customer, the town shall, do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street.

§51.023 Separate Connection and Meter; Options for Multi-Occupancy Property

- (A) Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected and metered, with exceptions allowed as provided below
- (B) Multi-Family Developments (condominiums, apartments with 3 or more units) - The developer shall have the option of installing individual meters for each unit, or providing for the installation of a master meter for each building with the landlord billed for actual water consumption plus the ~~availability rate~~ user fee for each unit. All such meters will be connected to public water lines on public easements.
- (C) Multi-Family Developments with 3 or fewer units – The developer shall provide one meter per unit
- (D) Townhome Developments - The developer shall install individual meters per unit, consistent with the individual ownership of each unit and lot beneath the unit.
- (E) Manufactured Home Parks -The owner shall provide individual meters for each lot.
- (F) Office/commercial multi-occupancy - The developer shall have the option of installing individual meters for each unit, or installing a master meter for each building with the landlord billed for actual water consumption plus the ~~availability rate~~ user fee for each unit.

§51.024 Connections Outside the Town

- (A) Individual Parcels - A property owner residing outside the Town limits within the Town's Water District on a street or road where public water and/or sewer lines abut the property and are ready for use may submit an application for connection as provided in §51.022 to the Public Works Director. All extensions shall comply with the Town's and state design standards. Upon submission of the application and approval of plans by the Town's Public Work's Director, the Town shall accept the lines for maintenance.

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- (B) Subdivisions and PUDs - Developers of subdivisions and planned unit developments (PUDs) outside of town shall submit a petition for annexation at the time they apply for connection to town water and sewer. Annexation by the Board of Commissioners is a requirement for extension of town water and sewer. The Public Works Director shall approve all plans and specification s, and the development shall comply with applicable development regulations and the Subdivision Ordinance before it is referred to the Board for action. .

§51.025 Maintenance of Meters by Town

- (A) Whether inside or outside the corporate limits, meters, meter boxes, pipes and other equipment supplied by the Town and paid for by the customer in installing any water or sewer connections shall be and remain the property of the town. ('63 Code, Ch. Q, Art. I, §11) d
- (B) All meters attached to an active account shall be kept in good repair and working order by the town.

§51.026 Tampering with or Obstruction of Meters Unlawful

- (A) It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any meter or utility service furnished by the town to consumers, to obstruct the Town's continuous access to any water meter, or to in any way molest, damage or trespass upon any equipment or premises belonging to the town connected with any utility service. Violators are subject to being charged with a Class 1 misdemeanor with a fine of one hundred dollars (\$100), or any other penalty provided for in G.S. 14-151.
- (B) The Town shall charge a Reset Fee set by the Board of Commissioners, plus repair and labor costs for reconnection of any meter, hydrant, or utility where damage or trespass has diverted, prevented or otherwise interfered with the provision of service. (Ord. passed 1-09-2023)

§51.027 Extension of Water Lines

Water lines extended within or outside the town limits shall meet the following standards.

- (A) *Size requirements.*

<i>Service Connection Size</i>	<i>3/4 in. with 5/8 in. meter</i>
Minimum size line – Dead end or cul-de-sac not More than 250 ft. long, nor more than 500 ft. from hydrant-maximum service – 10 residents	4 in.

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Minimum size Main-Maximum length to dead end 1,000 ft. – Maximum length if fed from two Directions by 6 in. or larger main 1,600 ft.	6 in.
Main line size – Over 1,000 ft. not loped or feeding More than 3 6-inch or smaller lines	8 in.
Trunk size	12 in.

(B) *Fire hydrants.* Fire hydrants are required at all intersections and at distances of not more than 500 ft. in built-up areas, and not more than 1,000 ft. on other lines.

(C) *Valves.* Valves may be at the intersections of mains or at spacing of not more than 1,000 ft.

§51.028 Extension of Sewer Lines - Policies Any further sewer line extensions will be sized to serve the ultimate drainage area that they are in. Any future interceptors on Possum Quarter Branch or Horse Branch should be designed to serve as much of the industrial area north of the town along SR 1305 and east along SR 1325 as they can reach. ('63 Code, Ch. Q, Art. III,

§51.029 Sewer Connections in Subdivisions

(A) Each lot in a subdivision shall be provided with a connection to a public sanitary sewer system at the subdivider's expense if the proposed development meets the distance thresholds according to the number of lots as outlined in the Subdivision Ordinance. Distance shall be measured from the closest point of the property to an existing gravity sewer main.

(B) This requirement applies only when a gravity connection is possible or when there is a lift station for a new subdivision paid for by that subdivision and when the town has sufficient capacity to serve the development.

§§51.030-51.039 Reserve

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ARTICLE III. RATES AND CHARGES – WATER AND SEWER

§51.040 Charges for Utility Service; Tap Fees

- (A) *User fee.* Every customer's bill will include a separate user fee for water service and for sewer service, as applicable. Such fee for each utility shall be a flat fee established by the Town Board of Commissioners from time to time.

Revenues from user fees shall be applied to maintenance and repair of the systems.

The user fee shall be the minimum charge for any water/sewer account, should there be no use of the service during a billing period.

- (B) *Schedule of water and sewer rates .* Water and sewer rates based on usage will be determined, approved and published by the Town Board of Commissioners on a yearly basis. This will be accomplished during the budgeting process and will be adopted for the year or until amended
- (C) *Tap fee.* Water and sewer tap fees will be determined, approved and published by the Town Board of Commissioners on a yearly basis. This will be accomplished during the budgeting process and will be adopted for the year or until amended.

§51.041 Service for Consumers Outside of Town

Water and/or sewer shall be furnished to consumers outside the town based on the user fee assessed for each connection and at metered rates and under terms and conditions established by the Board of Commissioners for outside customers

§51.042 Customers Discharging Only Part of Their Water into Sewer System

- (A) Water customers of the town who discharge only a part, but not all, of the water furnished them through the town water system, may, if they so elect, install at their own expense meters, approved as to construction and installation by the Director of Public Works, to measure the amount of water that is used by them but is not emptied into the town sewer system, and the sewage service charge shall be based only upon the amount of water purchased by such customers and emptied into the town sewer system, as determined by such meters.
- (B) In cases in which such users do not elect to install such meters, an account holder may submit a request to the Public Works Office for a sewer adjustment to offset the sewer cost associated with increased water usage from pool filling, outdoor watering, or plumbing leaks. The criteria for a sewer adjustment and process for approval, if eligible, are provided for in the Town's Public Works Utility Policies.

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§51.043 Opening A Utility Account; Deposit

- (A) Applications for a water account are available from the utility counter at Town Hall and online. All applicants must be at least 18 years of age; must provide proof of identify; proof of ownership or occupancy (executed lease or rental agreement); and other information established by town policies.
- (B) When any customer makes application for a water account, the customer will be required to make a deposit as hereinafter set out to guarantee payment of the monthly water bill. A deposit must be paid before service activation.

For customers with multiple accounts , the deposit may be waived for additional accounts if the customer has one account in good standing secured by a deposit.

- (C) Applications which are incomplete, which are made by applicants with an outstanding balance on another account, or which apply to property with an unpaid balance from a previous owner, or which are not accompanied by the required deposit will be rejected until outstanding balances or discrepancies are resolved.

§51.044 Meter Reading on Accounts; Bills

- (A) Meters on accounts shall be read monthly, and Town of Warrenton bills therefor shall be payable on or before the 15th day of the month or the next business day if the 15th falls on a weekend or a holiday.
- (B) Bills for water use shall be based on the actual reading in 1,000 gallons increments of water used. As provided in §51.040, should the meter accurately register no water use during the month, the bill shall be the water/sewer user fee.
- (C) If there is a defective meter and the amount of water used is not registered, the bill rendered shall be for the average amount used by the premises served by such meter during the most recent preceding three months of normal regular use.

§51.045 Billing in Multi-Occupancy Buildings

- (A) In office buildings with one main entrance and one employee bathroom facility, the landlord will be charged for the amount of water used plus 30% of the regular user fee for each business in the building.
- (B) In office buildings that have individual entrances for each business and one water meter, the landlord will be billed the amount of the user fee, plus consumption for each separate business.

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§51.046 Delinquent Water Accounts, Disconnection of Service, Closure of Account

- (A) Payment date – Payment for water bills shall be due on the 15th of the month or the next business day if that date falls on a weekend. Payment shall be considered delinquent if not received by the close of business on the due date. As of the 20th of the month, or the next business day if on a weekend, a late penalty set by the Board of Commissioners will be applied to the account if payment is not received by close of business on that date. .
- (B) Disconnection - Thereafter, if the bill is not paid within five (5) days, disconnection of service shall be initiated as early as the 26th of the month.

When service has been disconnected, the Town will charge a disconnect fee to the account holder.

- (C) Closure of Account and Deposit - Upon disconnection and closure of an account, funds deposited for that account shall be applied to the deficit. If the full outstanding balance is satisfied, any remainder of the deposit will be refunded to the customer.
- (D) Forced Closing of an Account - Utility accounts that remain unpaid for 60 days will result in forced closure of the account by the Town. To restore services under the same account holder, any outstanding balance must be paid in full, after which the account may be reestablished in accordance with new account procedures.

§51.047 Restoration of Water Service

All outstanding charges, including a disconnect fee for any account where service has been disconnected, must be paid before service is restored.

§51.048 Request for Account Closure

When a customer requests account closure, the customer shall, upon payment for all water use due, be entitled to the return of the deposit, or any balance thereof.

§§ 51.049 – 51.059 Reserved

ARTICLE IV. FIRE SPRINKLER SYSTEM AND REQUIRED FIRE HYDRANTS

§51.060 Rates for Connection of Private Sprinkler System To City Or County Mains

Private fire protection by connecting a private sprinkler system to the mains of the city or county will be furnished at the following rates; provided, that plans are submitted to and approved by the director of the water distribution system in writing prior to the connection with the mains of the city or county.

- (A) For each 10,000 sq. ft. of floor space located inside the limits of the town, a charge shall be made of \$3 monthly, with a minimum charge of \$3 monthly.
- (B) For each 10,000 sq. ft. of floor space on property located outside the limits of the town, a charge of \$6 shall be made monthly, with a minimum charge of \$6 monthly.
- (C) If the sprinkler system shall be served by an additional source of water which supplements that of the town or county waterworks, the above charges shall be reduced by one half.
- (D) If the property protected shall be larger than 200,000 sq. ft., the rate of charge per 10,000 sq. ft. on the area between 200,000 sq. ft. and 1,000,000 sq. ft. shall be \$1.50 inside the limits of the town and \$3 outside the limits of the town.
- (E) If the property protected is more than 1,000,000 sq. ft., the rate charged shall be \$.075 (\$35) per 10,000 sq. ft. of floor space protected (in excess of 1,000,000 sq. ft.) if inside the corporate limits and \$1.50 if outside.
- (F) If a **hydrant** is required by town or country fire protection standards or is desired to serve a community, a private building or business fire protection on the property, it shall only be available in locations where the main is of sufficient size to furnish the required water. Approval for installing the hydrant may be obtained by applying to the town or county utility operations department agreeing to pay all installation costs. The location and construction/design standard . . . Sentence to be completed. It is not complete in the current Code.

§51.061 No Meters Required for Certain Fire Lines. –

The provisions of §51.060 Rates for Connection of Private Sprinkler System to City Mains shall not be applicable to, and no meters shall be required for, a private fire line, provided each and all of the following standards, requirements, and criteria are fully and continuously complied with:

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- (a) The fire line shall be separate from any other service lines (from the town or county main throughout to its terminus) and shall only serve fire hydrants and sprinkler systems used for fire-fighting purposes only. All connections to the line for fire hydrants or sprinkler systems shall be approved in advance by the utility operations director, or his designee. The line shall be used for no other connections and for no other purposes, and it shall be illegal for anyone to make any other connection to the fire line or to tap the line for any other purpose other than fire- fighting at any point from the line's connection to the town or county main until its terminus; any such illegal activity shall be deemed a continuous offense and each day that such illegal tap, connection, or use exists shall constitute a separate offense and shall be punishable as a separate misdemeanor.
- (b) The separate fire line shall contain a double detector check valve at the property line (constructed at property owner's expense) and the separate fire line shall be constructed throughout of ductile iron or PVC (AWA C900, class water main pipe) from the town or county main through its terminus (including all appurtenances to the line and whether located on private or public property and whether located inside a private structure or outside of the same).
- (c) No hoses or pipes shall be connected to the fire hydrants to draw water from the same except for fire-fighting purposes, unless otherwise specifically authorized by the utility operations director (or his designee) for line flushing purposes.
- (d) By placing an unmetered fire line on the property, the developer and all property owners so served shall thereby grant to the town and the county a perpetual easement to come onto any private property (including inside any private structures or buildings) served by the fire lane for any purpose permitted under this section. The town or county, and any of its duly authorized agents, shall have the right to inspect the line and all appurtenances thereto (including all sprinkler systems, whether located inside or outside of private structures or building) at any time without notice to verify that the line is properly maintained and to verify that no illegal taps or connections have been made to the same to check for possible leaks.
- (e) Whenever any hydrant or sprinkler system on the unmetered fire line shall be used for testing or flushing or any purpose except emergency fire-fighting, the utility operations director shall be given 24 hours prior notice and he or his designee shall be present whenever the hydrant or sprinkler system is so used or tested.
- (f) The owner of the property on which the fire line is located agrees to promptly repair any leaks discovered in said fire line within ten consecutive calendar days after notice of the leaks; if the leaks are not promptly repaired, then the town or county shall have the right to take any such actions which it may deem expedient to uncover and expose the line so as to discover the location of the leak or suspected leak and repair the leak. The

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property owner shall reimburse the town or county for all of its costs, expenses and damages incurred in so uncovering the line and repairing the line 30 days after being billed for the line by the town or county, and shall hold the town or county (and its officers and agents) harmless for any liability by reason of the town's or county's actions under this section.

- (g) In addition to any other remedies available, the town or county reserves the right to cut off the water to any private unmetered fire line in the event all of the standards, requirements, and criteria set forth herein are not continuously met with respect thereto, the property owner agrees to hold the town or county (and its officers and agents) harmless from any liability or damages if the town or county so acts.
- (h) This section shall be applicable to all unmetered fire lines constructed from and after the date of the original passage of this section on July 1, 1996 provided, however, that any metered fire line constructed prior to the date of this can have the meter removed upon approval of the utility operations director (or his designee) and provided all the standards, requirements, and criteria herein set forth are continuously met thereafter. (Ord. passed 7-1-96)

§§51.062 – 51.74 Reserved

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ARTICLE V. SEWER USE

DIVISION 1 - GENERAL PROVISIONS

§ 51.75. Purpose and Policy

- (a) This ordinance sets forth uniform requirements as provided in North Carolina's 2011 Model Pretreatment Ordinance for direct and indirect contributors into the wastewater collection and treatment system for the Town of Warrenton, hereafter referred to as the Town, and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).
- (b) The objectives of this ordinance 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 any waters of the State or otherwise be incompatible with the system;
 - 3. To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
 - 4. To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
 - 5. To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - 6. To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.
- (c) This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (d) This ordinance shall apply to users of the municipal wastewater system, as authorized by N.C.G.S. 160A-312. The Town shall designate an administrator of the Publicly Owned Treatment Works or POTW and pretreatment program hereafter referred to as the Public Works Director. Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance. Any

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powers granted to or imposed upon the Director may be delegated by the Director to other Town personnel.

- (e) By discharging wastewater into the municipal wastewater system, governmental, private, or industrial users located outside the Town limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

§ 51.76. - Definitions And Abbreviations

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

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

- (2) *Approval Authority*. The Director of the Division of Water Resources of the North Carolina Department of Environment and Natural Resources or his designee.

- (3) *Authorized Representative of the Industrial User*.

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

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

- b. the manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

- (iii) If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official

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appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- (iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
 - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this § must be submitted to the Public Works Director prior to or together with any reports to be signed by an authorized representative.
- (4) *Biochemical Oxygen Demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
- (5) *Building Sewer*. A sewer conveying wastewater from the premises of a user to the POTW.
- (6) *Bypass*. The intentional diversion of waste streams from any portion of a user's treatment facility.
- (7) *Categorical Standards*. National Categorical Pretreatment Standards or Pretreatment Standards as defined by the U.S. EPA.
- (8) *Control Authority*. Refers to the Town of Warrenton based on the Town's approved Pretreatment Program under the provisions of 40 CFR 403.11.
- (9) *Division*. The North Carolina Division of Water Resources.
- (10) *Environmental Protection Agency, or EPA*. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (11) *Grab Sample*. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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- (12) *Holding Tank Waste.* Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (13) *Indirect Discharge or Discharge.* The discharge or the introduction from any nondomestic source regulated under § 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (14) *Industrial User or User.* Any industrial user of the Town's wastewater system or any person/entity that is a source of indirect discharge.
- (15) *Pretreatment standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Interference. The inhibition, or disruption of the POTW, collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the control authority's NPDES, collection system, or Non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. § 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (16) *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.
- (17) *National Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (18) *National Prohibitive Discharge Standard or Prohibitive Discharge Standard.* Absolute prohibitions against the discharge of certain

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substances; these prohibitions appear in § 51.121 of this ordinance and are developed under the authority of § 307(b) of the Act and 40 CFR, § 403.5.

(19) *New Source.*

- (i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with § 307(c), provided that:
 - a. the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- ii. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of § (i) b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- iii. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and

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design studies do not constitute a contractual obligation under this definition.

- (20) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (21) National Pollutant Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to § 402 of the Act (33 U.S.C §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.
- (22) Non-discharge Permit. A permit issued by the State pursuant to N.C.G.S. 143-215.1.(d) for a waste which is not discharged directly to surface waters of the state or for a wastewater treatment works which does not discharge directly to surface waters of the State.
- (23) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's NPDES, collection system, or Non-discharge Permit.
- (24) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, heirs, agents or assigns. This definition includes all Federal, State, and local government entities.
- (25) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (26) Pollutant. Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) discharged into water.
- (27) POTW Director or Public Works Director or "Director". The Town administrator designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.

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- (28) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (29) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (30) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the Town in compliance with 40 CFR 403.8 and approved by the Approval Authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (31) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (32) Pretreatment Standards. Any prohibited discharge standard, categorical standard, or local limit which applies to an industrial user.
- (33) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by § 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, or in any other way, users of the POTW of the Town.
- (34) Severe Property Damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (35) Significant Industrial User. Any industrial user of the wastewater disposal system who

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- a. has an average daily process wastewater flow of 25,000 gallons or more, or
 - b. contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or
 - c. is required to meet a National categorical pretreatment standard, or
 - d. is found by the Town, the Division of Water Resources or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
- e. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs a. and b. above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- f. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- g. Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph c. above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C).and 403.12 (e)(3).
- (36) Significant Noncompliance or SNC is a status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in Subparagraph (a)(35), Parts c, d, or h shall be SNC.
- a. Chronic Violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1);

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- b. Technical Review Criteria (TRC) violations. Defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH)).
 - c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.
 - d. Any discharge of a pollutant or wastewater 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 under 40 CFR Part 403.8(f)(1)(vi)(B) and § 51.130(e) of this SUO to halt or prevent such a discharge.
 - e. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
 - f. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
 - g. Failure to accurately report noncompliance.
 - h. Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- (37) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in § 51.81 of this ordinance.
- (38) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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- (39) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (40) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (41) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (42) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
- (43) Wastewater Permit. As set forth in § 51.101 of this ordinance.
- (44) Waters of the State. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (b) This ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.
- (c) Shall is mandatory; may is permissive or discretionary.
- (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
- (e) The following abbreviations when used in this ordinance shall have the designated meanings:
- | | | |
|-----|-----|-----------------------------|
| (1) | BOD | Biochemical Oxygen Demand |
| (2) | CFR | Code of Federal Regulations |
| (3) | COD | Chemical Oxygen Demand |

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(4)	EPA	Environmental Protection Agency
(5)	gpd	Gallons per day
(6)	l	Liter
(7)	mg	Milligrams
(8)	mg/l	Milligrams per liter
(9)	N.C.G.S.	North Carolina General Statutes
(10)	NPDES	National Pollution Discharge Elimination System
(11)	O & M	Operation and Maintenance
(12)	POTW	Publicly Owned Treatment Works
(13)	RCRA	Resource Conservation and Recovery Act
(14)	SIC	Standard Industrial Classification
(15)	SWDA	Solid Waste Disposal Act
(16)	TSS	Total Suspended Solids
(17)	TKN	Total Kjeldahl Nitrogen
(18)	U.S.C	United States Code.

§§ 51.77—51.79. Reserved.

DIVISION 2 - GENERAL SEWER USE REQUIREMENTS

§ 51.81. - Prohibited Discharge Standards

- (a) General Prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
- (b) Specific Prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
 - (3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

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- (4) Any wastewater having a pH less than 5.0 or more than 11 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
- (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
- (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (9) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under § 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (10) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- (11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Public Works Director in compliance with applicable State or Federal regulations.

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- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Public Works Director.
- (14) Fats, oils, or greases of animal or vegetable origin in amounts that will cause obstruction to the flow in the POTW collection system, harm the collection system, and/or result in harm and/or interference at the POTW treatment plant. (See Warrenton's Fats, Oils and Grease .Policy)
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents, which will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the Public Works Director.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxiTown test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

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

When the Public Works Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the Public Works Director shall:

- 1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with § 51.130; and
- 2) take appropriate actions in accordance with Division 4 of this Article (Wastewater Discharge Permit Application and Issuance) for such user to protect the POTW from interference or pass through.

§ 51.82. - National Categorical Pretreatment Standards

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

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

§ 51.83. - Local Limits

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

BOD	300	mg/l
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TSS	150	mg/l	
NH ₃	25	mg/l	
Arsenic	0.003	mg/l	
Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	mg/l	
Cyanide	0.015	mg/l	
Lead	0.049	mg/l	
Mercury	0.0003	mg/l	
Nickel	0.021	mg/l	
Silver	0.005	mg/l	
Zinc	0.175	mg/l	

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The Public Works Director may impose mass-based limits in addition to, or in place of concentration based limits.

§ 51.84. - State Requirements

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

§ 51.85. - Right of Revision

The Town reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in § 51.75 of this ordinance or the general and specific prohibitions in § 51.81 of this ordinance, as is allowed by 40 CFR 403.4.

§ 51.86. - 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 Town or State.

§ 51.87. - Pretreatment of Wastewater

(a) Pretreatment Facilities

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Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under § 51.101 of this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in § 51.81 of this ordinance within the time limitations as specified by EPA, the State, or the Public Works Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Public Works Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Public Works Director before the user's initiation of the changes.

(b) Additional Pretreatment Measures

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

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§ 51.88. - Accidental Discharge/Slug Control Plans

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- (a) The Public Works Director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in § 51.76(a)(37). All SIUs must be evaluated within one year of being designated an SIU. The Public Works Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Public Works Director may develop such a plan for any user.
- (b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see §§ 51.109 and 51.110.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by § 51.110 of this ordinance; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§§ 51.89 -- 51.94 Reserved.

DIVISION 3 - FEES

§ 51.95. - Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the Town of Warrenton wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the Public Works Director and approved by the Board of Commissioners. A copy of these charges and fees will be made available from the Public Works Director, the Finance Department and other sources.

§ 51.96. - User Charges

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

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

§ 51.97. - Surcharges

The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater.

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the Town; or
 - (2) If required by the Town, other flow monitoring devices, which measure the actual volume of wastewater discharged to the sewer, may be used. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the Town. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the Town.
 - (3) Where any user procures all or part of his or her water supply from sources other than the Town, the user shall install and maintain at his or her own expense a flow measuring device of a type approved by the Town.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the Town. Samples shall be collected in such a manner as to be representative of the actual discharge (following pretreatment and prior to blending) and shall be analyzed using procedures set forth in 40 CFR Part 136.
- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the Public Works Director or his duly appointed representatives shall be binding as a basis for charges.

§ 51.98. - Pretreatment Program Administration Charges

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

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

§ 51.99 Reserved

DIVISION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

§ 51.100. - Wastewater Dischargers

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

§ 51.101. - Wastewater Permits

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

(a) Significant Industrial User Determination

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

(b) Significant Industrial User Permit Application

Users required to obtain a significant industrial user permit shall complete and file with the Town, an application in the form prescribed by the Public Works Director

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and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in §51.101(a) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and physical location, (if different from the address);
- (2) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Division 2 of this ordinance, any of the priority pollutants (§ 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in § 51.109 and 51.110;
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. 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:
 - (i) 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

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user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.

- (ii) 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 Public Works Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works Resources.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in § 51.105 of this ordinance.
- (14) Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g).
- (15) Any other information as may be deemed by the Public Works Director to be necessary to evaluate the permit application.

(c) Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or Municipality as defined in § 51.76(a)(8) and contain the following certification statement:

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

(d) Application Review and Evaluation

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

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- (1) The Public Works Director is authorized to accept applications for the Town and shall refer all applications to the POTW staff for review and evaluation.
 - (2) Within 30 days of receipt the Public Works Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (e) Tentative Determination and Draft Permit
- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
 - (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
 - (3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the general permit conditions of the Town into a significant industrial user permit.
- (f) Permit supporting documentation. The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.
- (1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
 - (2) The basis, or rationale, for the pretreatment limitations, including the following:
 - (i) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - (ii) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- (g) Final Action on Significant Industrial User Permit Applications

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- (1) The Public Works Director shall take final action on all applications not later than 90 days following receipt of a complete application.
- (2) The Public Works Director is authorized to:
 - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
 - (ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (iii) modify any permit upon not less than 60 days' notice and pursuant to § 51.101(9)(i) of this ordinance;
 - (iv) revoke any permit pursuant to § 51.130 of this ordinance;
 - (v) suspend a permit pursuant to § 51.130 of this Ordinance;
 - (vi) deny a permit application when in the opinion of the Public Works Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of N.C.G.S. 143-215.1.

(h) *Hearings.* The local government may conduct hearings in accordance with its regular hearing procedure.

- (1) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under § 51.131, or one issued an administrative order under § 51.130 shall have the right to an adjudicatory hearing before a hearing officer designated by the director of utilities upon making written demand, identifying the specific issues to be contested, to the director of utilities within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The director of utilities shall transmit a copy of the hearing officer's decision by registered or certified mail.
 - a. New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - b. Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms

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and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

- (2) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under § 51.140(h) above may be appealed, to the Board of Commissioners upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with the Board of Commissioners procedures for public hearings. Failure to make written demand within the time specified herein shall bar further appeal. The Board of Commissioners shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
- (3) *Official record.* When a final decision is issued under § 51.101(h)(2) above, the Board of Commissioners shall prepare an official record of the case that includes:
 - a. All notices, motions, and other like pleadings;
 - b. A copy of all documentary evidence introduced;
 - c. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - d. A copy of the final decision of the Board of Commissioners serving the town.
- (4) *Judicial review.* Any person against whom a final order or decision of the Board of Commissioners is entered, pursuant to the hearing conducted § 51.101 (h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the superior court of Warren County along with a copy to the town. Within thirty (30) days after receipt of the copy of the petition of judicial review, the Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

(i) Permit Modification

- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance
 - (i) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (ii) a single modification of any compliance schedule not in excess of four months,

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- (iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- (2) Within 9 months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 51.101(b), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National categorical pretreatment standard.
- (3) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by N.C.G.S. 143-215.1(b) for modifications.

(j) 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, State, or Federal authority. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Town in accordance with this Ordinance, and applicable State and Federal regulations.

- (1) The Public Works Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - a. a statement of duration (in no case more than five years);
 - b. a statement of non-transferability;
 - c. applicable effluent limits based on categorical standards or local limits or both;
 - d. applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
 - e. requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 51.76(a)(37);
 - f. requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in §51.76(a)(37), if determined by the Public Works Director to be necessary for the User and,
 - g. requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in § 51.76(a)(37). Also see §51.109 and 51.110;

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- h. a statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. In addition, permits may contain, but are not limited to, the following:
 - a. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - b. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - c. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - g. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - h. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - i. Compliance schedules for meeting pretreatment standards and requirements.
 - j. Requirements for submission of periodic self-monitoring or special notification reports.
 - k. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 51.117 and affording the Public Works Director, or his representatives, access thereto.
 - l. Requirements for prior notification and approval by the Public Works Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - m. Requirements for the prior notification and approval by the Public Works Director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - n. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal

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and State pretreatment standards, including those which become effective during the terms of the permit.

- o. Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(k) Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date.

(l) Permit Transfer

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

(m) Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with § 51.101 a minimum of 180 days prior to the expiration of the existing permit.

§§51.102 – 51.104. – Reserved

DIVISION 5. - REPORTING REQUIREMENTS

§ 51.105. - Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

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- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Public Works Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.114 of this ordinance.
 - (iii) Sampling must be performed in accordance with procedures set out in § 51.115 of this ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
- (6) Certification. A statement, reviewed by the user's current authorized representative as defined in § 51.76(a)(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 51.116(c) of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with § 51.101(c) of this ordinance.

§ 51-106. - Compliance Schedule Progress Reports

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The following conditions shall apply to the compliance schedule required by § 51.105(b)(7) of this ordinance:

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

§ 51-107. - Reports on Compliance with Categorical Pretreatment Standard, Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Works Director a report containing the information described in § 51.105(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 51.101(c) of this ordinance.

§ 51.108. - Periodic Compliance Reports

Municipalities may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

- (a) All significant industrial users shall, at a frequency determined by the Public Works Director but in no case less than once every six months, submit a report

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indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in § 51.114 and 51.115 of this Chapter. All periodic compliance reports must be signed and certified in accordance with § 51.101(c) of this ordinance.

- (b) If a user subject to the reporting requirement in this § monitors any pollutant more frequently than required by the Public Works Director, using the procedures prescribed in § 51.114 and 51.115 of this ordinance, the results of this monitoring shall be included in the report.

§ 51.109. - Reports of Changed Conditions

Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority. See § 51.110(d) for other reporting requirements.

- (a) The Public Works Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 51.101 of this ordinance.
- (b) The Public Works Director may issue a wastewater discharge permit under § 51.101 of this ordinance or modify an existing wastewater discharge permit under § 51.101 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

§ 51-110. - Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § 51.76(a)(37), that may cause potential problems for the POTW, the user shall immediately telephone and notify the Public Works Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future

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occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § 51.76(a)(37).

§ 51.111. - Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require. All users classified as Non-Significant Categorical Industrial Users under § 51.76(a)(35)(f) shall provide appropriate reports to the Public Works Director as the Public Works Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40CFR403.12(q).

§ 51.112 - Notice of Violation/Repeat Sampling and Reporting

- (a) If sampling performed by a user indicates a violation, the user must notify the Public Works Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director within thirty (30) days after becoming aware of the violation. If allowed by the Director of Public Works, the user is not required to resample:
 - (1) if the Public Works Director monitors at the user's facility at least once a month; or
 - (2) if the Public Works Director samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the Public Works Director does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the Public Works Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:

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- (1) the Public Works Director monitors at the user's facility at least once a month; or
- (2) the Public Works Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
- (3) the Public Works Director requires the user to perform sampling and submit the results to the Public Works Director within the 30 day deadline of the POTW becoming aware of the violation.

§ 51.113. - Notification of the Discharge of Hazardous Waste

The Town prohibits the discharge of any hazardous wastes without notification to and approval by the Public Works Director.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. The user shall not begin the discharge until receiving written approval from the Town. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under § 51.109 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§51.105, 51.107, and 51.108 of this Chapter.
- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR

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261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (c.) In the case of any new regulation under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Public Works Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

§ 51.114. - Analytical Requirements

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

§ 51.115. - Grab and Composite Sample Collection

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number

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requirements for BMR and 90 Day Compliance Reports. Additionally, the Public Works Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.

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

§ 51.116. - Timing

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

§ 51.117. - Record Keeping

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

§ 51.118. - Electronic Reporting

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

§ 51.119 Reserved

DIVISION 6 - COMPLIANCE MONITORING

§ 51.120. - Monitoring Facilities

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

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

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

§ 51.121. - Inspection and Sampling

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

§ 51.122. - Search Warrants

If the Town, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify

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compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Public Works Director, approval authority, or EPA may seek issuance of a search warrant from a Judicial Official of the Court of Stokes County having jurisdiction within the Town.

§§ 51.123.- 51.124 – Reserved.

DIVISION 7 - CONFIDENTIAL INFORMATION

§ 51.125. – Confidential Information.

- (a) Information and data provided by an industrial user to the Public Works Director pursuant to this ordinance identifying the nature and frequency of a discharge, shall be available to the public without restriction. All other information which may be so submitted by an industrial user to the Public Works Director in connection with any required reports shall also be available to the public unless the industrial user or other interested person specifically identifies the information as confidential upon submission and is able to demonstrate to the satisfaction of the Public Works Director that the disclosure of such information or a particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets.
- (b) Information provided by an industrial user to the Public Works Director that is determined to be entitled to confidential treatment shall be made available upon written request to the Division of Water Quality or any state agency for uses related to the Pretreatment Program, the National Pollutant Discharge Elimination System (NPDES) Permit, collection system permit, stormwater permit, and/or Non-discharge permit, and for uses related to judicial review or enforcement proceedings involving the person furnishing the report.
- (c) Information and data received by the Division or other state agency under paragraph (b) above shall be subject to the processes set forth in G.S. 143-215.3C.

§ 51.126. – 51.129. Reserved.

DIVISION 8 - ENFORCEMENT

§ 51.130. - Administrative Remedies

- (a) Notification of Violation

Whenever the Public Works Director finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the Public

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Works Director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the Town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders

The Public Works Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a show cause hearing under this § is not a prerequisite to the assessment of a civil penalty under § 51.131; nor is any action or inaction taken by the Public Works Director under this § subject to an administrative appeal under § 51.101(h).

(d) Administrative Orders

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

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

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event

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of a failure to comply voluntarily with the suspension order, the Public Works Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Public Works Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Public Works Director prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

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

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

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under § 51.130 of this ordinance why the proposed action should not be taken.

§ 51.131. - Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation.
- (1) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - (i) For any class of violation, only if a civil penalty has been imposed against the violator with in the five years preceding the violation, or
 - (ii) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the Public Works Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

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- (b) In determining the amount of the civil penalty, the Public Works Director shall consider the following:
 - (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (2) The duration and gravity of the violation;
 - (3) The effect on ground or surface water quantity or quality or on air quality;
 - (4) The cost of rectifying the damage;
 - (5) The amount of money saved by noncompliance;
 - (6) Whether the violation was committed willfully or intentionally;
 - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (8) The costs of enforcement to the Town.
- (c) Appeals of civil penalties assessed in accordance with this Section shall be as provided in § 51.140 Adjudicatory Hearings.

§ 51.132. - Other Available Remedies

Remedies, in addition to those previously mentioned in this ordinance, are available to the Public Works Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (a) Criminal Violations.

The District Attorney for the applicable Judicial District (District 19) may, at the request of the Town, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (N.C.G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (N.C.G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (N.C.G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (N.C.G.S. 143-215.6B(i)).]

- (b) Injunctive Relief

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

(c) **Water Supply Severance**

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

(d) **Public Nuisances**

Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the Town governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

§ 51.133. - Remedies Nonexclusive

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

§. 51.134 Reserved

DIVISION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

§ 51.135. - Annual publication of significant noncompliance.

At least annually, the Public Works Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(34), with applicable pretreatment standards and requirements, during the previous 12 months.

§. 51.136. – 51.139. Reserved

DIVISION 10 – ADJUDICATORY HEARINGS

§ 51.140. – Adjudicatory hearings.

The local government may conduct hearings in accordance with its regular hearing procedure.

(a) Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under § 51.131, or one issued an administrative order under § 51.130 shall have the right to an adjudicatory hearing before the Town Manager or other appointed hearing officer upon making written demand, identifying the specific issues to be contested, to the Public Works Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permits being modified may be adjudicated. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The Public Works Director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (b) below. The terms and conditions of a permit under appeal shall be as follows:

- (1) New Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (2) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (3) Terminated Permits. Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of the judicial review or until the parties reach a mutual resolution.

(b) Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (a) above may be appealed, to the Town Board upon filing a written demand within 10 days of receipt of notice of

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the decision. Hearings held under this Subdivision shall be conducted in accordance with the Town Board's normal procedures for public hearings. Failure to make written demand within the time specified herein shall bar further appeal. The Town Board shall make a final decision on the appeal within 90 days of the date the appeal was filed under paragraph (a) and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (c) below. The decision is a final decision for the purposes of seeking judicial review.

- (c) Official record. When a final decision is issued under paragraph (a) above, the Town Board shall prepare an official record of the case that includes:
- (1) All notices, motions, and other like pleadings;
 - (2) A copy of all documentary evidence introduced;
 - (3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - (4) A copy of the final decision of the Town Board.
- (d) Judicial Review. Any person against whom a final order or decision of the Board of Commissioners is entered, pursuant to the hearing conducted under paragraph (a) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court serving Warren County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court serving Warren County along with a copy to the Town. Within 30 days after receipt of the copy of the written request for review by the Court, the Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

Secs. 51.141 – 51.144. Reserved

DIVISION 11 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 51-145. - Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the user can identify the cause(s) of the upset;

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- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Public Works Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

§ 51.146. - Prohibited Discharge Standards Defense

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 51.81 (a) of this ordinance or the specific prohibitions in §§ 51.81 (b)(2), (3), and (5) – (7) and (9)-(23) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with conjunction with discharge from other sources, would cause pass through or interference and that either:

- a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly

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

§ 51.147. - Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this Section.
- (b)
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (c)
 - (1) Bypass is prohibited, and the Public Works Director may take an enforcement action against a user for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (b) of this §.

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- (2) The Public Works Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in paragraph (c)(1) of this §.

§§51-148 – 51.159 Reserved.

ARTICLE VI. CROSS CONNECTION AND BACKFLOW PREVENTION

§ 51-160 Purpose and Application

- (a) The purpose of this cross connection control article is to define the authority of the *Town of Warrenton* as the water purveyor in the elimination of all cross connections within its public potable water supply.
- (b) This article shall apply to all users connected to the *Town of Warrenton's* public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.
- (c) This article will comply with the Federal Safe Drinking Water Act (PL 93-523), the North Carolina State Administrative Code (15A NCAC 18C), and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.

§ 51-162. Objectives of article

The specific objectives of this cross connection control article for the *Town of Warrenton* are as follows:

- (1) To protect the public potable water supply of the *Town of Warrenton* against actual or potential contamination by isolating within the consumer's water system contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- (2) To eliminate or control existing cross connections, actual or potential, between the consumer's potable water system and nonpotable or industrial piping system.
- (3) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

§ 51-163. Responsibilities

- (a) *Health agency* - The state department of environment and natural resources has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective cross connection control program. The state department of environment and natural resources also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. The state department of environment and natural resources has the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

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- (b) *Water purveyor* - Except as otherwise provided in this article, the water purveyor which is the *Town of Warrenton*'s responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system. In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, the v is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program. When it is determined that a backflow prevention assembly is required for the protection of the public system, the v shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the water purveyor, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.
- (c) *Plumbing inspection* - The plumbing inspection departments have the responsibility to not only review building plans and inspect plumbing as it is installed; but, they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the state building code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the state building code. The plumbing inspector's responsibility begins at the point of delivery, downstream of the first installed backflow prevention assembly, and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the state building code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the v, the state building code, and the state department of environment and natural resources.
- (d) *Consumer* - The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his water system. The consumer, at his own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the *Town of Warrenton*. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and

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shall maintain such records for a minimum period of three years. The records shall be on forms approved by the *Town of Warrenton* and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

- (e) *Certified backflow prevention assembly testers* -When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities: The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the *Town of Warrenton*. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the *Town of Warrenton*.

A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the *Town of Warrenton* cross connection control department within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the *Town of Warrenton*. All test equipment shall be registered with the *Town of Warrenton* cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the *Town of Warrenton* as to such calibration, employing an accuracy/calibration method acceptable to the *Town of Warrenton*. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.

§51-164. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this §, except where the context clearly indicates a different meaning:

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Air-gap separation - A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel, in no case less than one inch (2.54 cm).

Approved - A water supply that has been approved by the state department of environment and natural resources; or, as used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods means an approval by the *Town of Warrenton*.

Backflow - The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

Backflow prevention assembly, Approved - An assembly used for containment and/or isolation purposes that has been investigated and approved by the *Town of Warrenton* and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the *Town of Warrenton* is based on a favorable report by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance. The *Town of Warrenton* reserves the right to evaluate any backflow prevention assembly through a field evaluation process for approval if necessary for a period of time established by the town.

Backflow prevention assembly, Unapproved - An assembly that has been investigated by the *Town of Warrenton* and has been determined to be unacceptable for installation within the *Town of Warrenton* water system. Consideration for disapproval and removal from the "approved list" shall be based upon, but not limited to, the following criteria: (i) Due to poor performance standards (i.e., significant failure rate); (ii) lack of or unavailability of repair parts; and/or, (iii) poor service or response from assembly's factory representative.

Backflow prevention assembly, Type - An assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The types are:

- (1) Double check valve assembly (DCVA).
- (2) Double check detector assembly (fire system) (DCDA).
- (3) Pressure vacuum breaker (PVB).

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- (4) Atmospheric vacuum breaker (AVB)
- (5) Reduced pressure principle assembly (RP).
- (6) Reduced pressure principle detector assembly (fire system). (RPDA).

Backflow prevention assembly tester, Certified - A person who has proven his competency to the satisfaction of the *Town of Warrenton*. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years' experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the *Town of Warrenton*, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies. Backflow assembly testers who hold a certificate of completion from an approved training program shall be required to successfully complete a practical examination administered by the *Town of Warrenton* prior to conducting test and repair work on backflow prevention assemblies in the *Town of Warrenton* water system. Backflow assembly testers who hold a certificate of completion from a nonapproved training program shall be required to successfully complete a written and practical examination administered by the *Town of Warrenton* prior to conducting test and repair work on backflow prevention assemblies in the *Town of Warrenton* water system.

Backflow prevention device, Approved - A device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA)

Back-pressure backflow - Any elevation in the consumer water system, by pump, elevation of piping, or steam and/or air pressure, above the supply pressure at the point of delivery which would cause, or tend to cause, a reversal of the normal direction of flow.

Back-siphonage backflow means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Check valve, Approved – A check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g. clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly, i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principal assembly, or reduced pressure detector assembly.

Consumer - Any person, firm, or corporation using or receiving water from the *Town of Warrenton* water system.

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Consumer's potable water system - That portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

Consumer's water system - Any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Containment means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination means an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

Cross connection - Any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.

Double check detector assembly - A specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons or cubic feet) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Double check valve assembly - An assembly composed of two independently acting, approved check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e. pollutant).

Hazard, Degree of - A term derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (nonhealth) or a "contamination" (health) hazard. *Hazard--Health*. The term "health hazard" means an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.

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Hazard, Nonhealth - An actual or potential threat to the quality of the public or the consumer's potable water system. A nonhealth hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

Hazard, Pollutational - An actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Health agency - The state department of environment and natural resources.

Industrial fluids -Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or nonhealth hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

Industrial piping system--Consumer's. The term "consumer's industrial piping system" means any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated

Isolation - The act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: *Town of Warrenton* may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

Point of delivery - Generally at the property line of the customer, adjacent to the public street where the *Town of Warrenton* mains are located, or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the point of delivery.

Pollution - An impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

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Potable water - Water from any source which has been investigated by the state department of environment and natural resources and which has been approved for human consumption.

Public potable water system - Any publicly or privately owned water system operated as a public utility, under a current state department of environment and natural resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Reduced pressure principal backflow prevention assembly - An assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks is less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

Reduced pressure principal detector assembly - A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register, in U.S. gallons or cubit feet, accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against a health hazard (i.e., contaminant).

Service connections - The terminal end of a service connection from the public potable water system, i.e., where the *Town of Warrenton* loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

Vacuum breaker, atmospheric type - The term "atmospheric vacuum breaker," also known as the "nonpressure type vacuum breaker," means a device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. Shutoff valves downstream of AVBs are not allowed. AVB's must always be installed at a minimum of 6" above the highest outlet. An atmospheric vacuum

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breaker is designed to protect against health hazards, isolation protection only, under a backsiphonage condition only.

Vacuum breaker, pressure type - An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. PVB's must always be installed at a minimum of 12" above the highest outlet. This assembly is designed to protect against a health hazard (i.e., contaminant) under a backsiphonage condition only.

Water purveyor - The owner or operator of a public potable water system, providing an approved water supply to the public.

Water supply, Approved m- Any public potable water supply which has been investigated and approved by the permit. In determining what constitutes an approved water supply, the state department of environment and natural resources has reserved the final judgment as to its safety and potability.

Water supply, auxiliary - Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., "used water", or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Water supply, Unapproved - A water supply which has not been approved for human consumption by the state department of environment and natural resources.

Water, Used - Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

§ 51-165. Right of entry

- (a) Authorized representatives from the *Town of Warrenton* shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this article. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. 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 the security guards so that

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upon presentation of suitable identification, *Town of Warrenton* personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

- (b) On request, the consumer shall furnish to the commission any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

§ 51-166. Elimination of cross connections; degree of hazard

- (a) When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by the *Town of Warrenton*. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:
 - (1) Cross connections with private wells or other auxiliary water supplies-- immediate disconnection.
 - (2) All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principal backflow prevention assembly within 60 days.
 - (3) All industrial and commercial facilities not identified as a health hazard shall be considered nonhealth hazard facilities. All nonhealth hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days
 - (4) If, in the judgment of the *Town of Warrenton*, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
 - (5) Based upon recommendation from the *Town of Warrenton*, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principal backflow prevention assembly, double check valve assembly).
 - (6) Water mains served by the *Town of Warrenton* but not maintained by the *Town of Warrenton* should be considered cross connections, with degree of hazard to be determined by the *Town of Warrenton*. Degree of protection shall be based upon the degree of hazard, as determined by the *Town of Warrenton*.
- (b) In the event that a *Town of Warrenton* cross connection control inspector does not have sufficient access to every portion of a private water system (e.g., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an

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approved reduced pressure principal assembly shall be required as a minimum of protection.

- (c) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principal backflow prevention assembly properly installed on the public water supply.

§ 51-167. Installation of assemblies.

- (a) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by The *Town of Warrenton* and/or the manufacturer's installation instructions and/or in the latest edition of the state building code, whichever is most restrictive. All assemblies installed above ground outside must be protected from freezing with an above ground enclosure that meets the ASSE 1060 standard. If the assembly is installed outside and intended for commercial domestic water use, a heat source must be ready available at the assembly, if necessary, and must be freeze proof.
- (b) All new construction plans and specifications, when required by the state building code and the state department of environment and natural resources, shall be made available to the *Town of Warrenton* for review and approval, and to determine the degree of hazard.
- (c) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
- (d) All double check valve assemblies must be installed in accordance with detailed specifications provided by the *Town of Warrenton*. Double check valve assemblies may be installed in a vertical position provided they have been specifically approved by the manufacture and with prior approval from the *Town of Warrenton* Cross Connection Control Department provided the flow of water is in an upward direction. All double check valve assemblies 2 1/2" and larger must be installed above ground covered by an above ground enclosure that meets the ASSE 1060 standard if they are installed outside. Inside installations must meet North Carolina Plumbing Code.
- (e) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. The further most bottom portion of the body must be at a minimum of 12" above grade, no more than 4'. Pit and/or below grade installations are prohibited.
- (f) The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.

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- (g) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the *Town of Warrenton* Cross Connection Control Department within 15 days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
1. Service address where assembly is located.
 2. Owner and address, if different from service address.
 3. Description of assembly's location.
 4. Date of installation.
 5. Installer, include name, plumbing company represented, plumber's license number, and project permit number.
 6. Type of assembly, size of assembly.
 7. Manufacturer, model number, serial number.
 8. Test results/report.
- (h) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The *Town of Warrenton* will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.
- (i) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:
- Health hazard . . . 60 days
 - Nonhealth hazard . . . 90 days
- (j) Following installation, all reduced pressure principal backflow preventers (RP), double check valve assemblies (DCVA), pressure vacuum breakers (PVB), double check detector assemblies (DCDA), or reduced pressure principle detector assemblies (RPDA) are required to be tested by a certified backflow prevention assembly tester within ten days.

§ 51-168. Testing and repair of assemblies

- (a) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester or may be contracted out to the *Town of Warrenton* cross connection control department at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the *Town of Warrenton* regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the *Town of Warrenton* cross connection control department within ten business days after the completion of any testing and/or repair work.

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- (b) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the *Town of Warrenton*, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
 - 1. (1) Health hazard facilities . . . 14 days
 - 2. (2) Non-health hazard facilities . . . 21 days
- (c) All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by the *Town of Warrenton* regulations. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
- (d) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the *Town of Warrenton*. All test equipment shall be registered with the *Town of Warrenton* cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the *Town of Warrenton* as to such accuracy/calibration, employing a calibration method acceptable to the *Town of Warrenton*. Ref. § 51-163 (e)
- (e) It shall be unlawful for any customer or certified tester to submit any record to the *Town of Warrenton* which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the *Town of Warrenton* any record which is required by this article. Such violations may result in any of the enforcement actions outlined in §. 51-172 Enforcement

§ 51-169. Facilities requiring protection

- (a) Approved backflow prevention assemblies shall be installed on the service line to any premises that the *Town of Warrenton* has identified as having a potential for backflow.
- (b) The following types of facilities or services have been identified by the *Town of Warrenton* as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the *Town of Warrenton*. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed in this subsection.

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DCVA = Double check valve assembly

RP = Reduced pressure principal assembly DCDA = Double check detector assembly

RPDA = Reduced pressure detector assembly

AG = Air gap

PVB = Pressure vacuum breaker

1. Aircraft and missile plants: RP
2. Automotive services stations, dealerships, etc. RP
3. Automotive plants: RP
4. Auxiliary water systems:
 - a. Approved public/private water supply: DCVA
 - b. Unapproved public/private water supply: AG
 - c. Used water and industrial fluids: RP
5. Bakeries:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
6. Beauty shops/barber shops: RP
7. Beverage bottling plants: RP
8. Breweries: RP
9. Buildings--Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
 - a. (Under five stories) no health hazard: DCVA
 - b. (Under five stories) health hazard: RP
 - c. (Over five stories) all: RP
10. Canneries, packing houses, and rendering plants: RP
11. Chemical plants--Manufacturing, processing, compounding or treatment: RP
12. Chemically contaminated water systems: RP
13. Commercial car-wash facilities: RP
14. Commercial greenhouses: RP
15. Commercial sales establishments (department stores, malls, etc.)
 - a. No health hazard: DCVA
 - b. Health hazard: RP
16. Concrete/asphalt plants: RP
17. Dairies and cold storage plants: RP
18. Dye works: RP
19. Film laboratories: RP
20. Fire systems:
 - a. Systems three-fourths inch to two inches:
 1. No health hazard: DCVA
 2. Health hazard: (booster pumps, foam, antifreeze solution, etc.): RP
 - b. Systems 2 1/2 inches to ten inches or larger:
 1. No health hazard: DCDA
 2. Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA

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- 21. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
- 22. Industrial facilities:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- 23. Laundries:
 - a. No health hazard: DCVA
 - b. Health hazard: (i.e., dry cleaners): RP
- 24. Lawn irrigation systems (split taps): RP
- 25. Metal manufacturing, cleaning, processing, and fabricating plants: RP
- 26. Mobile home parks:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- 27. Oil and gas production, storage or transmission properties: RP
- 28. Paper and paper products plants: RP
- 29. Pest control (exterminating and fumigating): RP
- 30. Plating plants: RP
- 31. Power plants: RP
- 32. Radioactive materials or substances plants or facilities handling: RP
- 33. Restaurants:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- 34. Restricted, classified, or other closed facilities: RP
- 35. Rubber plants (natural or synthetic): RP
- 36. Sand and gravel plants: RP
- 37. Schools and colleges: RP
- 38. Sewage and storm drain facilities: RP
- 39. Swimming pools: RP
- 40. Waterfront facilities and industries: RP

- (c) All assemblies and installations shall be subject to inspection and approval by the *Town of Warrenton*.

§ 51-170. Connections with unapproved sources of supply

- (a) No person shall connect or cause to be connected any supply of water not approved by the state department of environment and natural resources to the water system supplied by the *Town of Warrenton*. Any such connections allowed by the *Town of Warrenton* must be in conformance with the backflow prevention requirements of this article.
- (b) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the *Town of Warrenton* immediately in order that

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appropriate measures may be taken to overcome and eliminate the contamination or pollution.

§ 51-171. Fire protection systems

- (a) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principal assembly at the main service connection.
- (b) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principal detector assembly at the main service connection.
- (c) All existing backflow prevention assemblies 2 1/2 inches and larger installed on fire protection systems that were initially approved by the *Town of Warrenton* shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this article. If, however, the existing assembly must be replaced once it can no longer be repaired, or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principal detector assembly as required by § 51-169. Facilities Requiring Protection

§ 51-172. Enforcement.

- (a) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this Article shall be notified in writing with regard to the corrective action to be taken. The time for compliance shall be in accordance with §§ 51-172 (g) (1-4)
- (b) The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in § § 51-172 (g) (1-4), shall be considered in violation of this article, and may be issued a civil citation by the *Town of Warrenton*. The citation shall specify the nature of the violation and the provision of this article violated, and further notify the offender that the civil penalty for such violation is as set forth in subsection (c) of this section and is to be paid to the *Town of Warrenton* within 30 days. If the penalty prescribed in this sub§ is not paid within the time allowed, the *Town of Warrenton* may initiate a civil action in the nature of a debt and recover the sums set forth in sub§ (c) of this § plus the cost of the action.

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- (c) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this article shall occur or continue shall constitute a separate and distinct offense.
- (d) If, in the judgment of the *Town of Warrenton*, any owner, manager, supervisor, or person in charge of any installation found to be in noncompliance with the provisions of this article neglects his or her responsibility to correct any violation, such neglect may result in discontinuance of water service until compliance is achieved.
- (e) Failure of a customer or certified tester to submit any record required by this article, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to the *Town of Warrenton*, the *Town of Warrenton* shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming recertified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty as provided for in this subsection.
- (f) Enforcement of this program shall be administered by the Public Works Director of the *Town of Warrenton* or its authorized representative.
- (g) Requests for extension of time shall be made in writing to the Public Works Director of the *Town of Warrenton* or its authorized representative. All other appeals shall be made in accordance with the following procedures:
 - (1) Adjudicatory hearings. A customer assessed a civil penalty under this § shall have the right to an adjudicatory hearing before a hearing officer designated by the Public Works Director of the *Town of Warrenton* upon making written demand, identifying the specific issues to be contended, to the Public Works Director of the *Town of Warrenton* within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified in this sub§, the decision on the civil penalty assessment shall be final and binding.
 - (2) Appeal hearings. Any decision of the *Town of Warrenton* hearing officer made as a result of an adjudicatory hearing held under subsection (g)(1) of this § may be appealed by any party to the *Town of Warrenton* board of **Commissioners** upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with the *Town of Warrenton* hearing procedures. Failure to make written demand within the time specified in

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this sub§ shall bar further appeal. The *Town of Warrenton* shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(3) Official record. When a final decision is issued under § 51-402 (g)(2) of this §, the *Town of Warrenton* shall prepare an official record of the case that includes:

- a. All notices, motions, and other like pleadings;
- b. A copy of all documentary evidence introduced;
- c. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
- d. A copy of the final decision of the *Town of Warrenton*.

(4) Judicial review. Any customer against whom a final decision of the *Town of Warrenton* is entered, pursuant to the hearing procedure under sub§ § 51-402 (g)(2) of this §, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the general court of justice of the county or of the county where the order or decision is effective, along with a copy to the *Town of Warrenton*. Within 30 days after receipt of the copy of the petition of judicial review, the *Town of Warrenton* shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in subsection (g)(3) of this section.

§ 51-173. Severability

If any section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or otherwise invalid, such adjudication shall not affect the validity of the remaining portion of this article. It is hereby declared that this article would have been passed, and each section, sentence, or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences, or clauses might be adjudged to be unconstitutional, for any other reason invalid. (Ordinance of 10-13-23)

§§ 51-174 – 51-179 Reserved

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ARTICLE VII. GREASE TRAP REQUIREMENTS

§51.180 Intent and Scope

STANDARDS AND REQUIREMENTS For Food Service Establishments Section 51.091 of the Town Of Warrenton Sewer Use Ordinance (SUO) prohibits the discharge to the Town Of Warrenton any waste containing floatable oils, fat or grease. Section 51.091 of the SUO further states that any waste capable of causing abnormal corrosion, abnormal deterioration, damage to or hazard to structures or equipment to the Sewerage System, or humans or animals or interference with proper operation of the Town Of Warrenton Wastewater Treatment Plant is prohibited. Food Service Establishments shall provide means of preventing grease and oil discharges to the Sewerage System. Where a grease and oil interceptor currently exists or is required by the Town Of Warrenton, it shall be maintained for continuous, satisfactory and effective operation by the owner, leaseholder or operator at his/her expense. Grease and oil interceptors shall be of a type and capacity approved by the Town of Warrenton and shall be located as to be readily accessible for cleaning and inspection.

§51.181 Definitions

For the purposes of this Article, certain words and phrases used in this Chapter are defined as follows:

Food Service Establishment: A facility discharging kitchen or food preparation wastewaters such as restaurants, motel, hotels, cafeterias, delicatessen, meat cutting preparation, bakeries, hospitals, schools, bars, or any other facility which in the Town's discretion, -would require a grease trap installation by virtue of its operation.

Grease Interceptor/Grease Trap: A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the "outdoor" or underground type normally of a 1,000 gallon capacity or more, or the "under- the-counter" package units which are typically less than 100 gallon capacity. For purposes of this definition, the words "trap" and "interceptor" are used interchangeably.

Interference: The inhibition or disruption of the Wastewater treatment processes or operations, or acts or discharges which may cause damage to any portion of the Sewerage System or which contribute to a violation of any requirement of a POTW's (Publicly Owned Treatment Works) NPDES (National Pollutant Discharge Elimination System) Permit The term includes Interference with Sewage sludge use ' or disposal in accordance with State or Federal criteria, guidelines or regulations or any State or Federal sludge management plan applicable to the method of disposal- or use employed by the Sewerage System.

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§51.182 General Requirements

- (a) All Food Service Establishments shall have grease-handling facilities approved by the Town of Warrenton. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent floatable oils, fat or grease from entering the sewerage system shall be notified in writing of any noncompliance and required to provide a schedule whereby corrections will be accomplished.
- (b) All Food Service Establishments grease-handling facilities shall be subject to review, evaluation, and inspection by the Town of Warrenton representative during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator. The Town Of Warrenton may lend assistance and make recommendations for correction and improvement.
- (c) Food Service Establishment receiving two (2) consecutive unsatisfactory evaluations or inspections, may be subject to penalties or other corrective actions as provided from the Sewer Use Ordinance.
- (d) Food Service Establishments who continue to violate the Town of Warrenton Grease Standards/Requirements may be considered grounds for discontinuance of sewer service.
- (e) Food Service Establishments whose operations cause or allow excessive grease to discharge or accumulate in the Town of Warrenton collection system may be liable to the Town Of Warrenton for costs related to the Town of Warrenton service calls for line blockages, line cleanings, line and pump repairs, etc. including all labor~ materials, and equipment. Failure to pay all service-related charge may also be grounds for water/sewer service discontinuance.
- (f) Regularly scheduled maintenance of grease-handling facilities is required to insure adequate operation. In the maintaining of these grease interceptors, the owner, leaseholder or operator shall be responsible for the proper removal and disposal of grease by appropriate means and shall maintain on-site records of dates; and means of disposal. Records shall be maintained for a period-of three (3) years.
- (g) Any Food Service Establishment whose effluent discharge to the sewerage system is determined by the Town Of Warrenton to cause interference in the conveyance or operation of the sewerage system may be required to sample its grease trap discharge and have it analyzed for oil and grease at the expense of the owner, lease-holder or operator. Results of such analyses shall be reported to the Town of Warrenton.

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- (h) All grease traps interceptors shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the sewer.
- (i) Food Service Establishments shall adopt procedures for handling sources of floatable oils, fat or grease originating -within their facility. A notice shall be permanently posted at a prominent place in the facility advising employees of the procedures to be followed.
- (j) Food Service Establishments shall develop and implement a Waste Minimization Plan pertaining to the disposal of grease, oils and food particles. The Town of Warrenton may render advice or make suggestions regarding the minimization of waste.

§51.183 Construction Standards

(a) New Facilities

1. All new Food Service Establishments shall be required to install a grease interceptor, approved by the Town of Warrenton. Grease interceptors shall be adequately sized, with no interceptor less than 1,000 gallons total capacity unless otherwise approved by the Town of Warrenton.
2. No new Food Service Establishments will be allowed to initiate operations until grease handling facilities are installed and approved by the Town of Warrenton.
3. All grease interceptors, whether singular or two tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition. .
4. A basket, screen or other intercepting device shall prevent passage into the drainage system of solids Y2 inch or larger in size. The basket or device shall be removable for cleaning purposes.
5. Where food-waste grinders are installed, the waste from those units shall discharge directly into the building drainage system without passing through a grease interceptor. All other fixtures and drains receiving kitchen or food preparation wastewaters shall pass through a grease interceptor.

(b) Existing Facilities

1. All existing Food Service Establishments shall have grease-handling facilities, approved by the Town Of Warrenton. Food Service Establishments without any grease-handling facilities will be given a compliance deadline not to exceed six (6) months from date of notification to have approved and installed grease-handling

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equipment in compliance with this Standard. Failure to do so will be considered a violation of the Town of Warrenton Sewer Use Ordinance and may subject the facility to penalties and corrective actions. Said installations shall meet the same requirements for design as for new facilities. (See Section a) above).

2. In the event an existing Food Service Establishment's grease-handling facilities are either under-designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies and requirements improvements and given a compliance deadline not to exceed six (6) months to conform with the requirements of this grease Standard.
3. For cases in which "outdoor" type grease interceptors are infeasible to install, existing Food Service Establishments will be required to install adequate and approved "under-the- counter" grease traps for use on individual fixtures including dishwashers, sinks, and other potentially grease-containing drains.
4. Sizing of "under-the-counter" grease trap units will be in accordance with recommended ratings for commercial grease traps, attached to this Standard. The grease retention capacity rating in pounds shall be at least two (2) times the GPM flow rate of the type fixture which it serves. Flow control fittings must be provided to the inlet side of all "under-the-counter" units to prevent overloading of the grease trap and to allow for proper operation.
5. Town Of Warrenton approval of flow control devices and grease trap design must be obtained prior to installation.
6. The location of "under-the-counter" units must be near the source of the wastewater as physically possible.
7. Wastewater from garbage grinders should not be discharged to grease traps/interceptors.
8. In maintaining grease traps interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town of Warrenton. (See Section 151.182(f).)
9. The exclusive use of enzymes, grease solvents, emulsifiers, etc. is not considered acceptable grease trap maintenance practice.

(c) New Food Service Establishments in Existing Buildings

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1. Where practical, new Food Service Establishments locating in existing buildings will be required to comply with the grease trap Standards applicable to new facilities. (See Section 51.182.(a)).
2. Where physically impossible to install "outdoor" units, "under-the-counter" units may be allowed as with existing food service establishments provided prior approval of unit type, size, location, etc. is approved by the Town of Warrenton. (See (b) 2. above).

§§ 51.184 -51.189 Reserved

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ARTICLE VII. WATER SHORTAGE RESPONSE PLAN

§51.190 Purpose

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

§51.191. Authorization

The Town of Warrenton Administrator shall enact the following water shortage response provisions whenever the trigger conditions outlined in §51.194 are met. In his or her absence, the Public Works Director will assume this role.

§51.192 Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Warren Record*, PSA announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone or door hangers if necessary.

§51.193 Levels of Response

Responses are in the attached Kerr Lake Regional Water System Plan (RWS).

§51.194 Triggers

Town of Warrenton is provided water solely by purchase from Kerr Lake RWS. When Kerr Lake RWS declares a water shortage the town of Warrenton is required to do so as well. During this time Town of Warrenton Public Works Director will stay in close contact with Kerr Lake Water System and follow their triggers.

§51.195 Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

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§51.196 Enforcement

The provisions of the water shortage response plan will be enforced by Town of Warrenton personnel and local law enforcement. Violators may be reported on the Town's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

§51.197 Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at Town Hall and on the Town website www.warrenton.nc.gov for customers to view. A notice will be included in customer water bill notifying them of such. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Town of Warrenton Commissioners.

§51.198 Variance Protocols

Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Town Administrator or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

§51.199 Effectiveness

The effectiveness of the Town of Warrenton water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any

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problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

§51.200 Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Town of Warrenton's Commissioners. The Town of Warrenton Public Works Director is responsible for initiating all subsequent revisions. (Ordinance of February 14, 2011)

Attachment A

Kerr Tar Regional Water System Water Shortage Response Agreement Henderson, Oxford, Warren County - June 2023 Adopted by Town of Warrenton, December 11, 2023

This is an agreement authorizing the declaration of Water Shortage Conditions, and Establishing Procedures and Measures for the Essential Conservation of Water Resources. Be It Agreed on behalf of the Kerr Lake Regional Water System by the City of Henderson, the 13of Oxford and Warren County all of North Carolina.

1. PURPOSE:

The purpose of this agreement is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures in the event a shortage or water emergency is declared by the governing body or an appointed representative of the Kerr Lake Regional Water System. These measures would apply to the bulk customers, being the City of Henderson, the City of Oxford and Warren County. It shall be the responsibility of each of these bulk customer to notify its employees and customers.

2. DEFINITIONS:

- (a) Any Water,” as the term is used in this agreement, shall mean any person using water, including fresh water, wastewater, or reclaimed water.
- (b) Customer,” as the term is used in this agreement, shall mean any person using water for any purpose from the Kerr Lake Regional Water Supply System and for which either a regular charge is made or, in this case of bulk sales, a cash charge is made at the site of delivery.
- (c) Emergency,” as the term is used in this agreement, shall mean that water supplies are the level necessary, to meet normal needs and that serious shortages exist in the area.
- (d) “Excess Use,” as the term is used in this agreement, shall mean the usage of water by a customer in excess of water allotment provided under the water rationing provisions agreement for that customer, over any applicable period.
- (e) “Fresh Water,” as the term is used in this agreement, shall mean water withdrawn from or groundwater that has not been previously used.
- (f) “Mandatory Conservation,” as the term is used in this agreement, shall mean that raw supplies reservoir levels are consistently below seasonal averages, and if they continue to may not to be adequate to meet normal needs.

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- (g) “Rationing,” as the term is used in this agreement, shall mean procedures established to fortheequitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.
- (h) “Voluntary Conservation,” as the term is used in this agreement, shall mean that conditions exist which indicate the potential for serious water supply shortages.
- (i) “Waste of Water,” as the term is used in this agreement, includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (j) “Water,” as the term is used in this agreement, shall mean water available to the City of Henderson, the City of Oxford and Warren County from the Kerr Lake Regional Water by virtue of its contract, for introduction into their respective water distribution systems, water offered for sale.

CLASS 1 ESSENTIAL WATER USES:

1. *Domestic use* - Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.
2. *Health care facilities* - Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.
3. *Public use:*
 - Fire hydrants
 - Fire fighting.
 - Certain testing and drills by the fire department if performed in the interest of public safety and if approved by the city manager.
 - Flushing of sewers and hydrants: As needed to ensure public health and safety and if approved by the city manager.

CLASS 2 SOCIALLY OR ECONOMICALLY IMPORTANT USES OF WATER:

All Domestic Uses Other Than Those Included in Classes 1 and 3:

- Home water use including kitchen, bathroom and laundry use.
- Minimal watering of vegetable gardens.
- Watering of trees where necessary to preserve them.

Commercial, Agricultural, Industrial and Institutional Uses

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- Outdoor commercial watering (public or private) using conservation measures the extent that sources of water other than fresh water are not available to use.
- Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock.
- Watering by commercial nurseries at a minimum level necessary to maintain stock.
- Water use by arboretums and public gardens of national, State, or regional significance where necessary to preserve specimens.
- Use of fresh water at minimum rate necessary to implement vegetation following earth moving, where such vegetation is required by law or regulation.
- Watering of golf course greens.
- Filling and Operation of Swimming Pools:
 1. Residential pools which serve more than 25 dwelling units.
 2. Pools used by health care facilities for patient care and rehabilitation.
 3. Municipal pools.
- Commercial car and truck washes.
- Commercial Laundromats.
- Restaurants, clubs, and Eating Places.
- Air Conditioning:
 1. Refilling for start up at the beginning of the cooling season.
 2. Make-up of water during the cooling season.
 3. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair purposes.
- Schools, Churches, Motels/Hotels and Similar Commercial Establishments.

CLASS 3 NON-ESSENTIAL USES OF WATER:

Ornamental Purposes:

- Fountains, reflecting pools, and artificial waterfalls.

Outdoor Non-Commercial Watering (public or private):

- Gardens, lawns, parks, golf course (except greens), playing fields and other recreational areas.
- Filling and operation of recreational swimming pools which serve fewer than 25 dwellings.
- Non-commercial washing of motor vehicles.
- Serving water in restaurants, clubs, or eating places except by specific request.

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- Air Conditioning: refilling cooling towers after draining except as specified in Class 1.

Public use:

- Fire hydrants: Any purpose, including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed class 1.
- Flushing of sewers and hydrants except as listed in Class 1.

3. Declaration Of Voluntary Conservation:

Whenever the governing body of the Kerr Lake Regional Water System, finds the water level in Kerr Lake is nearing elevation 294, it shall declare that Voluntary Conservation conditions exist, and that the Director of the Kerr Lake Regional Water System shall, on a daily basis, monitor the lake level and the water use demand.

In addition, the Kerr Lake Regional Water System shall call upon its bulk customers to employ voluntary water conservation measures within 48 hours of receiving notice (see Addendum) to limit water use (especially Class 3 uses) and eliminate the waste of water. It shall be the responsibility of each of the bulk customers to employ voluntary water conservation measures on their water customers. The goal for water reduction shall be 5%.

4. Declaration of Mandatory Conservation:

Whenever the governing body of the Kerr Lake Regional Water System finds the water level in Kerr Lake is nearing elevation 289, it shall declare that Mandatory Conservation conditions exist. This implies that lake level is nearing a level where insufficient water can enter the raw water intake.

The Kerr Lake Regional Water System shall continue to encourage voluntary water conservation measures for the bulk customers of the Kerr Lake Regional Water System as defined under the Voluntary Conservation declaration, and shall further require mandatory measures be put in place, such as a ban be imposed on all Class 3 uses for the duration of the shortage. The goal for water reduction shall be 10%. Official notice shall be given to the City of Henderson, the City of Oxford, and Warren County.

5. Declaration of A Water Shortage Emergency:

Whenever the governing body of the Kerr Lake Regional Water System finds that water level in Kerr Lake has dropped to elevation 284 or below, and/or that a serious shortage exists due to other reasons it shall declare that a water shortage Emergency exists. It would be

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the recommendation of the Regional Water System that the City of Henderson, the City of Oxford and Warren County identify all Class 1, Essential Uses, in specific, and make them targets for voluntary conservation initiatives.

The Kerr Lake Regional Water System shall require mandatory measures be put in place, such as a ban be imposed on all Class 2 and Class 3 uses for the duration of the shortage. The goal for water reduction shall be 40%. These restrictions should be continued until the emergency is declared ended.

Official notice shall be given to the City of Henderson, the City of Oxford and Warren County of the emergency situation. It shall be the responsibility of each separate bulk water user, the City of Henderson, the City of Oxford and Warren County, to employ water restrictions on their water customers.

6. Declaration of Rationing:

Whenever the governing body of the Kerr Lake Regional Water System finds that water level in Kerr Lake has dropped to elevation 280, declared a Water Shortage Emergency, and finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand on limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall call for mandatory rationing by all three (3) of the members and their water users until the emergency is declared ended.

It shall be the responsibility of each of the three (3) members to employ water restrictions on their water customers.

During this emergency situation, the amount of water to each member could be reduced by fifty percent (50%) or more. This amount shall be determined by the governing body of the Kerr Lake Regional Water System. Official notice shall be given to the City of Henderson, City of Oxford and Warren County.

6a. Objectives of Rationing:

It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.

Hospitals and health care facilities should comply with all restriction imposed on residential and non- residential water customers as may be applicable to each individual

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institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

6b. Enforcement of Water Rationing

Each of three (3) members has primary responsibility for monitoring of compliance with the water- rationing measures. There are no enforcement provisions associated with this agreement.

7. Enforcement

In order to effectuate compliance with this plan, enforcement of water conservation restrictions shall be the responsibility of each of the three (3) bulk customers. Each customer shall employ measures not limited to written notices, administrative and civil penalties, and service disruption.

8. Variance Protocol

Kerr Lake Regional Water System understands that water restrictions can cause economic hardships on certain portions of their water customers: additionally, the restriction could be infeasible for others that have implemented water use reduction strategies into their daily practices prior to drought conditions being in place. Each of the three (3) bulk customers has the authority to consider variances for those showing proof of economic hardship, public health care facilities, or those that have previously implemented and documented water use reduction strategies such that achieving further water reduction goals may not be achievable. Each of the three (3) bulk customer shall adopt a protocol for accepting and ruling on a variance request. A copy of each variance request and decisions shall be forwarded to the governing body of the Kerr Lake Regional water System for record keeping.

9. Effectiveness

The effectiveness of the Kerr Lake Regional Water System WSRP will be determined by comparing the stated water conservation goals with observed water use reduction data for each of the three (3) bulk customers. Data will be compared against the previous non-water restrictions year's data to determine effectiveness of its actions. Tracking will be conducted using a spreadsheet, updated monthly, which compares water use against the baseline time period seasonal data. Other factors to be considered include use of a shortage water rate structure, frequency of plan activation, notification procedures, any problem periods without activation, and total number of enforcement actions.

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10. Revision Protocol

This WSRP will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the update in of the Local Water Supply Plans of each of the three (3) bulk customers. Further, the governing body of the Kerr Lake Regional Water System will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan. Each of the three (3) bulk customers shall also conduct a review of their plan and actions on this cycle and provide comments or suggestions to the Kerr Lake Regional Water System. If revisions are not recommended following a review, a memo will be filed documenting the effectiveness of the WSRP. The governing body of the Kerr Lake Regional Water System is responsible for initiating all subsequent revisions.

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CONSERVATION MEASURES

Direct users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE:

CONSERVATION FOR VOLUNTARY AND MANDATORY CONSERVATION PHASES:

- Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons.
- Adjust water level on clothes washing machines, if possible. Use full load only, if not adjustable.
- Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. DO NOT USE BRICKS – they disintegrate when soaked and the resulting grit hinders closing of the flap valve.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.
- Keep a bottle of chilled water in the refrigerator for drinking.
- Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- Adapt plumbing with flow restricting or other water-saving devices. These are usually inexpensive and easy to install. See attached list of devices. (Need list.)
- Learn to read your water meter so you can judge how much water you use and what difference conservation makes.
- Take shorter showers and shallow baths. Saves about 25 gallons.
- Reduce the number of toilet flushes per day. Each flush uses about 5 gallons (2-3 if you have water saving toilets).
- Don't use a garbage disposal.
- Use non-phosphate detergent and save laundry water for lawns and plants.

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CONSERVATION FOR EMERGENCY CONSERVATION OR RATIONING PHASE (In addition to measures listed above).

- Turn off shower while soaping up.
- Use disposable eating utensils.

OUTDOOR RESIDENTIAL USE

CONSERVATION FOR NORMAL CONDITIONS AND VOLUNTARY CONSERVATION PHASE:

Lawns:

- Water before 10:00 a.m. to prevent evaporation that occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.
- Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
- Water thoroughly, not frequently: long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
- Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
- Position sprinklers to water the lawn, not the pavement.
- Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- Keep sprinkler heads clean to prevent uneven watering.
- Adjust hose to simulate gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off an automatic sprinkler system in case of rain.
- Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens:

- Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose so water can penetrate easily.
- Keep weeds out to reduce competition for water.
- Put the water where you want it and avoid evaporation by using soil-soakers or slow running hoses, not sprinklers.

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Trees and Shrubs:

- Water deeply using a soil-soaker or drip-irrigation.
- Water only when needed. Check the depth of soil dryness by digging with a trowel.
- Mulch to reduce evaporation. A 2" to 3" layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer.
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those in shade.
- Do not use sprinklers. Apply water directly at base.
- Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- Postpone planting until fall or spring when there is generally less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water in to the air. Use soil probes for large trees.
- Water when cloudy, at night, or even when a light rain is falling.

OUTDOOR RESIDENTIAL USE CONSERVATION FOR VOLUNTARY CONSERVATION PHASE (in addition to measures listed above).

- Do not allow children to play with hose or sprinklers.
- Limit car washing.
- Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- Use leftover household water if available.
- Consider delaying the seeding or sodding of new lawns.
- Determine the amount of water being used outdoors by comparing water bills for summer and winter.

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CONSERVATION FOR MANDATORY CONSERVATION PHASE (In addition to measures listed above).

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do not water lawns and inedible plants.
- Do not use sprinklers.

Most outdoor watering is prohibited under Emergency Conservation conditions.

HOSPITAL AND HEALTH CARE FACILITY USE:

- Reduce laundry usage or services by changing the linens, etc. only when necessary to preserve the health of patients or residents.
- Use disposable food service items.
- Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

INDUSTRIAL USE

- Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to waterlines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.
- Assure that valves and solenoids that control water flows are shut off completely when the water- using cycle is not engaged.
- Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in showerheads and faucets; close down automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving posters and literature where employees, students, patients, customers', etc. will have access to them.
- Check meters on a frequent basis to determine consumptive patterns.
- Review usage patterns to see where other savings can be made.