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ARTICLE I  
GENERAL PROVISIONS

Section 14-1 Purpose and Policy.

- a) This Chapter sets forth uniform requirements for direction and indirect contributors into the wastewater collection and treatment system for the Town of McAdenville, hereinafter referred to as the Town, and enables the Town to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 C.F.R., Part 403).
- b) The objectives of this Chapter are:
  - 1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  - 2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
  - 3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
  - 4) To provide for equitable distribution of the costs of the municipal wastewater system.
- c) This Chapter 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 Chapter shall apply to all persons within the Town and to those persons outside the Town, who are, by permit or agreement with the Town or otherwise, users of the Town's publicly owned treatment works. Except as otherwise provided herein, the Town Administrator shall administer, implement, and enforce the provisions of this ordinance.

Section 14-2 Definitions and Abbreviations.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, 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) Administrator.

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

3) Approval Authority.

The Director of the Division of Environmental Management of the North Carolina Department of Natural Resources and Community Development.

4) Authorized Representative of an Industrial User.

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

5) Biochemical Oxygen Demand (BOD).

The quantity of oxygen utilized in the biochemical oxidation of organic matter as determined under standard laboratory procedures performed for five (5) days at twenty (20) degrees Centigrade expressed in terms of weight and concentration in accordance with the latest edition of “Standard Methods for Analysis of Water and Wastewater,” published by the, American Public Health Association, American Water Works Association, Water Environment Federation or by the latest edition of “Methods for the Analysis of Water and Wastewater,” published by the Environment Protection Agency.

6) Building Sewer.

A sewer conveying wastewater from the premises of a User to the Town sewer system.

7) Categorical Standard.

National Categorical Pretreatment Standard (or Pretreatment Standard).

8) Cooling Water.

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

9) Control Authority.

This term shall refer to the Approval Authority, defined hereinabove; or the administrator if the Town has an approved pretreatment program under the provisions of 40 C. F. R. 403.11.

10) Direct Discharge.

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

11) Environmental Protection Agency (EPA).

The U. S. Environmental Protection Agency, or the administrator or other duly authorized official of said agency.

12) Grab Sample.

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

13) Holding Tank Waste.

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

14) Indirect Discharge.

The discharge or the introduction of pollutants from any source including those regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the publicly owned treatment works (including holding tank waste discharged into the system.)

15) Industrial User.

A user as defined herein which is also a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

16) Interference.

The inhibition, alteration or disruption of the publicly owned treatment works (POTW) treatment processes or operations which contribute to a violation of any requirement of the Town's National Pollution Discharge Elimination System Permit. The term includes but is not limited to the prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

17) National Categorical Pretreatment Standard or Pretreatment Standard.

Any regulation containing pollutant discharge limits promulgated by the Environment Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial user.

18) National Prohibitive Discharge Standard or Prohibitive Discharge Standard.

Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

19) New Source.

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

20) National Pollution Discharge Elimination System or NPDES Permit.

A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342), or pursuant to G.S. 143-215.1 by the State under delegation from EPA.

21) Person.

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

22) pH.

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

23) Pollutant.

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

24) Pollution.

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

25) Pretreatment or Treatment.

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Town's system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6 (d).

26) Pretreatment Requirements.

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

27) Publicly Owned Treatment Works (POTW).

A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This is also referred to in this Chapter as the Town's "system" and by definition includes any pipes, sewers or other conveyances that convey wastewater to the facilities of the Town which provide treatment. For the purpose of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW or system from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW or system.

28) Publicly Owned Treatment Works (POTW) Treatment Plants.

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

29) Shall is mandatory; may is permissive.

30) Significant Industrial User.

Any industrial user of the Town's wastewater disposal system which (i) has a process wastewater flow of fifty thousand (50,000) gallons or more per average work day, or (ii) contributes more than five percent (5%) of the flow in the Town's wastewater treatment system, or (iii) is required to meet a National Categorical Pretreatment Standard, or (iv) is found by the Town, the Division of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

31) North American Industry Classification System (NAICS)

A classification pursuant to the "North American Industry Classification System (NAICS)" issued by the Occupational Safety & Health Administration, January 1, 1993.

32) Storm Water.

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

33) 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.

34) Toxic Pollutant.

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of Section 307 (a) of the Act, or other applicable laws, rules or regulations.

35) User.

Any person who directly or indirectly introduces, contributes, causes, or permits the contribution of wastewater into the Town's system.

36) Wastewater.

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any other substances which may be present, whether treated or untreated.

37) Wastewater Contribution Permit.

The permit which may be pursuant to Section 14-21 of this Chapter.

38) Waters of the State.

All streams, lakes, ponds, marshes, watercourses, 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.

Section 14-3 Abbreviations. The following abbreviations shall have the designated meanings:

- 1) BOD – Biochemical Oxygen Demand.
- 2) C.F.R – Code of Federal Regulations.
- 3) COD – Chemical Oxygen Demand.
- 4) EPA – Environment Protection Agency.
- 5) l – Liter.
- 6) mg – Milligrams.
- 7) mg/l – Milligrams per liter.



- 8) NPDES – National Pollutant Discharge Elimination System.
- 9) POTW – Publicly Owned Treatment Works.
- 10) SIC – Standard Industrial Classification.
- 11) SWDA – Solid Waste Disposal Act, 42 U.S.C. 6901 etseq.
- 12) U.S.C. – United States Code.
- 13) TSS – Total Suspended Solids.
- 14) TKN – Total Kjeldahl Nitrogen.

Section 14-4 Reserved.

ARTICLE II  
REGULATIONS

Section 14-5 Use of Public Sewers Required.

a) Unauthorized Deposits.

It shall be unlawful for any person to throw or deposit any material or substance in any public sanitary sewer line that will, in any manner, obstruct such line.

b) Discharge – Natural Outlets.

It shall be unlawful to discharge to any natural outlet within the Town of McAdenville or in any area under the jurisdiction of said Town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter and with regulations of the Division of Environmental Management, Department of Natural Resources and Community Development of the State.

c) Septic Tank and Other Facilities.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Also see Section 14-6.)

d) Required Connection.

The owner of any houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet to the property line.

Section 14-6 Private Wastewater Disposal.

a) Public Sanitary Sewer Not Available.

Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain permits from the Gaston County Inspection Department (GCID) and Department of Public Health (DPH) and Division of Environmental Management (DEM) of the State. The owner(s) shall provide any plans, specifications and other information as deemed necessary by the GCID, DPH and DEM. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the local government.

b) Public Sanitary Sewer Made Available.

At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days. Under unusual and/or special circumstances the local government may waive this provision.

Section 14-7 Building Sewer and Connections.

a) Tapping or Connecting with Sanitary Sewer Mains.

No person shall make any service lateral tap or make any connection whatsoever, with any sanitary sewer main owned or controlled by the Town, and all such taps and connections shall be made only by the Town or its duly authorized agents or employees.

b) Service Lateral Tap.

1) Application – Fee.

Any person desiring a service lateral tap to any sanitary sewer main owned or controlled by the Town shall make application to the Town Administrator and shall pay, in advance, to the Town the set fee(s) established by the Town Council, which shall be filed with the Town Administrator, for making such service lateral

tap. If a new applicant can find an existing tap and its sewer lateral where an older building existing, the new applicant may use the tap and its sewer lateral along with the buildings lateral if, in the opinion of the Town Administrator, they are in acceptable structural condition and operate satisfactorily.

2) Separate Connections.

Excluding industrial plant sites or other sites which have written approval from the Town Administrator for single discharge points, a separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer; but the Town does not and will not assume obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

3) Point of Connection.

The Town or its duly authorized agents or employees shall install its portion of the sewer lateral from its main sanitary sewer line to the edge of the right-of-way and the owner's property line. All connections to the Town's lateral line shall be made secure and watertight and subject to acceptance by the Town.

4) Pipes.

No service shall be installed unless it conforms with the North Carolina State Building Code, Volume II, Plumbing.

5) Excavations.

All excavations for installing service pipes or repairing the same shall be made in compliance with any rules or regulations relating to making excavations in streets. Provided that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain or water pipe.

6) Repairs.

It shall be the responsibility of the property owner(s) to keep and maintain the building sewer connected to the public sewer in good repair. The owner(s) shall be responsible for making necessary repairs, at his own expense, to the building sewer when notified in writing by the Town that repairs are necessary. Should the owner fail to repair the building sewer within sixty (60) days after receiving written notification by the Town that such repairs are necessary, the Town may make the necessary repairs to the building sewer and shall assess the owner(s) for the cost of the repairs.

7) Downspouts and Surface Drainage.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

8) Grease, Oil and Sand Interceptor.

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner(s) at his expense in continuously efficient operation at all times. In the maintaining of these 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 Administrator. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

9) Other Prohibited Discharges.

Any unpolluted waters such as infiltration/inflow to any sanitary sewer, including storm water and all other polluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Town Administrator and the Division of Environmental Management (DEM) of the State. Unpolluted industrial cooling water or process waters may be discharged on approval of the Town Administrator and DEM to a storm sewer or natural outlet.

10) Indemnification.

The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer; provided, however, that such indemnification shall not extend to loss of damage due solely to willful misconduct or negligence on the part of the Town.

Section 14-8 Prohibited Discharges.

- a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation of performance of the Town's system. The provisions of this section shall apply to all users of the Town's system whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standard or requirement.
- b) A user may not discharge the following substances to any system of the Town:

- 1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion which may be injurious in any other way to the Town's system or to the operation of the Town's systems. At no time shall two (2) 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%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the Town, the State or EPA has notified the user is a fire hazard to the system.
- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- 3) Any wastewater having a pH less than 5.0, unless the Town's system is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Town's system.
- 4) Any toxic pollutant or wastewater containing toxic pollutants in sufficient quantity, which, either singly or by interaction with other pollutants, may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters to the Town's system, or which exceeds the limitation set forth in any Categorical Pretreatment Standard or other Standard.
- 5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 6) Any substance which, in the opinion of the administrator, may cause the effluent or any other product of the Town's systems 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 Town's system cause the Town's system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any other State criteria applicable to the sludge management method being used.
- 7) Any substance which will cause the Town's system to violate its NDES and/or State Disposal System Permit or the receiving water quality standards.

- 8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 9) Any wastewater having a temperature which will inhibit biological activity in the Town's treatment plant resulting in interference as herein defined, but in no case wastewater with a temperature at the point of introduction into the Town's system which is or exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit).
- 10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the Town's system. In no case shall a sludge load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- 11) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the administrator in compliance with applicable state or federal law and regulations.
- 12) Any wastewater which causes a hazard to human life or creates a public nuisance.

Section 14-9 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory shall immediately supersede and become the limitations imposed under this Chapter. The administrator shall notify all affected users of the applicable reporting requirements under 40 C.F.R 403.12. Provided, however, notwithstanding the failure of the administrator to comply with the provisions of this section, it shall remain the continuing responsibility of the user to keep abreast of and to comply with all applicable standards for user's discharge.

Section 14-10 Specific Pollutant Limitations.

Unless authorized by a permit issued under Section 14-21 of this Chapter no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage. For the following parameters exceeding domestic sewage levels shall mean in excess of:

250	mg/l	BOD
250	mg/l	TSS
40	mg/l	TKN
0.050	mg/l	arsenic
0.005	mg/l	cadmium
0.061	mg/l	copper
0.200	mg/l	cyanide
0.049	mg/l	lead
0.002	mg/l	mercury

0.100	mg/l	nickel
0.005	mg/l	silver
0.100	mg/l	total chromium
0.175	mg/l	zinc

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

Section 14-11 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 Chapter.

Section 14-12 Town's Right of Revision.

The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 14-5.

Section 14-13 Dilution Prohibition.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the Town or State.

Section 14-14 Accidental Discharges.

- a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owners or user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. All existing users shall complete such a plan within 180 days from the date of passage of this Chapter. No user who seeks to begin discharging into the Town's system after the effective date of this Chapter shall be permitted to do so until such accidental discharge procedures have been submitted to and approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter.
- b) In the case of an accidental discharge, the user shall immediately telephone and notify the administrator of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions.
- c) Within five (5) days following an accidental discharge, the user shall submit to the administrator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be

incurred as a result of damage to the Town's system, fish kills, or any other damage to person or property; nor shall such modification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.

- d) Each user shall prominently post a permanent notice advising its employees whom to call in the event of an accidental discharge. Users shall insure that all employees who may cause such an accidental discharge to occur are advised of the emergency notification procedure.

### ARTICLE III

#### FEEES

##### Section 14-15 Purpose.

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

##### Section 14-16 User Charge.

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 Town's system.

- a) The user charge shall reflect at least the cost of debt service, operation and maintenance, including replacement of the Town's system.
- b) Each user shall pay its proportionate cost based on volume of flow.
- c) The administrator shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the Town's system and will make recommendations to the Town Council for adjustments in the schedule of charges and fees as necessary.
- d) Charges for flow to the Town's system not directly attributable to the users shall be distributed among all users of the Town's system based upon the volume of flow of the users, i.e., groundwater or storm water entering the sewer system (inflow/infiltration).

##### Section 14-17 Charges and Fees.

The Town may adopt such charges and fees as it deems necessary and proper which may include:



- 1) Fees for reimbursement of costs of setting up and operating the Town's pretreatment program;
- 2) Fees for administrating, monitoring, inspections, and surveillance procedures;
- 3) Fees for reviewing accidental discharge procedures and construction;
- 4) Fees for permit applications;
- 5) Fees for filing appeals;
- 6) Fees for consistent removal by the Town of pollutants otherwise subject to Federal Pretreatment Standards;
- 7) Other fees as the Town may deem necessary to carry out the requirements contained herein;
- 8) Costs and expenses, including a reasonable attorney's fee, to the Town for any action necessary to enforce this Chapter.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the Town.

Sections 14-18 through 14-19 Reserved.

#### ARTICLE IV

##### DISCHARGE OF INDUSTRIAL WASTEWATER

Section 14-20 Wastewater Dischargers.

It shall be unlawful to discharge any wastewater, directly or indirectly, into the waters of this State which flow into or through the Town, or any area under the jurisdiction of the Town or into the Town's system, without first obtaining the permission of the Town of McAdenville.

Section 14-21 Wastewater Contribution Permits.

Any person who is now discharging any industrial wastewater into the wastewater disposal system or who desires to discharge any industrial wastewater shall complete an official application and file it with the Town. Approval shall be evidence by written notice of the Town Administrator. Any person now so discharging industrial wastewater shall complete and file an application within 180 days from the date of passage of this Chapter. Any person desiring to commence discharging industrial wastewater after this Chapter becomes effective shall complete and file an application in order to obtain discharge permission from the Town prior to commencing the discharge of such wastes into the wastewater disposal system.

- a) Significant Industrial User Determination.

All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristic of an existing discharge of non-domestic wastewater shall request from the Town Administrator a Significant Industrial Use determination. If the administrator 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.

User required to obtain a Significant User Permit shall complete and file with the Town, an application in the form prescribed by the POTW administrator, 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 ninety (90) days after notification of the POTW administrator's determination in Section 14-21 (a) above. In support of the application, the user shall submit, in units and terms as may be required by the administrator, the following information:

- 1) Name, address, and location (if different from the address);
- 2) NAICS number according to Occupational Safety & Hazard Administration, January 1, 1993, as amended;
- 3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Section 14-10 of this Chapter and any of the priority pollutants which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- 4) Time and duration of contribution;
- 5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- 6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewer connections, and appurtenances by the size, location and elevation;
- 7) Description of activities, facilities and plan processes on the premises including all materials which are or could be discharged;
- 8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State, and 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 with Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment;
- 10) Each product produced by type, amount, process or processes and rate of production;
- 11) Type and amount of raw materials processes (average and maximum per day);
- 12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- 13) Any other information as may be deemed by the POTW administrator to be necessary to evaluate the permit application. The Town will evaluate the data furnished by the user and may require additional information. After final evaluation and acceptance of the data furnished, the Town may issue a wastewater contribution permit subject to terms and conditions provided herein.

c) Permit Modifications.

- 1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
  - i. Modifications of the monitoring program contained in the permit;
  - ii. Changes in the ownership of the discharge when no other change in the permit is indicated;
  - iii. A single modification of any compliance schedule not in excess of four months; or
  - iv. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

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

- 2) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 14-21, the user shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard.
- 3) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. 143-215.1 (b) for modifications.

d) Permit Conditions.

The Town's POTW administrator 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. Such conditions shall include but are not limited to the following:

- 1) a Statement of duration (in no case more than five years);
  - 2) a Statement of non-transferability;
  - 3) applicable effluent limits based on categorical standards or local limits or both;
  - 4) applicable monitoring and reporting requirements;
  - 5) notification requirements for slug discharges as defined by 40 CFR Part 403.5 (b) a; and
  - 6) A Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- e) Permit Duration.

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

- f) Permit Transfer.

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

#### Section 14-22 Monitoring Facilities.

- a) The user shall 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 to parked vehicles.
- b) The user shall provide an area sufficient in the opinion of the administrator in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- c) The sampling and monitoring facilities shall be provided by the user in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Town.

Section 14-23 Inspection and Sampling.

The Town shall inspect the facilities of any user to ascertain whether the purposes of this Chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or its representative immediate access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of the duties of said representative. The Town, the State, the approval authority and the EPA shall have the right to place on the user's property such devices as any such government or agency deems necessary to conduct sampling, inspection, compliance monitoring, and metering operations or any one or more of them. 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 its security guards so that upon presentation of suitable identification, personnel from the Town, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 14-24 Pretreatment.

- a) Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and this Chapter. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and must be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initiation of the changes.
- b) The Town shall annually publish by legal advertisement a list of the users which were not in compliance with any pretreatment requirement or standard at least once during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.
- c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, the approval authority, and the State upon request.

Section 14-25 Confidential Information.

- a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

- b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, the State Disposal System permit or the Pretreatment Programs; provided, however, that such portions of a report shall be available to the user by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- c) Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten (10) day notification is given to the user.

## ARTICLE V

### ENFORCEMENT

#### Section 14-30 Administrative Remedies.

##### a) Notification of Violation.

Whenever the Town's POTW administrator finds that any industrial user has violated or is violating this Chapter, wastewater contributor permit, or any prohibition, limitation or requirement contained herein, the administrator may serve upon such person a written notice stating the nature of the violation. Within 30 days from the date of this notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the Notice of Violation.

##### b) Consent Orders.

The POTW administrator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to Section 14-30(d) below.

##### c) Show Cause Hearing.

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

this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- 2) The Council may itself conduct the hearing and take the evidence, or may designate any of its members to any officer or employee of the Town to:
  - i) Issue in the name of the Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
  - ii) Take the evidence;
  - iii) Transmit a report containing his findings based upon the evidence introduced at the hearing, including such transcripts.
- 3) At any hearing held pursuant to this section testimony taken must be under oath.
- 4) After the Council has reviewed the findings from the hearing, it may issue an order to the user responsible for the discharge providing for continuous monitoring in the discretion of the administrator and directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances as the Town deems appropriate shall have been installed on existing treatment facilities, and unless all such devices or other related appurtenances are properly operated. The Council may issue such other orders and directives as are necessary and appropriate to insure compliance by the user.

d) Administrative Orders.

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

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

e) Emergency Suspensions.

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

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

f) Termination of Permit.

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

- 1) Failure to factually report the wastewater constituents and characteristics of its 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.

Section 14-31 Civil Penalties.

Any user who is found to have failed to comply with any provision of this Chapter, or the orders, rules, regulations and permits issued hereunder, shall be fined up to one thousand dollars (\$1,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Such assessments may be added to the user's next schedule sewer service charges and the POTW administrator shall have such remedies for the collection of such assessments as it has for collection of other service charges.

Section 14-32 Judicial Remedies.

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

a) Criminal Violations.



Any user who is found to have failed to comply with any provisions of this Chapter, or the orders, rules, regulations and permits issued hereunder, shall be, upon conviction, guilty of a misdemeanor, punishable by a fine of greater than \$50.00 but not to exceed \$500.00, or imprisonment, or both, as provided in N.C.G.S. § 14-4.

b) Penalties for Falsifying Information.

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall be, upon conviction, guilty of a misdemeanor, punishable by a fine of greater than \$50.00 but not to exceed \$500.00, or imprisonment, or both, as provided in N.C.G.S. § 14-4.

c) Injunctive Relief.

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

d) Remedies Not Exclusive

The remedies provided in this Section for violations of this Chapter are not exclusive, and except as may be prohibited by law, may be applied in addition or in the alternative to any other or further penalties imposed by statute.

Section 14-33 Other Remedies.

a) Annual Publication of Reportable Noncompliance.

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

b) Water Supply Severance.

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

c) Public Nuisances.

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

Section 14-34 Upset Provision.

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

- a) Description of the upset, the cause thereof and the upset's expected impact on the discharger's compliance status;
- b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur;
- c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified operating upset, demonstrated as required by 40 CFR 403.16 (c) shall constitute an affirmative defense to any enforcement action brought by the POTW administrator against the discharger for any noncompliance with this Chapter, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

Section 14-35 Severability.

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

Section 14-36 Conflict.

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

Section 14-37 Effective Date.

| This Chapter shall be in full force and effect on the 9<sup>th</sup> day of February, 1993.

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**ARTICLE VI**  
**WATER SUPPLY**

Section 14-38 Introduction

This regulation shall apply to all users connected to the Town of McAdenville Public Water Supply system. This regulation complies with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C, and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.

Section 14-39 Purpose

The purpose of this regulation is:

- a. To define the Town of McAdenville as the Water Purveyor in the elimination of all cross connections within the Public Water Supply system; and
- b. To protect the Public Water Supply system of the Town of McAdenville from the possibility of contamination or pollution by isolation within the customers' internal potable water distribution system(s), or the customers' private water supply system(s), such contaminants or pollutants which could backflow into the Public Water Supply system of McAdenville; and
- c. To promote the elimination or control of existing cross connections, actual or potential, direct or indirect, between the Town of McAdenville customer potable water supply system(s) and non-potable water supply systems, plumbing fixtures, industrial piping systems; and
- d. To provide a continuing inspection program of cross connection control; which will systematically and effectively prevent contamination or pollution of the Public Water Supply System.

Section 14-40 Responsibility

The Town of McAdenville endeavors to protect its Public Water Supply system(s) from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If the Town of McAdenville requires an approved backflow prevention assembly(s) to protect the potable water supply distribution system, the Town will give notice to the customer to install an approved backflow prevention assembly(s). If the assembly(s) is not installed as required by the Town, the potable water service shall be disconnected until such assembly(s) has been properly installed and inspected.

Section 14-41 Definitions:

- a. Air Gap (AG). The unobstructed, vertical, physical separation between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other vessel and the flood level rim of said receiving vessel. An approved air gap shall be at least double the diameter of the supply pipe, as measured vertically above the overflow rim of the vessel. In no case shall the air gap be less than 1 inch.
- b. Approved. Acceptance by the Town of McAdenville as meeting applicable specification(s) stated or cited in this regulation, or as suitable for the proposed use.
- c. Auxiliary water supply. Any water supply on or available to the customer's premises other than the Town of McAdenville approved public water supply.

- d. Backflow. The reversal of the normal direction of flow of water caused by either backpressure or backsiphonage.
- e. Backpressure. A condition that occurs when the customer water system pressure exceeds the Water Purveyor's system pressure. This can occur through an increase in the downstream pressure, a decrease in the Water Purveyor's system pressure or a combination of both. Increases in the customer's water pressure above the Water Purveyor's system pressure can be created by booster pumps, temperature increases (e.g., in a boiler or through thermal expansion in a water heater), head pressure caused by elevation, etc.
- f. Backsiphonage. Backflow caused by negative or reduced pressure in the water supply piping. Backsiphonage occurs when the supply line pressure falls below atmospheric pressure (14.7psi). Decreases in the pressure of the Water Purveyor's potable water supply distribution system can be caused by fire fighting, flushing of water mains, a break in the water main, water mains being shut down for inspection and maintenance, etc.
- g. Backflow Preventer. An assembly or means designed to prevent backflow.
- h. Certified Tester. An individual who has current certification through the State of North Carolina Water Treatment Facility Operators Board of Certification as a cross-connection system operator and is competent to test and repair backflow prevention assemblies as required by the Town of McAdenville.
- i. Contaminant. An impairment of the quality of the potable water supply which creates an actual or potential hazard to the public health through the introduction of hazardous or toxic substances or waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.
- j. Containment. Preventing the impairment of the potable water supply by installing an approved backflow prevention assembly(s) at the service connection.
- k. Cross Connection. Any actual or potential connection, link or structural arrangement, direct or indirect, between the Water Purveyor's potable water supply system and any other source or system through which it is possible to introduce into any part of the potable water supply system any substance other than the 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.
- l. Cross Connection Controlled. A water service connection between a potable water system and a non-potable water system with an approved backflow prevention assembly(s) properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- m. Customer. Any person, firm or corporation responsible for any property at which potable water from the Town of McAdenville is received. In the absence of other parties or the failure of other persons to accept the responsibilities herein set forth, the owner of the private water system or property owner shall be ultimately responsible.
- n. Double Check Valve Assembly (DCVA). An assembly consisting of two(2) independently operating spring loaded check valves with full flow characteristic resilient seated shut-off valves on each side of the check valves, plus four(4) properly located resilient seated test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California. To be approved by the Town of McAdenville, these assemblies shall be readily accessible for in-line maintenance and testing, and shall be installed horizontally, unless specifically approved for vertical installation by the Town.

- o. Double Check Detector Assembly (DCDA). A specially designed assembly composed of a line size approved (DCVA) with a specific bypass water meter and a meter sized approved (DCVA). This assembly shall be used to protect against a moderate hazard.
- p. Hazard, Degree of. The potential risk to public health and the adverse side effects of the hazard upon the public potable water distribution system as determined by the Town of McAdenville.
  - 1. Moderate Hazard. An actual or potential threat of pollution or other adverse effects to the physical properties of the Water Purveyor's or the Customer's potable water system.
  - 2. Severe Hazard. An actual or potential threat of contamination of a physical or toxic nature to the Water Purveyor's potable water system or to a Customer's potable water system that could cause a danger to health, serious illness or death.
- q. Isolation. The act of confining a localized hazard at the source of the said hazard within a plumbing or distribution system by installing an approved backflow prevention assembly(s).
- r. Point of service. The point of service will generally be at the property line of the Customer, adjacent to the public right-of-way where the Town of McAdenville potable water supply mains are located or at a point on the Customer's property where the water meter is located.
- s. Pollution. An impairment of the quality of the potable water to a degree that does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such water.
- t. Process Water. Water that goes through various procedures in the making or treatment of a product.
- u. Pressure Vacuum Breaker (PVB). An assembly approved for residential lawn sprinkler irrigation systems consisting of a spring loaded air-inlet valve and a spring loaded check valve, with full flow characteristic resilient seated shut-off valves, one on the inlet and one on the outlet side of the PVB, plus two(2) properly located resilient seated test cocks for testing the assembly. The entire assembly shall meet the design and performance specifications as determined by The Foundation for Cross Connection Control and Hydraulic Research, University of Southern California. It cannot be subjected to backpressure of any kind and shall be installed at least twelve (12) inches above the highest irrigation head and/or downstream piping. Chemigation or aspiration of any herbicide, pesticide, fungicide, or fertilizer is not permitted for use with a PVB. To be approved by the Town of McAdenville, these assemblies shall be readily accessible for in-line maintenance and testing, and shall be installed vertically in a location where no part of the assembly will be submerged.
- v. Public Water Supply System. The potable water system(s) owned and operated by the Town of McAdenville identified with a Town Identification number(s) issued by the North Carolina Public Water Supply Section of Environmental Health. This system(s) includes all distribution mains, lines, pipes, connections, storage tanks and other facilities conveying potable water from the source provider to the service connection of each customer.
- w. Reduced Pressure Principle Assembly (RP). An assembly consisting of two (2) independently operating spring loaded check valves with a hydraulically operating, spring loaded mechanical differential pressure relief valve located between the check valves and at the same time lower than the first check valve. The assembly shall include four (4)

properly located resilient seated test cocks and full flow characteristic resilient seated shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by The Foundation for Cross Connection Control and Hydraulic Research, University of Southern California (FCCCHRUSC). To be approved by the Public Works Department, these assemblies shall meet all testable criteria established by (FCCCHRUSC), readily accessible for in-line maintenance and testing, and installed horizontally, in a location where no part of the assembly will be submerged.

- x. Service Connection. A piping connection between the Water Purveyor public water system and a Customer’s system.
- y. Water, Potable and Non-Potable Potable water is water that has been approved for human consumption by the appropriate agency(s) of the State of North Carolina. Non-Potable water is water that is not approved for human consumption.
- z. Water Purveyor. The owner or operator of the public water supply system.

Section 14-42 Water System.

The water system shall be considered as made up of two parts; the Town of McAdenville water system and the Customer system. The Town of McAdenville system shall include all those facilities of the water system under the complete control of the Town of McAdenville, up to the point where the Customer service begins. The distribution system shall include the network of conduits used for the delivery of potable water from the source supplier to the Customer’s system.

Section 14-43 Facilities That Require Assemblies

Any customer either operating or planning to operate facilities identified by the Town of McAdenville as having a potential for backflow into the Town public water supply system, shall install an approved backflow assembly(s) on all such service connections according to the degree of hazard present. The following facilities having been identified by the Town of McAdenville as having a potential for backflow and require backflow prevention assemblies as indicated:

Automotive Service Station / Dealerships

- 1. Moderate hazard -----DCVA
- 2. Severe hazard(e.g.wash-pits,hydraulic equipment)-----RP

Beauty Shops / Barber

- 1. Moderate hazard(e.g.Hair style only)-----DCVA
- 2. Severe hazard(e.g. chemical treatments) -----RP

Church Baptismal -----DCVA

Commercial automotive washing facilities -----RP

Dye Works -----RP

Fire systems-----DCDA / RPDA

Funeral Homes----- RP

Medical Clinics----- RP

Multi-story structures, 3 to 4 stories ----- DCVA

Nursing/assisted living/convalescent homes----- RP

Lawn Irrigation systems----- PVB / RP

Restaurants ----- DCVA

Schools

- 1. Moderate hazard ----- DCVA
- 2. Severe hazard -----RP

Swimming Pools -----RP

Waterfront Commercial Facilities (all)----- RP

Other types of facilities not listed may be required to install approved backflow assemblies if determined necessary by the Town of McAdenville.

Approved backflow prevention assemblies shall be installed on the customer system at the point of service to any facility that the Town has identified as having a potential for backflow.

#### Section 14-44 Policy

When it has been determined by the Town of McAdenville that a requested service requires the installation of a backflow prevention assembly, the customer shall, prior to receiving such service, submit for review and approval, plans and specifications of the proposed facilities to the Town. The submittal shall include a description of proposed processes, operations, etc., in such detail as needed to evaluate potential effects on the Town public water supply system(s).

Proposed assemblies shall be identified by size, manufacturer and model number or by specification.

When it has been determined by the Town of McAdenville that an existing service may require the installation of a backflow prevention assembly, the customer shall submit to the Town for review such information as may be necessary to evaluate the potential for undesirable effects on its system. Upon notification to the customer by the Town that a backflow prevention assembly(s) is necessary, customer shall submit plans and specifications for approval and install or cause to be installed entirely at the customer's expense such assembly(s) as may be necessary. If it has been determined by the Town that an imminent health hazard exists, then the potable water service shall be terminated until such backflow prevention assembly(s) are installed.

Existing facilities which pose a potential severe hazard to the public water system shall install a reduced pressure principle backflow prevention assembly(s) at the point of service within sixty (60) days of notification by the Town.

All existing industrial and commercial facilities that have or may have an actual or potential cross connection, that are not identified as a "severe hazard" shall be considered moderate hazard facilities. All existing moderate hazard facilities shall install or cause to be installed a double check valve backflow prevention assembly(s) at the point of service within sixty (60) days of notification by the Town of McAdenville.

When required, an approved backflow prevention assembly(s) shall be installed on each service line to a customer's water system in accordance with the requirements of the Town of McAdenville.

Reduced pressure principle assemblies shall be installed at the point of service in a horizontal position and in a location in which no portion of the assembly will be submerged under any circumstance or be subjected to temperatures below freezing. Pit and/or below grade installations are prohibited. An RP shall be installed in accordance with design specifications of the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

Double check valve assemblies shall be installed at the point of service in drainage pits wherever below ground installation is necessary. DCVA's may be installed in a vertical position with prior



approval from the Public Works Department. In all such cases installation shall be in accordance with detail specifications of the Foundation of Cross Connection Control and Hydraulic Research, University of Southern California.

Pressure vacuum breaker assemblies shall be installed a minimum of twelve (12) inches above the highest outlet (sprinkler head) prior to any branching of the customer's water system. PVB assemblies shall be installed in accordance with detail specifications of the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California

All backflow prevention assemblies shall be installed such that the periodic testing and necessary repairs can be conveniently performed by the Town of McAdenville approved backflow tester(s). No water service shall be provided to any facility or service that requires the installation of a backflow prevention assembly(s) until the installed assembly(s) has passed the test performed by a certified tester, and the test results have been received by the Town. Testing of all backflow prevention assembly(s) shall be performed by a certified tester. All backflow prevention Assembly testers shall submit a copy of their State certification, including certification number(s) to the Town, and be approved, prior to testing any backflow prevention assembly(s) connected to the Town of McAdenville public water supply system. All equipment used to test backflow prevention assembly(s) shall be properly maintained and calibrated annually in accordance with the manufacturer's guidelines. A copy of the calibration certificate shall be submitted to the Town. Such tests shall be conducted upon installation prior to receiving service, and annually thereafter. A record of all testing and repairs is to be retained by the customer. Copies of the results shall be provided to the Town within ten (10) business days after the completion of any testing and/or repair work. Submission of falsified test results or material that is incomplete in any manner by a certified tester will result in the tester being permanently removed from the Town approved tester list. Only original manufactured parts may be used to repair an assembly. Ownership, testing, and maintenance of the assembly(s) shall be the sole responsibility of the customer or property owner. Installation of all backflow prevention assembly(s) shall be the customer's responsibility. Assembly(s) shall be installed downstream of the meter, at the point of service or at a location approved by the Town.

No person shall fill special use tanks or tankers from the public water system except at a Town approved location equipped with an air gap or an approved RP assembly. No person shall connect a hose to a fire hydrant unless an approved backflow prevention assembly(s) is connected to the hydrant, unless otherwise approved by the Town or its designee. No DCVA will be permitted for use on a fire hydrant without the approval of the Town or its designee.

Removal of an approved backflow prevention assembly(s) from a service connection that has been deemed a hazard by the Public Town shall result in immediate disconnection from the Town of McAdenville public water supply system.

Any facility or customer found to be in noncompliance with the provisions of these regulations and/or that neglect to correct a violation shall have their water service terminated. The customer's system shall be open for inspection at all reasonable times to Town of McAdenville personnel to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. Should an inspection of the premise be refused, the Town reserves the right to install or cause to be installed, at the customer's expense, a reduced pressure principle assembly(s) downstream of the water meter. The Town will bill the customer or property owner all costs associated with the installation of the backflow prevention assembly(s) and associated structural items plus an additional 50% surcharge.

**ARTICLE VII**  
**WATER/SEWER BILL ADJUSTMENTS**

Section 14-45 General

This ordinance establishes general guidelines and procedures to be used for water/sewer customers who (1) experience a water leak or break due to no reasonable fault of their own, or (2) suspect there is inaccuracy with their water meter.

Section 14-46 Leak Allowance

The Town of McAdenville will consider an adjustment to a customer's water bill only if the customer develops a leak or a break due to no negligence of the customer.

Adjustments may be made when the water volume lost is 2,500 or more gallons higher than the average monthly consumption for the account. The adjustment will be for one half of the excess over the qualifying average plus 2,500 gallons.

A similar adjustment will be made on a sewer account when the leak flows into the public sewer system. If the leak does not flow into the public sewer system, the sewer adjustment will be for 100% of the excess over the qualifying average plus 2,500 gallons. The customer must produce receipts verifying the repair of the leak (e.g. plumber's bill or replacement material receipt). ONLY ONE ADJUSTMENT MAY BE MADE DURING A 12-MONTH PERIOD.

There are no water adjustments made for filling swimming pools. A sewer adjustment may be made only if the pool does not drain into McAdenville's sewer system.

Section 14-47 Water Meter Malfunction

At the resident's request, the Town will have a water meter checked if the resident feels that his/her meter is malfunctioning. If it is determined that the water meter is not working properly, the resident will receive a new meter installed at no charge. If the meter is deemed 100% accurate, the resident will be responsible for a \$50 charge for the test, which will be added to his/her next water bill; the meter will be reinstalled.

Section 14-48 Penalty for Violation of Article

Any violation of the provisions of this article shall constitute a Class 3 misdemeanor punishable upon conviction, as provided in G.S. 160A-175 and G.S. 14-4. The penalty for such violation shall subject the violator to a fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) or as amended.

Section 14-49 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 14-50 Severability

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance if for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Section 14-51 Effective Date

The ordinance shall be in full force and effect from and after the date of adoption and/or amendment.

**Adopted this 13<sup>th</sup> day of August, 2013.**

## ARTICLE VIII

### WATER/SEWER BILLING ORDINANCE

#### Section 14-52 General

North Carolina State Statute 160A-312 grants municipalities the power to regulate certain utilities. The Town of McAdenville maintains and operates a purchase water system. The Town purchases water from the City of Gastonia which draws and treats water from the Mountain Island Lake.

The McAdenville Town Council is authorized to make changes in rates for water/sewer service, deposit requirements, tapping fees, and system development charges as necessary.

All owners and/or occupants are required to tap into the water and sewer system when available and pay all applicable tap and development fees as established by Town Council annually.

#### Section 14-53 Normal Billing Cycles

The Town of McAdenville bills for water/sewer services on a monthly basis. Water meters are read during the last part of the month. Bills are prepared and mailed no later than the 15<sup>th</sup> day of the following month and done so in accordance with the Town's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings. The due date for water/sewer bills shall be the 8<sup>th</sup> day of the month after which the bills are mailed. If payment is not received at the McAdenville Town office by 4:30 p.m. on the due date of the 8<sup>th</sup>, a late payment charge of 10% of the total balance will be added to the account the first day after the due date.

Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

Charges for service commences when the meter is installed and connection is made, whether used or not. Sixty days may be allowed for hookup on initial installation of the water system. For the unmetered properties at the date of the execution of this document, 12 months will be allowed to bring such property into compliance. After which the Town will cap the water lines to all unmetered properties and charge the property owners for the expenses incurred.

#### Section 14-54 Collection Procedure

Customers have three methods available to pay McAdenville water/sewer bills.

- 1) Customer may mail their payment to the Town office (address is furnished on the bill).
- 2) Customer may make their payment in person at the McAdenville Town office during normal operating hours.
- 3) Customers may place their payment in the Town office front door mail slot after normal operating hours.

#### Section 14-55 Delinquent Accounts

The following procedures apply to delinquent accounts.

- 1) Once an account is past due, the customer will be mailed a notice the following month indicating the account is past due and the date service will be disconnected if payment is not received.
- 2) Failure to receive the water/sewer bill does not excuse the customer's responsibility for timely payment or prevent service disconnection.
- 3) A service disconnect request is issued for the delinquent account at the scheduled date and time for service disconnection. Once disconnected, the customer will face reconnection charges of \$50.00 plus all outstanding amounts due. NOTE: The Town assumes no liability for any customer equipment, such as water heaters, which may be damaged when water is disconnected.

The Town Administrator is responsible for the enforcement of this ordinance, but Town Council reserves the right to waive fees/charges due to justifiable hardships. Any customer's request for waiver must be submitted in writing.

#### Section 14-56 Tampering with Utility Connections or Appurtenances

It shall be unlawful for any person to purposely cut on, cut off, tamper with, or damage any meter, meter box, utility connection, or appurtenance, or to interfere with any meter, meter box, utility connection, or appurtenance owned by the Town.

#### Section 14-57 Deposit Requirements

- 1) There is a \$50.00 deposit required for each service provided for all residential property.
- 2) All applicants of service are required to pay a deposit to the Town prior to receiving water/sewer service unless the water/sewer service remains in the property owner's name and a previous deposit is on file. If the water/sewer account remains in the property owner's name, the property owner will be responsible for all bills and water/sewer service, reconnections, late fees, etc. for the residence. Deposits are refundable upon service termination if the water/sewer account is paid in full. If monies are owed to the Town, such monies will be subtracted from the deposit and the remaining balance will be refunded. If final payment owed exceeds the deposit amount, the customer will be responsible for any balance due. No interest will be paid on the deposit.
- 3) All commercial customers are required to pay a deposit to the Town based on an estimated three months usage. A commercial customer's deposit is refundable if termination of service is requested and the water/sewer account is paid in full. If monies are owed to the Town, such monies will be subtracted from the deposit and the remaining balance will be refunded to the commercial customer. If final payment owed exceeds the deposit amount the commercial customer is responsible for any balance due. No interest will be paid on the deposit.

#### Section 14-58 Additional Fees

Prompt action will be taken to collect sufficient funds for any check payment returned to the Town offices for any reason. Also, the Town will charge a service fee equal to \$30 for all checks returned due to insufficient funds or any other reason. Once a water/sewer customer has two bad check payments returned for any reason, the customer will be placed on a cash or money order only basis for service.

#### Section 14-59 Change of Occupancy

Not less than seven days' notice must be given in person or in writing, at the Town office to discontinue service for a change in occupancy.

The outgoing party shall be responsible for all water consumed up to the time of departure of the time specified for departure, whichever period is greater.

#### Section 14-60 Final Bills

- 1) Once a customer requests termination of service out of his/her name, a final bill is processed.
- 2) The account of a customer, whose final bill remains delinquent after 120 days from the final bill date, will be reviewed by the Town Administrator to determine if collection procedures should be continued or a recommendation be presented to the Town Council that the account be "written/charged off".
- 3) Notes of all activity are entered in the comments of each delinquent account. A record will be maintained on any customer whose account balance is written/charged off. The customer will be required to pay that final bill should he/she ever apply for water sewer service at any address within the Town.
- 4) Overpayments on final bills are refunded to the customer. If a current address cannot be verified, and the refund is less than \$5.00 the balance is to be "written/charged off".
- 5) Underpayments of less than \$5.00 on final bills are written/charged off 60 days after the final bill is processed if payment is not received.

#### Section 14-61 Suspension of Service

The Town reserves the right to discontinue service without notice for the following additional reasons:

- 1) To prevent fraud or abuse.
- 2) Willful disregard of the Town's rules and regulations by the consumer.
- 3) Emergency repairs.
- 4) Insufficiency of supply due to circumstances beyond the Town's control.
- 5) Legal processes.
- 6) Direction of public authorities.
- 7) Strike, riot, fire, flood, accident, or any unavoidable causes.

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

Section 14-62 Penalty for Violation of Article

Any violation of the provision of this article shall constitute a Class 3 misdemeanor punishable, upon conviction, as provided in G.S. 160A-175 and G.S. 14-4. The penalty for such violation shall subject the violator to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500) or as amended.

Section 14-63 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 14-64 Severability

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Section 14-65 Effective Date

The ordinance shall be in full force and effect from and after the date of adoption and/or amendment.

**Adopted this the 13<sup>th</sup> day of August, 2013.**