

**PART C**

**TERMS & CONDITIONS OF WATER AND/OR SEWER SERVICE**

**1.0 DEFINITIONS**

1.1 Certain words as used in this filing shall be understood to have the following meanings:

- 1.1.1 "Applicant" - Any person, group of persons, association, partnership, firm or corporation requesting water and/or sewer service from the Commission.
- 1.1.2 "Commission" - Greenville Utilities Commission of the City of Greenville, North Carolina
- 1.1.3 "Customer" - Any person, group of persons, association, partnership, firm or corporation purchasing water and/or sewer services from the Commission.
- 1.1.4 "Water Service Point" - The point where the Commission's meter for supplying water is connected to the Customer's piping (usually at property line), unless otherwise specified in the agreement with the Customer for the purchase of water.
- 1.1.5 "Sewer Service" - The interconnection point between the Customer's sewer Point piping and the Commission sewer service line, usually at the property line unless agreed upon by the Customer and the Commission.
- 1.1.6 "CCF" - One hundred (100) cubic feet of water or wastewater being equal to 748 gallons.

1.2 Additional definitions are included as appropriate in applicable sections. As an example see Section 20.1.2.

## 2.0 APPLICATION FOR WATER AND/OR SEWER SERVICE

- 2.1 The owner of any house, building, or habitable improvement to real property located within the corporate limits of the City and which abuts any street, alley, easement, or right-of-way in which there are Commission owned water and sewer facilities shall apply for water and sewer service and connect the building plumbing thereto within three (3) years of the date of issuance of an official Notice of Requirement to Connect except as otherwise provided in these regulations. Penalties for violations of this paragraph 2.1 shall be as set forth hereinafter in paragraph 20.8.2.
- 2.2 The Commission reserves the right to require the Applicant, before any water is delivered, or sewer service provided, to execute an application for service in the form used by the Commission. Whether or not a written application or agreement is executed, the Applicant, by accepting water and/or sewer service agrees to be bound by the applicable schedule of rates and these terms and conditions as from time to time may be modified.

## 3.0 INSPECTION

- 3.1 The Commission will be obligated to provide water and/or sewer service only when the following conditions shall have been complied with:
  - 3.1.1 The Applicant's installation shall have been made in accordance with the applicable plumbing codes.
  - 3.1.2 The Commission has received from the Applicant, or if the Commission so elects, has obtained for itself a certificate signed by the local inspection authority having jurisdiction certifying that a proper building permit has been issued. All fees or other charges required to be paid in connection with the issuance of such certificates shall be borne by the Applicant. Where there is no such local inspection authority, the Commission may require the delivery by the Applicant to the Commission of an agreement duly signed by the owner and tenant of the premises authorizing the connection of water and/or sewer service, and assuming all liability and risk which may result therefrom. Regardless of whether such an agreement is executed, the Applicant by accepting water and/or sewer service assumes all such liability and risk.
- 3.2 Any changes in, or additions to, the original plumbing or fixtures of an Applicant or Customer must be installed in compliance with the requirements of the applicable plumbing code and such other requirements as may be fixed by the local inspection authority having jurisdiction.

3.3 In no event shall the Commission be under any obligation to inspect the plumbing or fixtures of an Applicant or Customer.

#### 4.0 SERVICE CONNECTIONS

4.1 Normally the Commission will provide one (1) water and/or one (1) sewer service per Customer.

4.2 The Commission will make application for the permits and acquire the easements necessary to build its service facilities to the property occupied by the Applicant or Customer. The Applicant will apply for, obtain, and deliver to the Commission all other permits or certificates necessary to give the Applicant permission to connect its lines to the Commission's facilities and access for all other proper purposes, including an easement from the landowner for any Commission-owned facilities. The Commission shall not be required to provide water or sewer service until a reasonable time has elapsed after the Commission has obtained or received all necessary permits, certificates, and easements.

4.3 Should any change or changes in the service connection furnished the Customer by the Commission be made necessary by request of the Customer, or if any additional services are requested, the entire cost of such changes shall be borne by the Customer.

4.4 All irrigation systems installed after June 30, 2009 shall be required to be connected to a separate irrigation service and shall have a separate water meter.

#### 5.0 DEPOSITS TO GUARANTEE PAYMENT OF BILLS

5.1 Before receiving water or sewer service a Customer shall establish his credit to the satisfaction of the Commission in accordance with Commission's Customer Service Policy, Section 3.0.

#### 6.0 PAYMENTS

6.1 The Commission shall endeavor to have each Customer's meter or meters read at approximately monthly intervals to determine the consumption of water. Bills are due when rendered, and subject to a 1% penalty if not paid by the due date. For additional information, refer to Utility Regulations, Part D, Customer Service Policy.

## 7.0 CHOICE OF RATES

- 7.1 If, at any time, more than one schedule is applicable to the Customer's service the Commission shall, at the Customer's request, assist in determining the rate believed to be most favorable to him. Another rate, if applicable to the service, may at any time be substituted, at the Customer's option, for the rate under which service is rendered; provided, that not more than one substitution of a rate may be made within a year and that such change shall not be retroactive.

## 8.0 METERING

- 8.1 The Customer shall provide, as may be necessary, a suitable location satisfactory to the Commission for its metering equipment. This location shall be convenient and accessible at all reasonable times to the Commission's meter readers and other agents. This location shall conform with all local, state, or federal requirements which are applicable.
- 8.2 The Commission shall be given access to the premises of the Customer at all reasonable hours for obtaining meter readings, for shutting off the flow of water, for inspecting, removing, repairing, or protecting from abuse or fraud any of the property of the Commission installed on the premises. Access shall be granted at all times for emergency purposes. Any metering equipment that is enclosed by building alterations, fencing or other structures, that restricts the Commission's representatives from reasonable and ready access to the meter for reading, testing and servicing shall be relocated by the Owner, at the Owner's expense, to a space on the premises that is approved by the Commission prior to re-installation. Should the customer restrict the Commission's reasonable and ready access to its metering facilities, including restrictions created by animals, the Commission, following thirty (30) days written notice, shall discontinue service.
- 8.3 The Customer shall be liable to the Commission for damages to or loss of meters, connections, or other Commission property on the Customer's premises due to negligence or want of care on the part of the Customer, members of Customer's household, agents or employees. The Commission may refuse water service or suspend it, on refusal of legitimate access to the property or until any such damage or loss shall have been settled to the Commission's satisfaction.
- 8.4 The water supplied to any Customer, under the Water Rate Schedule shall not be metered for resale either directly or indirectly, except upon written approval of the Commission.

## 9.0 ACCURACY AND TESTING OF WATER METERS

- 9.1 All water meters shall be tested periodically by the Commission.
- 9.1.1 Upon written request by a Customer, the Commission will test meters without charge provided that such tests will not be made more frequently than once in six (6) months. If test of meters are required by the Customer to be made more frequently than once in six (6) months, the Commission will require an advance payment, refundable if the meter registration is found to exceed 4%, as follows:
- (a) For meters less than 2", \$10.00.
  - (b) For meters 2" and larger, \$25.00.
- 9.1.2 The Customer, or their representative, may be present when Customer's meter is tested.
- 9.1.3 Upon customer request, a written report of the results of the test will be made to the Customer within 10 days after the completion of the test.
- 9.2 Meters in service may be tested by the Commission, or any other lawfully constituted authority having jurisdiction. When, as the result of such a test, a meter is found to be no more than 4% fast or slow, no adjustment will be made in the Customer's bills. If the meter is found to be more than 4% fast or slow because of incorrect calibration, the Commission will rebill the Customer for the correct amount as calculated for a period of not more than sixty (60) days.
- 9.3 Whenever it is found that, for any reason other than incorrect calibration, the metering apparatus has not registered the true amount of water which has been used by the Customer, or any incorrect bills have been rendered, billing adjustment will be made in accordance with North Carolina Utilities Commission Rule R8-44, basically as follows:
- 9.3.1 Overcharge
- (a) Entire interval if it can be determined; statutes of limitations applicable.
  - (b) If interval cannot be determined, 12 months prior.
  - (c) Estimate usage if exact usage cannot be determined.

### 9.3.2 Undercharge

- (a) If interval can be determined, Commission can collect deficient amount for maximum of 150 days for residential services, or 12 months for commercial or industrial services.
- (b) If interval cannot be determined, Commission can collect deficient amount for 150 days preceding date billing error discovered for residential services, or 12 month for commercial or industrial services.
- (c) Estimate usage if exact usage cannot be determined.

## 10.0 REPLACEMENT OF METERS

10.1 Whenever a Customer requests the replacement of the water meter on Customer's premises, such request shall be treated as a request for the test of such meter, and as such shall fall under the provisions of Section 9.0.

## 11.0 PIPING AND APPLIANCES

11.1 All piping, fixtures, and appliances on the Customer's side of the meter shall be installed and maintained under the responsibility and at the expense of the Customer or owner of the premises.

11.2 The piping, fixture, and appliances for which the Customer is responsible shall be maintained in conformity with all local, state, or federal requirements which are applicable, and with the rules of the applicable plumbing codes. In violation of these conditions, the Commission may refuse service or discontinue service without notice until such violations are remedied by the Customer.

## 12.0 FORCE MAJEURE

12.1 The term force majeure as employed herein shall mean acts of God, strikes, lockouts or other industrial disturbances, acts of the public enemy, wars, blockades, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, other extreme conditions of weather or temperature, arrests, the order of any court or government authority having jurisdiction while the same is in force and effect, civil disturbances, explosions, breakage, accidents to machinery or lines of pipe, freezing of lines of pipe, temporary failure of water supply, inability to obtain or unavoidable delay in obtaining material or equipment, and any other cause similar to the kind herein enumerated.

12.2 In the event of either party being rendered unable, wholly or in part, by force majeure to carry out its obligations other than the obligation to make

payment of amounts accrued and due at the time hereof, it is agreed that on such party's giving notice and full particulars of such force majeure in writing or by telegraph to the other party within a reasonable time after the occurrence of the cause relied on, the obligations of both parties, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused, but for no longer period and such cause shall be so far as possible remedied with all reasonable dispatch.

12.3 Neither party shall be liable in damages to the other for any act, omission or circumstances occasioned by, or in consequence of force majeure, as herein defined.

12.4 Such causes or contingencies affecting the performance by either party, however, shall not relieve it of liability unless such party shall give notice and full particulars of such cause or contingency in writing or by telegraph to the other party as soon as possible after the occurrence relied upon, nor shall such causes or contingencies affecting the performance by either party relieve it of liability in the event of its concurring negligence, or in the event of its failure to use due diligence to remedy the situation and remove the cause in an adequate manner and with all reasonable dispatch, nor shall such causes or contingencies affecting the performance relieve either party from its obligations to make payments of amount then due in respect of water theretofore delivered.

### 13.0 DISCONTINUANCE OF SERVICE

13.1 Service may be terminated in accordance with Customer Service Policy, Section 5.0.

### 14.0 TEMPORARY DISCONTINUANCE OF SUPPLY

14.1 The Commission may temporarily shut off the supply of water to the Customer's premises after reasonable notice for the purpose of making necessary repairs, adjustments or connections to mains or supply pipes, and reserves the right to shut off the supply of water without notice in case of emergency.

### 15.0 TAPS

15.1 No taps on water or sewer facilities owned or under the care or custody of the Commission shall be made by anyone other than Commission personnel, unless such taps are made under the direct supervision and approval of authorized employees of the Commission.

## 16.0 FIRE PROTECTION SERVICE

- 16.1 Application or requests for fire protection service shall include a plan indicating the fire protection system to be installed on the Customer's premises showing all valves, hydrants, and related facilities. The

Commission reserves the right to approve applications for fire protection service when the proposed system is consistent with the Commission's ability to provide adequate service, or to deny an application where the Commission cannot provide adequate service, or when the proposed fire protection system will in the opinion of the Commission adversely affect the Commission's water distribution system.

- 16.2 Fire protection services will be installed from the Commission's mains to a valve which shall be located at the customer's property line, unless otherwise approved. Installation of services larger than 2 inches in diameter shall be made by the customer, upon approval of the construction plans and specifications, and under direct supervision of Commission personnel. The Commission will install services 2 inches and smaller. The Customer will pay the full cost of the fire protection service including the tapping valve. In addition, the Customer will pay the full cost of the fire protection system on the Customer's property. The Commission shall own the fire protection service from the Commission's main to the first valve located at the customer's property line.

- 16.3 Fire protection service shall be separate and apart from the domestic water service.

- 16.4 Fire protection services shall have an approved backflow prevention device, typically located at the customer's property line. The approved backflow prevention device shall be installed and maintained in accordance with the requirements of Section 18.0 of these Regulations.

- 16.5 Where the Customer's fire protection system incorporates one or more privately owned hydrants or extensive main lengths on the Customer's property (generally in excess of 200 feet) or includes booster pumps, etc., then a detector check meter shall be installed in addition to an approved backflow prevention device. The purpose of the detector meter shall be to detect and monitor leakage or unauthorized use of water from the Customer's fire protection system, but shall not be designed to meter or detect water used in fire fighting. Plans submitted to the Commission for approval shall show the manufacturer and model number of the detector check meter proposed.

16.6 Installation of the Customer's fire protection system shall include pressure testing of the fire main in the presence of Commission and City of Greenville Fire Rescue Department representatives.

## 17.0 INTERCONNECTIONS

17.1 There shall be no interconnections between any water source and any customer piping connected to the Commission's water system. Valved tie-ins shall not be permitted. A physical separation must be maintained between the systems at all times. When an interconnection is found, water service will be terminated and not restored until such time that the Commission is satisfied that the interconnection has been permanently eliminated.

### 17.2 Unauthorized Activities

Parties performing unauthorized activities relating to the Commission's water and sewer systems shall be deemed to be in violation of these regulations and subject to civil penalties and other available remedies under the law. Unauthorized activities shall include, but not be limited to, the following:

- (1) Unauthorized operation of any system valve, hydrant or other appurtenance;
- (2) Water theft;
- (3) Water use without proper backflow and cross connection control measures;
- (4) Unauthorized system alterations;
- (5) Unauthorized sewer pipeline plug removal;
- (6) Failure to follow required safety procedures upon entry of any Commission owned permit required confine space;
- (7) Activities which do not conform to the requirements of permits or authorizations to construct issued in the name of the Commission or by the state or federal governments.
- (8) Unauthorized water or sewer service connections

### 17.3 Civil Penalties

- (a) Any party who is found to have failed to comply with any provision of these Regulations, or the orders, rules, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000) per day per violation.
- (b) In determining the amount of the civil penalty, the General Manager shall consider the following:
  - (i) 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;
  - (ii) The duration and gravity of the violation;
  - (iii) The effect on ground, surface or public water system water quantity or quality or on air quality;
  - (iv) The cost of rectifying the damage;
  - (v) The amount of money saved by noncompliance;
  - (vi) Whether the violation was committed willfully or intentionally;
  - (vii) The prior record of the violator in complying or failing to comply with the Commission regulations and requirements;
  - (viii) The costs of enforcement to the Greenville Utilities Commission.
- (c) The party also shall reimburse the Commission upon demand for any expenses, loss, or damage actually sustained by the Commission to its water or sewer systems, treatment plants, treatment processes or receiving waters as a result of such violation, and for the amount of any fine or penalty imposed upon the Commission by any state or federal regulatory agency as a result of such violation, and for other actual costs, including labor, equipment and material costs, incurred by the Commission as a result of such violation. In addition to the penalties provided herein, the Commission may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the party found to have violated these Regulations or the order, rules, regulations, and permits issued hereunder.
- (d) Appeals of civil penalties assessed in accordance with these rules, regulations, and section shall be as provided in Section 17.3.3.

### 17.3.1 Other Available Remedies

The following remedies, in addition to those previously mentioned in these Regulations, are available to the General Manager who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

#### 17.3.1.1 Criminal Violations

The District Attorney for the Judicial District of this county may, at the request of the Attorney representing the Greenville Utilities Commission, criminally prosecute noncompliant parties who violate the provisions of these utility regulations.

#### 17.3.1.2 Injunctive Relief

Whenever a party is in violation of the provisions of these Regulations or an order or permit issued hereunder, the General Manager, through the Attorney representing the Commission, may petition the Superior Court of Justice for the issuance of a temporary restraining order or a preliminary and permanent injunction which restrains, or a writ of mandamus, which compels the activities in question.

#### 17.3.1.3 Water Supply Severance

Whenever a party is in violation of the provisions of these Regulations or an order or permit issued hereunder, water service may be severed and service terminated immediately which will only recommence, at the party's expense, after it has satisfactorily demonstrated ability to comply.

#### 17.3.1.4 Class 3 Misdemeanor

No party shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Commission's water and wastewater systems. Any party violating this provision, shall, upon conviction, be punished as provided for under Section 14-4 and such other provisions of the

General Statutes of North Carolina as may be applicable.

### 17.3.2 Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant party. However, the General Manager may take other action against any party when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant party.

### 17.3.3 Appeals of Civil Penalties

#### (1) Right to Appeal

A party against whom a civil penalty has been assessed under Part C, TERMS & CONDITIONS OF SERVICE shall have a right to appeal the decision to the General Manager within ten (10) days of the decision.

#### (2) Review by General Manager.

The General Manager shall uphold or reverse the decision within ten (10) additional days.

#### (3) Review by Board of Commissioners

A party may appeal the decision of the General Manager to the full Board of Commissioners of Greenville Utilities Commission requesting a review of the General Manager's decision on the written record of the civil penalty assessed, or may request a de novo hearing before the Board of Commissioners. The Board of Commissioners, in its sole and absolute discretion, may either: (i) decline to review the decision of the General Manager, in which case such decision shall be final; or (ii) undertake a review of the written record of the assessment of a civil penalty, and uphold or reverse the decision of the General Manager in whole or in part, or (iii) may conduct a de novo hearing on whether the civil penalty should be assessed in whole or in part, and the decision of the Board of Commissioners of Greenville Utilities Commission shall be final.

#### (4) Judicial Review

Any person against whom a final decision of the Board of Commissioners of Greenville Utilities Commission is entered, may seek judicial review of the decision by filing a written petition within thirty (30) days after receipt of notice, by registered or certified mail, of the decision, but not thereafter, with the Superior Court of Pitt County, along with a copy to the Greenville Utilities Commission. Within thirty (30) days after receipt of the copy of the petition of judicial review, the Greenville Utilities Commission shall transmit to the reviewing court the original or a certified copy of the official record. Such review shall be in the nature of a writ of certiorari, and shall be a review on the written record of the decision only.

### 18.0 BACKFLOW AND CROSS-CONNECTION CONTROL

#### 18.1 Introduction

This Regulation shall apply to all users connected to the Commission's public water 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.

18.1.1 Purpose: The purpose of this Regulation is:

- a. To define Greenville Utilities Commission (the Commission) as the water purveyor in the elimination of all cross-connections within the public water system; and
- b. To protect the public water system of the Commission from the possibility of contamination or pollution by isolation within the customers internal potable water distribution system(s), or the customers' private water system(s), such contaminants or pollutants which could backflow into the public water system; and
- c. To promote the elimination or control of existing cross-connections, actual or potential, direct or indirect, between the Commission's customers' potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems; and

- d. To provide a continuing inspection program of cross-connection control; which will systematically and effectively prevent potential contamination or pollution of the public water system.

18.1.2 Responsibility: The Commission endeavors to protect its public water system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If the Commission requires an approved backflow prevention assembly to protect the water distribution system, the Commission 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 Commission, the water service may be disconnected until such assembly(s) has been properly installed.

18.2. Definitions:

18.2.1 Approved. Accepted by the Commission as meeting an applicable specification(s) stated or cited in this regulation, or as suitable for the proposed use.

18.2.2 Auxiliary water supply. Any water supply on or available to the customer's premises other than Commission approved public water supply.

18.2.3 Backflow. The reversal of the normal direction of flow of water caused by either backpressure or backsiphonage.

18.2.3.1 Backpressure. Backpressure occurs when the customer's 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 pressure or a combination of both. Increases in the customer's water pressure above the Water Purveyor's pressure can be created by booster pumps, temperature increases (e.g., in a boiler), head pressure caused by elevation, etc.

18.2.3.2 Backsiphonage. Backflow caused by negative or reduced pressure in the supply piping. Backsiphonage occurs when the supply line pressure falls below atmospheric pressure (14.7 psi). Decreases in the pressure of the potable water system can be caused by fire fighting, flushing of a

water main, a break in the water main, water mains being shut down for maintenance, etc.

18.2.4 Backflow preventer. An assembly or means designed to prevent backflow.

18.2.4.1 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.

18.2.4.2 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. The assembly shall operate to maintain the pressure in the zone between the two (2) check valves at an acceptable pressure level less than the pressure on the purveyor's supply side of the assembly. At cessation of normal flow, the pressure between the two (2) check valves shall be less than the pressure on the purveyor's distribution supply side of the assembly. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the differential pressure in the zone is two pounds per square inch or less than the supply pressure, the relief valve shall open to the atmosphere. To be approved by the Commission, these assemblies shall be readily accessible for in-

line maintenance and testing, and be installed horizontally, in a location where no part of the assembly will be submerged.

- 18.2.4.3 Reduced Pressure Detector Assembly (RPDA). A specially designed assembly composed of a line-size approved reduced pressure principle assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle assembly. This assembly shall be used to protect against a severe hazard.
- 18.2.4.4 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 Commission, these assemblies shall be readily accessible for in-line maintenance and testing, and be installed horizontally, unless specifically approved for vertical installation by the Commission.
- 18.2.4.5 Double Check Detector Assembly (DCDA). 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. This assembly shall be used to protect against a moderate hazard.
- 18.2.4.6 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 can not 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 Commission, these assemblies shall be readily accessible for in-line maintenance and testing, and be installed vertically in a location where no part of the assembly will be submerged.

- 18.2.5 Certified Tester. An individual who has demonstrated competency to test and repair backflow prevention assemblies as required by Greenville Utilities Backflow Prevention Manual.
- 18.2.6 Containment. Preventing the impairment of the potable water supply by installing an approved backflow prevention assembly at the service connection.
- 18.2.7 Contamination. An impairment of the quality of the potable water which creates a potential or actual 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.
- 18.2.8 Cross-Connection. Any actual or potential connection, link or structural arrangement, direct or indirect, between the Water Purveyor's water supply and any other source or system through which it is possible to introduce into any part of the potable water 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.
- 18.2.9 Cross-Connections Controlled. A water service connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- 18.2.10 Customer. Any person, firm or corporation responsible for any property at which water from the Commission's public water system 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.

- 18.2.11 Hazard, Degree of. The potential risk to public health and the adverse effect of the hazard upon the public potable water distribution system as determined by the Commission.
  - 18.2.11.1 Moderate Hazard. An actual or potential threat of pollution or other adverse effect to the physical properties of the water purveyor's or the customer's potable water system.
  - 18.2.11.2 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.
- 18.2.12 Isolation. The act of confining a localized hazard at the source of the said hazard within a plumbing or distribution system by installing approved backflow prevention assembly(s).
- 18.2.13 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 Commission's mains are located, or at a point on the customer's property where the meter is located.
- 18.2.14 Pollution. An impairment of the quality of the 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.
- 18.2.15 Process Water. Water that goes through various procedures in the making or treatment of a product.
- 18.2.16 Public Water System. The potable water system owned and operated by Greenville Utilities Commission. This system includes all distribution mains, lines, pipes, connections, storage tanks and other facilities conveying potable water from the water source to the service connection of each customer.
- 18.2.17 Service Connection. A piping connection between the water purveyor's public water system and a customer's system.

- 18.2.18 Water, Potable. Water from any source, which has been approved for human consumption by the appropriate agency of the State of North Carolina.
- 18.2.19 Water, Non-Potable. Water that has not been approved for human consumption by the appropriate agency of the State of North Carolina.
- 18.2.20 Water Purveyor. The owner or operator of the public water distribution system.

### 18.3 Water System

- 18.3.1 The Water system shall be considered as made up of two parts: the Commission's water system and the customer's system.
- 18.3.2 The Commission's system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the Commission, up to the point where the customer's system begins.
- 18.3.3 The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- 18.3.4 The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- 18.3.5 The customer's system shall include those parts of the facilities beyond the termination of the Commission's distribution system which are utilized in conveying potable water to points of use.

### 18.4 Facilities that Require Assemblies

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

Automotive Service Station, Dealerships.

- a. Moderate Hazard: DCVA
- b. Severe Hazard (e.g. wash pits, hydraulic equipment): RP

Bakeries: DCVA

Beauty Shops/Barber.

- a. Moderate Hazard (e.g. hair cuts): DCVA
- b. Severe Hazard (e.g. washing hair, chemical treatment): RP

Beverage Bottling Plants or Breweries: RP

Canneries, Packing Houses or Rendering Plants: RP

Chemical Processing Plants: RP

Church Baptismal: DCVA

Commercial Carwash Facilities: RP

Commercial Establishments using processed water:

- a. Moderate Hazard: DCVA
- b. Severe Hazard: RP

Commercial Greenhouses: RP

Concrete/Asphalt Plants: RP

Dairies or Cold Storage Plants: RP

Dentist or Orthodontist: RP

Dye Works: RP

Film Laboratories or Photo Processing: RP

Fire Systems .

- a. Moderate Hazard: DCDA
- b. Severe Hazard: (e.g. foam, antifreeze, fire department connection (FDC), booster pump): RPDA

Funeral Homes: RP

Hospitals, Medical Buildings or Medical Clinics: RP

Laboratories: RP

Laundries:

- a. Moderate Hazard: DCVA
- b. Severe Hazard: (e.g. Dry Cleaners): RP

Lawn irrigation systems:

- a. Moderate Hazard: PVB
- b. Severe Hazard: (e.g. booster pump, chemical system): RP, PVB

Metal Manufacturing, Cleaning, Processing or Fabricating Plants: RP

Morgues, Mortuaries or Autopsy Facilities: RP

Multi-Story Buildings:

- a. (Three or Four stories) Moderate Hazard: DCVA
- b. (Five or more stories) Severe Hazard: RP

Nursing and Convalescent Homes: RP

Oil and Gas Production, Storage or Transmission Properties: RP

Pest Control (exterminating or fumigating): RP

Power Plants: RP

Restaurants:

- a. Moderate Hazard: DCVA
- b. Severe Hazard: RP

Restricted, Classified or other Closed Facilities: RP

Sand or Gravel Plants: RP

Schools:

- a. Moderate Hazard: DCVA
- b. Severe Hazard: RP

Sewage or Storm Drain Facilities: RP

Swimming Pools: RP

Veterinary Hospitals or Clinics: RP

Wastewater Treatment Plants: RP

Water Treatment Plants: RP

Waterfront Commercial Facilities and Industries: RP

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

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

## 18.5 Policy

- 18.5.1 When it has been determined by the Commission, 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. The submittal shall include a description of proposed processes, operations, etc., in such detail as needed to evaluate potential effects on the Commission's system. Proposed assemblies shall be identified by size, manufacturer and model number or by specification.
- 18.5.2 When it has been determined by the Commission, that an existing service may require the installation of a backflow prevention assembly, the Customer shall submit for review such information as may be necessary to permit the Commission to evaluate the potential for undesirable effects on its system. Upon notification of the Customer by the Commission that a backflow prevention assembly(s) is necessary, the Customer shall submit plans and specifications for approval and install or cause to be installed entirely at the customer's expense such assemblies as may be necessary.

- 18.5.3 If it has been determined by the Commission that an imminent health hazard exist, then the water service to the facility may be terminated in accordance with the Customer Service Policy, Section 5.0, of these regulations.
- 18.5.4 All existing facilities which pose a potential severe hazard to the public water system shall install a reduced pressure principle backflow prevention assembly at the point of service within 60 days of notification by the Commission.
- 18.5.5 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 a double-check valve assembly at the point of service within 90 days of notification by the Commission.
- 18.5.6 When required, an approved backflow prevention assembly shall be installed on each service line to a customer's water system in accordance with the requirements of the Commission.
- 18.5.7 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 become 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 detailed specifications provided by the Commission's Manual on Backflow Prevention.
- 18.5.8 All double-check valve assemblies shall be installed at the point of service in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the Commission's Manual on Backflow Prevention. Double-check valve assemblies may be installed in a vertical position with prior approval from the Commission, provided the flow of water is in an upward direction.
- 18.5.9 Pressure vacuum breaker assemblies shall be installed a minimum of twelve 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 detailed specifications provided by the Commission's Manual on Backflow Prevention.

- 18.5.10 Backflow prevention assemblies shall be installed such that periodic testing and necessary repairs can be conveniently performed by Commission approved backflow testers.
- 18.5.11 No water service shall be provided to any facility or service that requires the installation of a backflow prevention assembly until the installed assembly has passed the test performed by a certified tester, and the test results have been received by the Commission.
- 18.5.12 No new or existing water service connection to any premises shall be installed or maintained by the Commission unless the water supply is protected by an approved backflow prevention assembly(s) as required by Federal and State Laws and Regulations, these Regulations, and the Commission's Manual on Backflow Prevention.
- 18.5.13 Water mains served by the Commission but not maintained by the Commission shall be considered cross-connections. The degree of protection required shall be based upon the degree of hazard, as determined by the Commission.
- 18.5.14 No person shall fill special use tanks or tankers from the public water system except at a Commission approved location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the commission's water supply, unless otherwise approved by the Commission.
- 18.5.15 Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
- 18.5.16 It shall be the customer's responsibility to notify the Commission if the customer's water system becomes contaminated or polluted or if there is reason to believe that a backflow incident has occurred from the customer's water system into the public water system.
- 18.5.17 Upon notification to the customer by the Commission that the existing backflow prevention assembly is not in compliance with these regulations, the customer shall replace the existing backflow prevention assembly with an approved backflow prevention assembly in accordance with the requirements of the Commission.

- 18.5.18 Removal of an approved backflow prevention assembly from a service connection that has been deemed a hazard by the Commission may result in immediate disconnection from the Commission's public water system.
- 18.5.19 No person shall connect a hose to a fire hydrant unless an approved backflow prevention assembly is connected to the hydrant, unless otherwise approved by the Commission.
- 18.5.20 The customer's system shall be open for inspection at all reasonable times to Commission personnel to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Commission may deny or immediately discontinue service to the premise by providing for a physical break in the service line until the customer has corrected the deficiency in compliance with these regulations. Should an inspection of the premise be refused, the Commission reserves the right to install, at the customer's expense, a reduced pressure principle backflow prevention assembly downstream of the water meter. The Commission will bill the customer all costs associated with the installation of the backflow prevention assembly plus an additional 50% surcharge.
- 18.5.21 Backflow prevention assemblies that shall be connected to the Commission's public water system is limited to those assemblies approved by the Commission and the Foundation for Cross-connection Control and Hydraulic Research, University of Southern California.
- 18.5.22 Installation of all backflow assemblies shall be the customer's responsibility unless otherwise stated by the Commission. Backflow prevention assemblies shall be located downstream of the meter, at the point of service or at a location approved by the Commission.
- 18.5.23 Any facility or customer found to be in noncompliance with the provisions of these regulations and/or that neglect to correct a violation, may have their water service terminated.
- 18.6 Testing and Repair of Assemblies.
- 18.6.1 Testing of backflow prevention assemblies shall be performed by a certified backflow prevention assembly tester. 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 records shall be provided to the Commission within ten (10) business days after the completion of any testing, and/or repair work.

18.6.2 Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the consumer or by the Commission, these repairs shall be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

1. Moderate Hazard Facilities - 15 business days
2. Severe Hazard Facilities - 10 business days.

18.6.3 In the event the owner fails to have the required test performed or fails to conduct repairs that are deemed necessary, the Commission reserves the right to conduct tests and/or repair the

backflow prevention assembly. The Commission will bill the customer all costs associated with the test and/or repair of the backflow prevention assembly plus an additional 50% surcharge.

18.6.4 Submission of falsified test results or material that is incomplete in any manner by a certified tester may result in the tester being removed from the Commission's Approved Tester List.

18.6.5 Only original manufactured parts may be used to repair an assembly.

18.6.6 All backflow prevention assembly testers shall submit a copy of their tester's certification to the Commission prior to testing any backflow prevention assembly(s) connected to the Commission's public water system.

18.6.7 All equipment used to test backflow prevention assemblies within the Commission's public water system shall be properly maintained and calibrated annually in accordance to the manufacturer's guidelines. A copy of the calibration certificate shall be submitted to the Commission.

## 19.0 WATER & SEWER EXTENSIONS

### 19.1 General

- 19.1.1 These regulations set forth the conditions under which water and sewer service may be extended to property which is without service. It is the intent of these regulations to allocate, to the extent practical, the cost of extensions to those property owners served by the extensions. The Commission may install extensions to proposed subdivisions or developments if funds are available. In-City extensions will be given priority over out-of-City extensions. The full cost of facilities required within subdivisions and developments shall be borne by the subdivider or developer. Persons requesting service shall pay the appropriate fees as set forth in Sections 19.3, 19.4, and 19.5.
- 19.1.2 It is not the intent of this regulation to limit the Commission from making any water or sewer extension which it deems is in the best interest of the City of Greenville. Approval of any extension requiring financial participation by the Commission shall always be based on the Commission's determination that funds are available.
- 19.1.3 No water or sewer extensions or service from existing water or sewer facilities will be provided to property, either inside the city limits or within the City's extraterritorial limits, which does not conform to the requirements of the Greenville Planning & Zoning Commission.
- 19.1.4 No sewer extension, or service from existing sewers lying outside the city limits of Greenville and inside Greenville's extraterritorial limits will be provided until the property owner has filed a Petition for Voluntary Annexation with the Greenville City Manager or signed an agreement for future annexation and the petition, or agreement has been accepted by the City Manager and the General Manager of the Greenville Utilities Commission. The Petition for Voluntary Annexation shall be in accordance with the City of Greenville and Greenville Utilities Commission's Joint Statement of Policy on Development executed on June 28, 1982. Sewer service to industrial sites, as specifically approved by the Commission, may be exempted from the requirements stated above.
- 19.1.5 Sewer extensions or service from existing sewers may be made to property lying outside Greenville's extraterritorial limits. As a prerequisite to such extension or receipt of such service, the property owner must (1) Obtain the approval of the Greenville City

Council and (2) file a Petition for Voluntary Annexation with the Greenville City Manager or sign an agreement for future annexation and the petition, or agreement must be accepted by the City Manager with the concurrence of the General Manager of Greenville Utilities Commission.

## 19.2 Subdivisions/Developments

- 19.2.1 A developer or subdivider requesting extensions from existing facilities to or within the developer's property shall pay the full cost of the facilities within the subdivision, including all connections, taps, fire hydrants, loops necessary for fire protection and services to all lots within the property.
- 19.2.2 Extensions from existing facilities to the developer's property may be provided by the Commission, subject to a Commission approved funding arrangement with the developer(s) as set forth in Section 19.2.4, economic feasibility, and easement acquisition. If the Commission approves a funding arrangement with the developer(s), the Commission may provide the extensions to the developer(s) property, or allow the developer to provide the extension. In the event the Commission agrees to provide an extension, the developer(s) requesting the extension shall pay the applicable Sewer Acreage Fee as provided in Section 19.3 and all other costs set forth in a Commission approved funding arrangement. Such fees shall be paid in accordance with a payment schedule developed at the sole discretion of the Commission. If a pipeline exists in a public street right-of-way adjacent to a developer's property, no extension will be made by the Commission and the developer shall provide for connections to the existing pipelines.
- 19.2.3 All preliminary planning, final planning, construction, testing and acceptance of water and sewer facilities shall be in compliance with the Commission's standard requirements and procedures and the Commission's Manual for the Design and Construction of Water and Wastewater System Extensions which is hereby incorporated herein by reference. When the Commission is to share in any portion of the extension costs, the developer shall provide adequate evidence that competitive bids and costs have been received for the work involved. No work which is to be performed (1) at the Commission's expense, (2) on any project involving Commission cost participation or (3) under the authority of any permit or authorization to construct issued by the State or Federal government shall commence without the Commission's

authorization. Acceptance of completed facilities will be acknowledged to the developer in writing.

- 19.2.4 Prior to the installation of any water or sewer facilities involving any shared cost by the Commission, the developer shall enter into a contract agreement with the Commission setting forth the scope of the proposed installation, the estimated cost and the plan or schedule for sharing of costs. Actual funding participation shall be based on documented final project costs.

Subject to funds being available, the Commission may cost participate in an approved extension up to 50% of the project cost. The Sewer Acreage Fee due from the developer may be used by the developer as all, or a portion of, the developer's cost share. In the event the Sewer Acreage Fee due from developer does not equal 50% of the project cost, the developer will be required to contribute additional funds such that his total contribution of the Sewer Acreage Fee and additional funds equals 50% of the project cost.

In the event the Sewer Acreage Fee due from the developer exceeds 50% of the project cost, the developer shall contribute the entire amount due to the project cost and the Commission's funding contribution will be the percentage (<50%) required to provide remainder of the funding.

- 19.2.5 As a condition of providing service to proposed developments or subdivisions, the Commission reserves the right to require the installation of water and sewer facilities in addition to or different from those which would be required to serve the proposed development or subdivision. Following completion and acceptance of water and sewer facilities, the Commission will reimburse the developer or subdivider those additional installation and material costs incurred as a result of the required changes. The agreed upon reimbursement amount must be approved by the Commission, in writing, prior to the installation of the water and sewer facilities as set forth in Section 19.2.4
- 19.2.6 The Commission will not be liable for any interest to the developer on account of any funds advanced or payments to be made to the developer.
- 19.2.7 All water and sewer facilities installed by the developer which are to be owned and maintained by the Commission shall be installed in dedicated public streets, dedicated public rights-of-way, or in easements provided by the Developer in accordance with the

requirements of the Commission. No permanent water or sewer service shall be provided to a development until the required water and/or sewer systems have been accepted in accordance with the "Manual for the Design and Construction of Water and Wastewater System Extensions" Section 6.7 and Section 6.8.

- 19.2.8 Extensions of water or sewer facilities to serve property which is not proposed to be subdivided may be accomplished upon written request, either by the Commission or by the person requesting the extensions, as provided in these regulations.

### 19.3 Sewer Acreage Fee

- 19.3.1 The Sewer Acreage Fee is intended to recover the costs of providing sewer pipeline extensions and minor pumping stations, with a capacity of less than 1 MGD, constructed to serve a limited geographical area and is in addition to Service Connection Fees. Payment of the Sewer Acreage Fee shall be required on all parcels which receive sewer service.
- 19.3.2 The Sewer Acreage Fee will be computed by the Commission on the gross area of the total parcel of land for which service is requested. However, acreage fees will not be assessed on any portion of a parcel which lies within a floodway. Other exceptions and conditions are noted in Paragraphs 19.3.3 through 19.3.5. The Sewer Acreage Fee shall be paid: (1) At the time of Application for service for individual lots or parcels; (2) Prior to the Commission's acceptance of developer installed facilities for Subdivisions; (3) Prior to construction commencement when the Commission extends its facilities to serve the property.
- 19.3.3 The developer of a parcel of land, which is proposed to be developed in phases, may request that fees be assessed on the basis of the acreage of each phase as service is requested. This request may be granted provided the following conditions are met: (1) All phases are identified on the preliminary plan approved by the Planning and Zoning Commission, (2) Service is to be provided from an existing sewer, (3) Each payment must be for one or more complete phases and (4) the Sewer Acreage Fee must be paid for a phase prior to acceptance of the facilities by the Commission for operation and maintenance.
- 19.3.4 The owner of a parcel of land containing more than one (1) acre may request that sewer acreage fees be charged for only the developed portion (one [1] acre minimum) of the property. The request must be made in writing to the Director of the Water

Resources Department and be accompanied by a map which accurately describes the total parcel and the developed portion along with their respective acreages. Payment for the total acreage shall be required unless the following conditions are met:

- (a) The property is used for single family residential or institutional (church, unit of government, non-profit or charitable organization, etc.) purposes only.
- (b) Only domestic wastewater will be discharged to the sanitary sewer system.
- (c) The requested service is for a facility which either existed or was under construction prior to the availability of sewer service. (A facility will be considered under construction as of the issuance date of the building permit.)
- (d) The property is not proposed to be subdivided within five (5) years of the date service is requested.

19.3.5 The Sewer Acreage Fee shall be adjusted from time to time by the Commission to reflect current costs. The Sewer Acreage Fee to be charged shall depend upon the location from which sewer service is provided. Effective August 1, 2006 for all sewer service except service provided through the Southwest Sewer Service Area Sewer System, the Sewer Acreage Fee shall be as follows:

- (a) The Sewer Acreage Fee shall be \$1800 per acre.
- (b) For any parcel which receives service through the Southwest Sewer Service Area Sewer System, the sewer acreage fee shall be \$2,900 per acre.

The determination as to which parcels of land receive sewer service through the Southwest Sewer Service Area Sewer System shall be at the sole discretion of the Commission.

## 19.5 SERVICE CONNECTION FEES

19.5.1 A one-time Water and/or Sewer Service Connection Fee, the purpose of which is to recover the cost of services (including the installation of water meters and sewer cleanouts) and a proportional share of the cost of capital facilities constructed to provide service capacity for new development shall be paid by the person requesting service. The Service Connection Fee shall consist of two components: a Tapping Fee and Capacity Fee. The Tapping Fee component is intended to recover the cost for

physically making a service tap and the cost of personnel who deal mainly with new developments. The Capacity Fee component is intended to recover a proportional share of the cost of capital facilities constructed to provide service capacity for new development, or new customers connecting to the water/sewer system. The amount of the Capacity Fee component is based on the size of the water meter to be installed.

19.5.2 The Water and Sewer Service Connection Fees which shall be separate from the Sewer Acreage Fee, shall be paid at the time application for service is made. Applicants for service shall pay either a Tier 1 or Tier 2 Service Connection Fee. A Tier 1 Service Connection Fee shall apply to those services for which the service lines are existing (service lateral and meter box for water and service lateral and cleanout for sewer). A Tier 2 Service Connection Fee shall apply to those services which require GUC forces to provide the service connection from the main water or sewer pipeline.

19.5.3 Service Connection Fees shall be adjusted periodically by the Commission to reflect current cost of providing services. Water & Sewer Service Connection Fees (both in-city and out-of-city) shall be as follows:

A. Water Service Connection Fees

Tier 1: (Developer Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
3/4"	\$695	\$394	\$1,089
1"	\$764	\$849	\$1,613
1 1/2"	\$1,577	\$2,145	\$3,722
2"	\$1,626	\$3,445	\$5,071

Tier 2: (GUC Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
3/4"	\$2,131	\$394	\$2,525
1"	\$2,335	\$849	\$3,184
1 1/2"	\$3,026	\$2,145	\$5,171
2"	\$3,075	\$3,445	\$6,520

In those cases where a developer/private contractor is permitted to install a water service larger than 2", at his cost, the Tap Fee will not apply and only the Capacity Fee and meter cost will be assessed. Meters shall be purchased from the Commission, with the cost being based upon current prices.

The Tap Fee for all water services larger than 2" which are installed by GUC, shall be billed at the total cost of labor and materials to install.

**B. Water Capacity Fee (Services larger than 2")**

Water Meter Size	Capacity Fee
3"	\$4,745
4"	\$7,605
6"	\$13,000
8"	\$39,000
10"	\$62,855
12"	\$93,145

For Services requiring a meter larger than 2", GUC reserves the right to request an engineering analysis of expected water usage. The engineering analysis should provide an estimate of expected peak day and average day water usage, expressed in terms of gallon per day (gpd). The amount of the Water Capacity Fee would then be determined based on estimated peak day usage multiplied times a cost factor of \$2.11 per gpd. (This cost factor shall be adjusted proportionally with any adjustments to the standard Capacity Fee components.)

**C. Sewer Service Connection Fee (4" or 6" Tap)**

Tier 1: (Developer Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
3/4"	\$695	\$510	\$1,205
1"	\$716	\$937	\$1,653
1 1/2"	\$785	\$2,013	\$2,798
2"	\$826	\$3,233	\$4,059

Tier 2: (GUC Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
¾"	\$3,604	\$510	\$4,114
1"	\$3,625	\$937	\$4,562
1 ½"	\$3,694	\$2,013	\$5,707
2"	\$3,735	\$3,233	\$6,968

D. Sewer Services

Installation of a 6" sewer service shall be prohibited in conjunction with a single ¾" or 1" water service unless specifically approved by the Commission.

In those cases where a developer/private contractor is permitted to install the sewer service larger than 6", at his cost, the Tap Fee will not apply and only the Capacity Fee will be assessed.

The Tap Fee for all sewer services larger than 6" which are installed by GUC, shall be billed at the total cost of labor and materials to install.

E. Sewer Capacity Fee

Sewer Capacity Fee (Services larger than 2")

<u>Meter Size</u>	<u>Capacity Fee by Meter Size</u>
3"	\$7,137
4"	\$12,200
6"	\$25,437
8"	\$36,600
10"	\$58,987
12"	\$87,413

For Services requiring a meter larger than 2", GUC reserves the right to request an engineering analysis of expected water usage. The engineering analysis should provide an estimate of expected peak day and average day water usage, expressed in terms of gallon per day (gpd). The amount of the Sewer Capacity Fee would then be determined based on estimated peak day usage multiplied times a cost factor of \$2.88 per gpd. (This cost factor shall be adjusted proportionally with any adjustments to the standard Capacity Fee components.)

In those cases where a customer request multiple water meters in conjunction with an individual sewer service, the Sewer Capacity Fee shall be charged for each water meter associated with the sewer service.

- 19.5.4 Split Irrigation Services may be installed on residential domestic water services, except where the Commission determines local conditions will not permit. Split Irrigation Services on non-residential domestic services will be considered where the customer provides documentation satisfactory to the Commission that the split service will not adversely affect domestic service. Meter size for a split irrigation service shall be limited to 3/4". Connection fees (both in-city and out-of-city) shall be as follows:

Split Irrigation Service Connection Fees

Tier 1: (Developer Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
3/4"	\$695	\$394	\$1,089

Tier 2: (GUC Installed)

<u>Meter Size</u>	<u>Tap Fee</u>	<u>Capacity Fee</u>	<u>Total Connection Fee</u>
3/4"	\$1,062	\$394	\$1,456

19.6 Temporary Water Service

19.6.1 Persons needing temporary water service for construction purposes only may apply for a hydrant meter. If hydrants and hydrant meters with backflow devices are available, temporary service will be provided under the following conditions:

- (a) The application fee for a hydrant meter shall be \$100 for each ninety (90) days usage or portion thereof plus the cost of the water used.
- (b) The Customer shall be responsible for all damages to the meter, backflow device and hydrant which occur as a result of their being used to provide a temporary water service.
- (c) The Commission will remove the hydrant meter at the end of ninety (90) days unless requested to do so earlier. Hydrant

meters will not be reinstalled in the same location if permanent water service is available.

- (d) Commission personnel shall install the hydrant meter with the fire hydrant valve left open. The Customer shall not operate the fire hydrant. Unauthorized operation of a fire hydrant shall be cause for removal of the hydrant meter.
- (e) Only Commission personnel shall be allowed to move a hydrant meter. Unauthorized relocation of a hydrant meter shall be cause for removal of the hydrant meter.
- (f) A request to relocate a hydrant meter will be handled the same as a new application.
- (g) Hydrant meters will not be available for use on private fire hydrants.

19.7 Extensions of Water Transmission Pipelines, Sewer Outfalls, Pumping Stations & Force Mains

19.7.1 When requests for service necessitate water or sewer extensions through undeveloped areas, the Commission will determine the feasibility and degree of its cost participation based upon the following:

- (a) Compliance of the proposed extension with the "Joint Statement of Policy on Development," executed by the City of Greenville and Greenville Utilities Commission on June 28, 1982.
- (b) Compliance of the proposed initial development, and subsequent developments served from the extension, with the requirements of the Greenville Planning & Zoning Commission.
- (c) The potential for development of the area through which the mains will be installed, as well as the areas beyond the immediate areas to be served by the mains, including the estimated time required for full development.
- (d) Compliance of the proposed extensions with the Commission's long range plans for water and sewer service.

- (e) The permanent and temporary features of the proposed facilities, particularly sewage pumping stations and force mains.
- (f) The availability of participating funds from county, state or federal agencies and/or proposed participation in costs by property owners in the immediate and future areas to be served.
- (g) The availability of Commission funds.

#### 19.8 Allowable Costs

19.8.1 When water and sewer extensions are performed with private contract forces, the Commission will allow as extension costs in which the Commission will participate, the cost of (a) construction, (b) engineering, (c) inspection services and (d) easements. When the extensions are performed by the Commission forces, the extension costs will include (a) construction material at Commission's costs, plus 10%; (b) equipment costs, (c) construction labor at base salaries, plus 40%, (d) engineering inspection and project administration at 10% of total construction costs and (e) easements.

#### 19.9 Extension To Industrial Sites

19.9.1 Extensions of water and sewer mains through undeveloped areas to serve industrial sites may be accomplished by the Commission without participation from subdivision developers, provided the Commission finds:

- (a) That the extension is necessary to the orderly growth and development of the City of Greenville,
- (b) That financial participation in the cost of extensions by county, state and/or federal agencies is deemed adequate, and
- (c) That such share of cost to be paid by the Commission is available.

#### 19.10 Major Water and/or Sewer Service Requests

19.10.1 Any request for water or sewer outside the city limits to serve a proposed development that would have a water requirement in excess of 100,000 gallons per day, shall be

reviewed and approved by the Commission prior to any commitment for service. The General Manager will submit for Commission consideration and evaluation the (a) estimated average daily water and sewer requirements, (b) uncommitted capacity of pipelines serving the site, (c) effect on treatment plant capabilities, (d) other related information, and (e) recommendation to provide or not provide service.

#### 19.11 Ownership of Lines

19.11.1 All water and sewer extensions connected to the Commission's system shall upon acceptance, become the property of the Greenville Utilities Commission of the City of Greenville.

19.11.2 Water and Sewer extensions installed by a developer or subdivider shall, upon acceptance, become the property of the Commission. All lines so constructed shall be warranted by the developer or subdivider for 12 months following acceptance.

## 20.0 SANITARY SEWER USE REGULATIONS

REGULATIONS TO CONTROL, RESTRICT, PROHIBIT, AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE DEPOSIT OR DISCHARGE OF CERTAIN SUBSTANCES INTO ANY SANITARY SEWER NOW MAINTAINED AND/OR OWNED BY OR WHICH MAY BECOME THE RESPONSIBILITY OF THE GREENVILLE UTILITIES COMMISSION

THE SANITARY SEWER USE REGULATIONS OF THE GREENVILLE UTILITIES COMMISSION OF THE CITY OF GREENVILLE, N.C. SHALL BE AS FOLLOWS:

### 20.1 General Provisions

#### 20.1.1 Purpose and Policy

These Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Greenville Utilities Commission and enables the Greenville Utilities Commission 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).

The objectives of these Regulations are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system, or interfere with sludge processes, use or disposal of the resulting biosolids;
- (b) 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;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system;
- (e) 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; and

- (f) To ensure that the Greenville Utilities Commission 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.

These Regulations provide 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, authorize monitoring and enforcement activities, require user reporting, assume that existing customer's capacity will not be preempted and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

These Regulations shall apply to all Users of the Greenville Utilities Commission's wastewater treatment system as authorized by N.C.G.S. 160A-312 and/or 153A-275. Except as otherwise provided herein, the General Manager of the Greenville Utilities Commission shall administer, implement, and enforce the provisions of these Regulations. Any powers granted to or imposed upon the General Manager may be delegated in writing by the General Manager to other Greenville Utilities Commission personnel.

#### 20.1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the meaning 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 Quality 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 employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if 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 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 Greenville Utilities Commission.
- (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 section must be submitted to the General Manager or his designee 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 wastewaters, effluents and polluted waters under standard laboratory procedures, for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., milligrams per liter (mg/l)).

- (5) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
- (6) Bypass. The intentional diversion of wastestreams from any portion of a User's treatment facility.
- (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) City is the City of Greenville, North Carolina.
- (9) Color is the "true color" after turbidity has been removed and due to the substance in solution expressed in wavelengths of light.
- (10) Commission shall be the Greenville Utilities Commission of the City of Greenville, North Carolina.
- (11) Commissioners shall mean the members of the Greenville Utilities Commission Board of Commissioners.
- (12) Domestic Wastes means liquid wastes (i) from the noncommercial preparation, cooking, and handling of food or (ii) containing human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial facilities, and institutions.
- (13) 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.
- (14) General Manager shall mean the General Manager of the Greenville Utilities Commission, Greenville, North Carolina, or his authorized representative.
- (15) 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 over a time period not to exceed 15 minutes.
- (16) 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.

- (17) Indirect Discharge or Discharge. The discharge or the introduction from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. §1317), into the POTW (including holding tank waste discharged into the system).
- (18) Industrial User or User. Any person which is a source of indirect discharge.
- (19) Industrial Waste means the wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.
- (20) Interference. The inhibition, or disruption of the POTW treatment processes, operations, or sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Greenville Utilities Commission's NPDES Permit 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 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)(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.
- (21) 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.
- (22) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 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.
- (23) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 20.2.1 of these Regulations and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(24) New Source.

1. 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 Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 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.
2. 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 section (1) (B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. 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:
    - (i) Any placement, assembly, or installation of facilities or equipment; or

- (ii) 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 design studies do not constitute a contractual obligation under this definition.
- (25) 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.
- (26) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 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.
- (27) Non-discharge Permit. A disposal system permit issued by the State pursuant to N.C.G.S. 143-215.1.
- (28) 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 POTW's NPDES or Non-discharge Permit, or a downstream water quality standard.
- (29) Person. An individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (30) 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.

- (31) Pollutant. Any substance or wastewater parameter limited by the Greenville Utilities Commission's NPDES Permit and any "waste" as defined in N.C.G.S. 143-213(18) including, but not limited to, any 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, such as pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- (32) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (33) 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 pollutants into the 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.
- (34) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the Greenville Utilities Commission 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.
- (35) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (36) Pretreatment Standards. Any prohibited discharge standard, categorical standard, or local limit which applies to an industrial user.
- (37) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by Section 212 of the Act, (33 U.S.C. §1292) which is operated in this instance by the Greenville Utilities Commission. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other

conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of these Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons who are, by contract or agreement with the Greenville Utilities Commission, or in any other way, users of the Greenville Utilities Commission's POTW.

- (38) Receiving Water is that body of water, stream or water course receiving the discharge waters from the wastewater treatment plant or formed by the waters discharged from the wastewater treatment plant.
- (39) Sanitary Sewer is a sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this regulation, without the admixture of surface water and storm water.
- (40) 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.
- (41) Significant Industrial User. Any industrial user of the wastewater disposal system who:
  - (i) has an average daily process wastewater flow of 25,000 gallons or more, or;
  - (ii) contributes more than 5 % of any design or treatment capacity (i.e., allowable pollutant load) of the POTW treatment plant receiving the indirect discharge, or;
  - (iii) is required to meet a National Categorical Pretreatment Standard, or;
  - (iv) is found by the Commission, the Division of Water Quality 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 the sludge, the system's effluent quality, or compliance with any pretreatment standards or requirement.

- (42) Significant Noncompliance or Reportable Noncompliance. A status of noncompliance defined as follows:
- (i) Violations of wastewater discharge limits.
    - A. Chronic violations. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
    - B. Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements are equal to or greater than the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:
      - For the conventional pollutants: BOD, TSS, fats, oil and grease TRC=1.4
      - For all other pollutants TRC=1.2.
    - C. Any other violation(s) of an effluent limit (average or daily maximum) that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the POTW personnel or the public.
    - D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
  - (ii) 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.
  - (iii) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports with 30 days from the due date.
  - (iv) Failure to accurately report noncompliance.

- (v) Any other violation or group of violations that the Control Authority considers to be significant.
- (43) 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 Section 20.2.1 of these Regulations.
- (44) State. State of North Carolina.
- (45) 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.
- (46) Storm Sewer or Storm Drain is a sewer which carries storm or surface waters and drainage, but excludes sewage and industrial wastes.
- (47) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
- (48) Surcharge is a charge to a User of the public sewer system based on the pounds of a particular constituent in wastewater, in excess of a specified level of concentration. It is levied in addition to a regular sewer service charge.
- (49) Surcharging of Sanitary Sewer shall mean that the sewer is receiving more wastewater than its flowing full hydraulic capacity and that the amount of wastewater entering the sewer greater than its flowing full hydraulic capacity results in manhole water levels above the elevation of the top of the sewer pipe.
- (50) Total Suspended Solids (TSS) shall mean 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, expressed as (milligrams per liter (mg/l)).

- (51) Total Nitrogen (TN) shall mean the total amount of nitrogen, including nitrate, nitrite, ammonia and organically bound nitrogen as measured under standard laboratory procedures and expressed as (milligrams per liter (mg/l)).
- (52) Total Phosphorus (TP) shall mean the total amount of phosphorus, including orthophosphates, condensed phosphates and organically bound phosphates as measured under standard laboratory procedures and expressed as (milligrams per liter (mg/l)).
- (53) 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.
- (54) 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 ground water, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
- (55) Wastewater Discharge Permit. As set forth in Section 20.4.3 of these Regulations.
- (56) Wastewater Treatment System means any devices, facilities, structures, equipment or works owned or used by the Greenville Utilities Commission for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewer, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Wastewater Treatment System shall be used interchangeably with Publicly Owned Treatment Works (POTW) as defined by Section 20.1.2(37) of these Regulations.

- (57) 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.
- (58) Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

These Regulations are gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. 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.

### 20.1.3 Abbreviations

The following abbreviations when used in these Regulations, shall have the designated meanings:

- |      |          |  |
|------|----------|--|
| (1)  | BOD      | Biochemical Oxygen Demand                          |
| (2)  | CFR      | Code of Federal Regulations                        |
| (3)  | COD      | Chemical Oxygen Demand                             |
| (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 Pollutant 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, 42 U.S.C. 6901, et. seq. |
| (16) | TN       | Total Nitrogen                                     |
| (17) | TP -     | Total Phosphorus                                   |
| (18) | TSS -    | Total Suspended Solids                             |
| (19) | USC      | United States Code                                 |

## 20.2 General Sewer Use Requirements

### 20.2.1 Prohibited Discharge Standards

#### 20.2.1.1 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 the POTW whether or not the User is a Significant Industrial User or subject to any National, State, or local Pretreatment Standards or Requirements.

#### 20.2.1.2 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, wastestreams 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 and or resulting in interference such as, but not limited to: grease, garbage, 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) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (4) Any wastewater having a pH less than 5.0 or more than 12.5 or wastewater which will cause corrosive structural damage to the POTW, unless the POTW is specifically designed to accommodate such discharges.

- (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 trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 20.2.9 of these Regulations.
- (9) 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.
- (10) 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 into the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 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.
- (11) Any wastewater which imparts color which cannot be removed by the POTW treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the POTW 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.

- (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager and also in compliance with applicable State or Federal regulations.
- (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 General Manager.
- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes except as specifically approved by the General Manager and also in compliance with applicable State or Federal regulations.
- (16) Any medical wastes, except as specifically approved by the General Manager and also in compliance with applicable State and Federal laws and regulations.
- (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 General Manager.
- (19) Any wastewater causing the POTW 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 any toxicity test required by the POTW's NPDES permit.
- (21) Portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which causes 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 of discharge into 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.
- (24) Ethylene Glycol, otherwise known as antifreeze, except as specifically permitted by separate written agreements with the Commission.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. If the General Manager determines that there is significant risk for pass through or interference, a user discharge permit will be issued, or modified to require that all floor drains located in specific process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the General Manager 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 General Manager shall:

- 1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with Section 20.8.1; and
- 2) take appropriate actions in accordance with Section 20.4 for such user to protect the POTW from interference or pass through.

#### 20.2.2 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 General Manager 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 General Manager shall impose an alternate limit using the combined wastestream 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.

### 20.2.3 Local Limits

An industrial waste survey is required of all Users who do not possess a valid wastewater discharge permit prior to discharging wastewater containing in excess of the following average discharge limits:

- (a) 100 mg/l Fat, oil, or grease, exclusive of soap
- (b) 250 mg/l Chloride
- (c) 250 mg/l BOD
- (d) 250 mg/l TSS
- (e) 40 mg/l Total Nitrogen
- (f) 5 mg/l Total Phosphorus
- (g) 0.003 mg/l Arsenic
- (h) 0.003 mg/l Cadmium
- (i) 0.050 mg/l Total Chromium
- (j) 0.070 mg/l Copper
- (k) 0.041 mg/l Cyanide
- (l) 0.049 mg/l Lead
- (m) 0.0003 mg/l Mercury
- (n) 0.021 mg/l Nickel
- (o) 0.005 mg/l Silver
- (p) 0.175 mg/l Zinc

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 is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater discharge permits. The General Manager may impose mass limits in addition to, or in place of, concentration-based limits.

#### 20.2.4 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 these Regulations.

#### 20.2.5 Greenville Utilities Commission's Right of Revision

The Commission reserves the right to establish limitations or requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in Section 20.1.1 of these Regulations or the general and specific prohibitions in Section 20.2.1 of these Regulations, as is allowed by 40 CFR 403.4.

#### 20.2.6 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 Commission or State.

#### 20.2.7 Pretreatment of Wastewater

##### (a) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these Regulations, and Wastewater Discharge Permits issued under Section 20.4.3 of these Regulations and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 20.2.1 of these Regulations within the time limitations as specified by the EPA, the State, or the General Manager, 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 General Manager for review, and shall be approved by the General Manager 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 General Manager under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation that may, in the opinion of the General Manager or the Division, affect the user's compliance with discharge permit conditions or these regulations shall be reported to and be approved by the General Manager prior to the User's initiation of the changes.

(b) Additional Pretreatment Measures

The General Manager may require additional measures described below when necessary to ensure compliance with these Regulations and wastewater discharge permits under Section 20.4.2 of these Regulations.

1. The General Manager 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 domestic 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 these Regulations.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
3. The General Manager 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.

#### 20.2.8 Accidental Discharge/Slug Control Plans

- (a) The General Manager 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 Section 20.1.2 (43). All SIUs must

be evaluated within one year of being designated an SIU. The General Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the General Manager 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 Sections 20.5.5 and 20.5.6.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including nonroutine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the General Manager of any accidental or slug discharge, as required by Section 20.5.6 of these Regulations; 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.

#### 20.2.9 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Section 20.2 of these Regulations or any other requirements established by Greenville Utilities Commission. The General Manager may require septic tank waste haulers to obtain wastewater discharge permits.

- (b) The General Manager shall require haulers of industrial waste to obtain wastewater discharge permits. The General Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Regulations.
- (c) Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### 20.2.10 Use of Public Sewers Required

The owner of any house, building, or habitable improvement to real property within the corporate limits of the City, which abuts any street, alley, easement, or right-of-way in which there is a public sanitary sewer shall connect the building sewer to the public sanitary sewer.

##### 20.2.10.1 Effects of Involuntary Annexation

In areas annexed on and after July 1, 1985 the owner of any house, building, or habitable improvement to real property which abuts any street, alley, easement, or right-of-way in which there is a public sanitary sewer shall connect the building sewer to the public sanitary sewer within three (3) years following the issuance of a Notice of Requirement to Connect. Applicable fees will be reduced to one-half (1/2) of the prevailing fee in effect for those persons applying for sanitary sewer service during the first one hundred eighty (180) days after the date established by the Notification of Requirement to Connect.

#### 20.2.10.2 Waiver of Requirement

Under unusual and/or special circumstances the General Manager may waive the mandatory connection requirements.

#### 20.2.11 Unlawful Discharges

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within any area under the jurisdiction of the Commission any human or animal excrement, garbage or objectionable waste. Furthermore, it shall be unlawful to discharge to any natural or storm drainage outlet within any area under the jurisdiction of the Commission any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with regulations of the Division of Water Quality, Department of Environment, Health and Natural Resources of the State. Except as herein 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.

#### 20.2.12 Building Sewers and Connections

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written approval from the General Manager. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Owner(s). The Owner(s) shall indemnify the Commission 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 or damage due solely to willful misconduct or negligence on the part of the Commission. Excluding industrial plant sites or other sites which have written approval from the General Manager 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 may be extended to the rear building and the whole considered

as one building sewer; but the Commission does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the General Manager, to meet all requirements of these Regulations. Existing building sewers may be kept in service if, in the opinion of the General Manager, they are in acceptable structural condition and operate satisfactorily. All new building sewers including any necessary replacement of existing building sewers must comply with the North Carolina State Building Code, Volume II, Plumbing, or subsequent revisions. The connection of the building sewer into the public sanitary sewer shall be made in accordance with applicable construction standards of the Commission.

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.

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

Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, 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 a type and capacity approved by the General Manager, and shall be located to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at his expense. 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 General Manager. Any removal and hauling of the collected materials not performed by Owner(s) personnel must be performed by currently licensed waste disposal firms.

### 20.2.13 Service to Adjacent Areas

Extension of sewer service by the Commission to adjacent areas shall be set forth in Part C, Section 19.0 of the Commission's Utility Regulations.

## 20.3 Fees

### 20.3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Commission's wastewater disposal system for the implementation of the program established herein and for treating industrial wastewater. The applicable charges or fees shall be set forth in the Commission's Sewer Rate Schedules.

### 20.3.2 Charges and Fees

The Commission may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting up operating the Commission's Pretreatment Program;
- (b) fees for sampling and analyzing wastewater;
- (c) fees for monitoring, inspections and surveillance procedures;
- (d) fees for reviewing accidental discharge procedures and construction;
- (e) fees for permit applications;
- (f) fees for filing appeals;
- (g) fees for removal by the Commission's WWTP of pollutants otherwise subject to Federal Pretreatment Standards;
- (h) fees for recovering increased treatment and/or disposal cost resulting from industrial waste discharges;
- (i) Other fees as the Commission may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by these Regulations and are separate from all other fees chargeable by the Commission.

## 20.3.3 Surcharge for Treatment of Industrial Wastes

### 20.3.3.1 Explanation of Surcharge

All Users discharging industrial wastes into the Commission's wastewater treatment system shall be rendered a monthly bill as a surcharge covering the entire costs to the Commission incurred by treating that portion of the wastes in excess of 250 milligrams per liter Biochemical Oxygen Demand (BOD<sub>5</sub>), 250 milligrams per liter Total Suspended Solids, and 40 milligrams per liter Total Nitrogen, and 5 milligrams per liter Total Phosphorus. Said surcharge shall be added to any normal sewer charge imposed after the adoption of this regulation.

### 20.3.3.2 Surcharge Costs

The surcharge rate shall be composed of the following costs incurred to the Commission in treating said wastes: (1) amortization costs of additional plant capacity required; (2) administrative costs incidental to treating said wastes; (3) operations and maintenance costs for treatment and disposal of said wastes; and (4) costs incident to the supervision, inspection, sampling, and analyzing of said wastes.

### 20.3.3.3 Surcharge Rates

The Commission shall fix the rate to be charged for the weight of Biochemical Oxygen Demand (BOD<sub>5</sub>) in excess of 250 milligrams per liter, Total Suspended Solids in excess of 250 milligrams per liter, and Total Nitrogen in excess of 40 milligrams per liter and Total Phosphorus in excess of 5 milligrams per liter which is discharged into the Commission's wastewater treatment system. The computation of the surcharge rate shall be open for public review at the Engineering Center, 801 Mumford Road, Greenville, N.C., Office of the Director of Water Resources.

Surcharge calculations shall be based on monthly average concentrations. The following formula shall be used in computing a User's surcharge bill:

$$SC = (.00834) (KGal) \{[(BOD_5 - 250) (CBOD_5)] + [(TSS - 250) (CTSS)] + [(TN - 40) (CTN)] + [(TP - 5) (CTP)]\} + C_{ex}$$

$$SC = \text{Total Surcharge}$$

.00834 =	a constant to convert waste strength expressed in mg/l to pounds of waste per KGal of flow.
KGal =	Industrial Waste Flow expressed in thousands of gallons (KGal).
BOD5 =	5-day BOD in mg/l of the industrial waste.
TSS =	Total Suspended Solids in mg/l of the industrial waste.
TN =	Total Nitrogen (TN) in mg/l of the industrial waste.
TP =	Total Phosphorus (TP) in mg/l of the industrial waste.
CBOD5 =	Surcharge Rate for BOD5 expressed as dollars per pound of BOD5.
CTSS =	Surcharge Rate for Total Suspended Solids expressed as dollars per pound of TSS.
CTN =	Surcharge Rate for Total Nitrogen expressed as dollars per pound of TN.
CTP =	Surcharge Rate for Total Phosphorus expressed as dollars per pound of TP.
250 =	The BOD5 and Total Suspended Solids limits as specified in 20.3.3.3 above.
40 =	The TN limit as specified in 20.3.3.3 above.
5 =	The TP limit as specified in 20.3.3.3 above
Cex =	Extra costs incurred to the Commission incident to the supervision, inspection, sampling, and analyzing of wastes as set forth in 20.3.4 and 20.3.5 shall be included in the surcharge made to users discharging wastes into the WWTP.

#### 20.3.4 Measurement of Flow

The volume of flow used in computing regular sewer charges and industrial waste surcharges shall be based on 93.5 per cent of the metered water consumption, as shown in the records on meter reading maintained by the Commission's Billing Department. Where a person, firm, industry, or institution is discharging into the sanitary sewer system less than 93.5 per cent of water usage billed, then a wastewater metering facility may be provided, at the customer's expense and as specified in 20.6.1. Billing for sewer service shall then be based on the actual monthly metered sewage. (See below)

Certification of the calibration of flow monitoring equipment used for billing purposes, for sample collection or for discharge data reporting shall be submitted to the General Manager once every six (6) months unless specified otherwise in a Wastewater Discharge Permit.

When the User discharging industrial wastes into the Commission's wastewater treatment system procures any part, or all of, his water supply from sources other than the Commission, all or part of which is discharged into the sanitary sewer, the User discharging said wastes shall install and maintain, at his own expense, water meters of a type approved by the General Manager for the purpose of determining the proper volume of flow to be charged. The Commission has a right to read such private meters.

When the quantity of wastewater discharged at any point exceeds 5 per cent of total daily wastewater flow as measured at the treatment plant, the User discharging such wastewater shall install and maintain, at his own expense a wastewater flow meter and recorder of a type approved by the General Manager for the purpose of determining the volume of flow to be charged. Each separate industrial plant will be considered and assessed individually even though a User may operate two or more industrial plants on the Commission's wastewater treatment system.

#### 20.3.5 Determining the Character and Concentration of Wastes

The industrial waste of each User discharging same into the Commission's POTW shall be subject to periodic inspection and a determination of character and concentration of said wastes from significant industrial users shall be made semiannually, or more often as may be deemed necessary, by the General Manager or his authorized assistants. Where applicable, sampling to determine the BOD, TSS, TN, and TP concentrations will be on a 24-hour composite basis. Grab samples may be used as required to determine short term characteristics that may be deleterious to the treatment process.

Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

The determination of the character and concentration of the industrial wastes by the General Manager, or his authorized assistants, shall be binding as a basis for charges. Industries wishing to have another sample taken other than at the regular interval may request the General Manager to take such a sample. Costs of such additional sampling and testing shall be borne by the industry.

#### 20.3.6 Billing

Bills will be sent through the United States mail notifying all Users of the amount and date due. Failure to receive notice is not an excuse for nonpayment of bills.

Persons not having paid their bills within fifteen (15) days of date of billing will be delinquent. After said date, the water connection serving the user may be turned off and may not be turned on again until said bill and service charge is paid.

In case a User discharging wastes into the Commission's wastewater treatment system does not procure his water supply from the Commission and becomes delinquent in his payment of the aforesaid surcharges, his connection with the Commission's wastewater treatment system may be severed and only be reconnected at his expense.

### 20.4 Wastewater Discharge Permit Application and Issuance

#### 20.4.1 Wastewater Dischargers

It shall be unlawful for any person to connect or discharge to the POTW any wastewater except as authorized by the General Manager in accordance with the provisions of these Regulations. When requested by the General Manager, a user must submit information on the nature and characteristics of its wastewater within forty-five (45) days of the request. The General Manager may periodically require users to update this information.

## 20.4.2 General Permits

Any person who shall hereafter desire to discharge any wastewater into the Commission's POTW shall, before making any such discharge, first apply to the General Manager for permission to do so. The General Manager may grant such permission when evidence is submitted by the applicant that the discharge of wastes into the public sewers will comply with the requirements of this regulation. Disputes over the sufficiency of such evidence shall be taken first to the General Manager and then to the Commissioners. Permission by the General Manager to discharge wastewater will in no way relieve such persons of the responsibility to produce an effluent acceptable to the General Manager under the terms of these Regulations.

## 20.4.3 Wastewater Discharge Permits

### 20.4.3.1 General

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 General Manager to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the General Manager's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the General Manager be required to obtain a wastewater discharge permit for non-significant industrial users.

### 20.4.3.2 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 General Manager a significant industrial user determination. If the General Manager determines that the proposed discharge may fit the significant industrial user criteria he will require that a significant industrial user permit application be filed.

### 20.4.3.3 Significant Industrial User Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Commission, an application in the form prescribed by the General Manager, and accompanied by an application fee in the amount prescribed in the Commission's Sewer Rate Schedules. Significant industrial users shall apply for

a Wastewater Discharge Permit within 90 days after notification of the General Manager's determination in 20.4.3.2 above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (c) Analytical data on wastewater constituents and characteristics, including but not limited to, those mentioned in Section 20.2 of these Regulations, any of the priority pollutants {Section 307(a) of the Act} which the applicant knows or suspects are present in the discharge, as determined by a Commission approved 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 Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in Sections 20.5.10 and 20.5.11 of these Regulations;
- (d) Time and duration of the indirect discharge;
- (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans or schematics to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation (where the General Manager allows the submittal of schematics, the user shall maintain and have available on site detailed engineering drawings of the above);
- (g) Description of activities, facilities and plant processes on the premises including a summary list of all materials (type and amount of raw materials processed (average and maximum per day)) which are or could be accidentally or intentionally discharged;

- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Local, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards or Regulations 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;
- (i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards or Requirements; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions apply to this schedule:
  - (1) The schedule shall contain increments of progress 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 or Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment in the schedule shall exceed 9 months.
  - (2) No later than 14 days following each date in the schedule and final date for compliance, the User shall submit a progress report to the General Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the General Manager;
- (j) A brief description of the nature, average rate or production, and SIC of the operation(s) carried out by such Industrial Use;

- (k) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (l) 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 Section 20.5.1 of these Regulations;
- (m) Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.
- (n) Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g).

#### 20.4.3.4 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 Section 20.1.2(3) 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."

#### 20.4.3.5 Application Review and Evaluation

The General Manager will evaluate the data furnished by the User and may require additional information.

- (1) The General Manager is authorized to accept applications for the Greenville Utilities Commission and shall refer all applications to the POTW staff for review and evaluation.

- (2) Within 30 days of receipt the General Manager 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.

#### 20.4.3.6 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 Greenville Utilities Commission's general permit conditions into a significant industrial user draft permit. This draft permit shall be submitted to the applicant and the approval authority for comments at least forty-five (45) days prior to issuance of a new permit or at least ninety (90) days prior to the expiration date of the existing permit in the case of a permit renewal provided that a complete application has been submitted in accordance with Sections 20.4.3.3, 20.4.3.4 and 20.4.3.5 above. Any objections to conditions of the draft permit must be made in writing to the Industrial Services Coordinator within thirty (30) working days following receipt of the draft permit.

#### 20.4.3.7 Permit Synopsis

A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

- (1) a sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.
- (2) a quantitative description of the discharge described in the application which includes at least the following:
  - (i) the rate or frequency of the proposed discharge;
  - (ii) the actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
  - (iii) the basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

#### 20.4.3.8 Final Action On Significant Industrial User Permit Applications

- (1) The General Manager shall take final action on all applications by issuing a pretreatment permit or by denying the discharge not later than 90 days following receipt of a complete application. The applicant may request an adjudicatory hearing in accordance with Section 20.4.3.9 should any objections to permit conditions remain in the final permit issued by the Greenville Utilities Commission.
- (2) The General Manager is authorized to:
  - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of these Regulations 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 Section 20.4.3.10 of these Regulations;
- (iv) revoke any permit pursuant to Section 20.8.1 of these Regulations;
- (v) suspend a permit pursuant to Section 20.8.1 of these Regulations;
- (vi) deny a permit application when such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

#### 20.4.3.9 Hearings

##### (1) 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 Section 20.8.2, or one issued an administrative order under Section 20.8.1 shall have the right to file a petition with the Office of Administrative Hearings after making written demand, identifying the specific issues to be contested, to the General Manager 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. Upon request of the General Manager, the Chief Administrative Law Judge may provide an administrative law judge to preside at the adjudicatory hearing. Hearings held under this paragraph shall be conducted in accordance with Title 26, Chapter 3 of the North Carolina Administrative Code. The rules establishing procedures for hearings under this paragraph incorporated in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby adopted by reference. This incorporation includes subsequent amendments. Upon request, the Greenville Utilities Commission shall supply, at the cost of reproduction, copies of the rules establishing procedures and required forms for

hearings under this paragraph. The administrative law judge shall make a recommended decision on the contested permit, penalty, or order within forty-five (45) days from the end of the hearing (or from the date of the filing of post hearing submissions). The administrative law judge shall serve a copy of his recommended decision to the applicant or permittee/user and the Greenville Utilities Commission. The Office of Administrative Hearings shall promptly serve a copy of the official record on the Greenville Utilities Commission by hand delivery or certified mail. The applicant or permittee/user shall have a right to file written exceptions to the recommended decision with the Chairman of the Greenville Utilities Commission Board of Commissioners within 10 days following receipt of notice of the recommended decision. Failure to make written demand within the time specified herein shall bar further appeal.

- (i) 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.
  - (ii) 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.
- (2) Final Decision. The Greenville Utilities Commission Board of Commissioners shall be the final decision maker for hearings held under Section 20.4.3.9 (1) above and shall transmit a written copy of the final decision by registered or certified mail within forty-five (45) days following receipt of notice of the administrative law judge's recommended decision.
  - (3) Official record. When a final decision is issued under Section 20.4.3.9(2) above, the Greenville Utilities Commission shall prepare an official record of the case that includes:

- (i) All notices, motions, and other like pleadings;
  - (ii) A copy of all documentary evidence introduced;
  - (iii) A certified transcript of all testimony taken.
  - (iv) A copy of the final decision of the Greenville Utilities Board of Commissioners.
- (4) Judicial Review. Any person against whom a final order or decision of the Greenville Utilities Board of Commissioners is entered, pursuant to the hearing conducted under Section 20.4.3.9(1) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Pitt County along with a copy to the Greenville Utilities Commission. Within 30 days after receipt of the copy of the petition of judicial review, the Greenville Utilities Commission shall transmit to the reviewing court the original or a certified copy of the official record.

#### 20.4.3.10 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,
  - (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 20.4.3.3, the User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Permit shall submit to the General Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of 20.4.3.3.
- (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.

#### 20.4.3.11 Permit Conditions

- (1) Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, user charges and fees established by the Greenville Utilities Commission, unless otherwise noted. The General Manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of these Regulations and N.C.G.S. 143-215.1. Wastewater Discharge 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 Section 20.1.2 (43) of these Regulations;
  - (f) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 20.1.2 (43), if determined by the General Manager 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 Section 20.1.2 (43). Also see Sections 20.5.5 and 20.5.6 of these Regulations;
  - (h) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (2) 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 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 system.
- (e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (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 plant records relating to wastewater discharges as specified in Section 20.5.13, and affording the General Manager, or his representatives, access thereto.
- (l) Requirements for prior notification and approval of the General Manager of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction into the wastewater treatment system that could, in the opinion of the General Manager or the Division, affect compliance with the wastewater discharge permit conditions or these Regulations.

- (m) Requirements for the prior notification to the General Manager of any significant change in the manufacturing and/or pretreatment process used by the permittee that could, in the opinion of the General Manager or the Division, affect compliance with the wastewater discharge permit conditions or these Regulations.
- (n) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
- (o) Other conditions as deemed appropriate by the General Manager to insure compliance with these Regulations, the State and Federal laws, rules, and regulations.

#### 20.4.3.12 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 less than a year or may be stated to expire on a specific date.

#### 20.4.3.13 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 a new or changed operation.

#### 20.4.3.14 Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 20.4.3 a minimum of 180 days prior to the expiration of the user's existing permit. The General Manager may allow the users to certify that the permit allocation information submitted previously by the user to the Greenville Utilities Commission is accurate and representative of the current wastewater discharge in lieu of resubmitting information that is in the Greenville Utilities Commission's possession. This provision shall not be invoked for any permittee that has been proven to have violated these Regulations or their wastewater discharge permit during the term of the permit that is to be renewed.

## 20.5 Reporting Requirements

### 20.5.1 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 General Manager 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 General Manager 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.
  - (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 wastestream 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 General Manager, 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 Section 20.5.10 of these Regulations.
  - (iii) Sampling must be performed in accordance with procedures set out in Section 20.5.11 of these Regulations 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 Section 20.1.2(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) Compliance 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 Section 20.5.2 of these Regulations.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 20.4.3.4 of these Regulations.

#### 20.5.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 20.5.1(b)(7) of these Regulations:

- (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 General Manager 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 General Manager.

#### 20.5.3 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 General Manager a report containing the information described in Section 20.5.1(b)(4-6) of these Regulations. 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 Section 20.4.3.4 of these Regulations.

#### 20.5.4 Periodic Compliance Reports

- (a) All significant industrial users shall, at a frequency determined by the General Manager but in no case less than once every six months, submit a report 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 Sections 20.5.10 and 20.5.11 of these Regulations. All periodic compliance reports must be signed and certified in accordance with Section 20.4.3.4 of these Regulations.
- (b) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the General Manager, using the procedures prescribed in Sections 20.5.10 and 20.5.11 of these Regulations, the results of this monitoring shall be included in the report.

#### 20.5.5 Reports of Changed Conditions

Each user must notify the General Manager 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. See Section 20.5.6(d) for other reporting requirements.

- (a) The General Manager 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 Section 20.4.3 of these Regulations.
- (b) The General Manager may issue a wastewater discharge permit under Section 20.4.3 of these Regulations or modify an existing wastewater discharge permit under Section 20.4.3 of these Regulations in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%); or greater, and the discharge of any previously unreported pollutants.

#### 20.5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in Section 20.1.2(43) of these Regulations, that may cause potential pass through or interference, the User shall immediately telephone and notify the General Manager 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 ten (10) days following such discharge, the User shall, unless waived by the General Manager, 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 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 these Regulations.
- (c) A notice advising appropriate employees of the procedures required in paragraph (a), above shall be readily available at all times. 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 Section 20.1.2(43).

#### 20.5.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

#### 20.5.8 Notice of Violation/Repeat Sampling and Reporting

- (a) If sampling performed by a user indicates a violation, the user must notify the Office of the Industrial Services Coordinator 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 Industrial Services Coordinator within thirty (30) days after becoming aware of the violation. If allowed by the General Manager, the user is not required to resample:
  - (i) if the Commission monitors at the user's facility at least once a month, or
  - (ii) if the Commission samples between the user's initial sampling and when the user receives the results of this sampling.
  
- (b) If the General Manager does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the Commission 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:
  - (i) the Commission monitors at the user's facility at least once a month; or
  - (ii) the Commission samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
  - (iii) the Commission requires the user to perform sampling and submit the results to the [POTW Director] within the 30 day deadline of the POTW becoming aware of the violation.

#### 20.5.9 Notification of the Discharge of Hazardous Waste

- (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 of 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. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 20.5.5 of these Regulations. 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 Sections 20.5.1, 20.5.3, and 20.5.4 of these Regulations.

- (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 specified 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 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 Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the General Manager, 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 these Regulations, a permit issued thereunder, or any applicable Federal or State law.

#### 20.5.10 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.

#### 20.5.11 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 requirements for BMR and 90 Day Compliance Reports. Additionally, the General Manager 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 General Manager. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

#### 20.5.12 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.

#### 20.5.13 Record Keeping

Users subject to the reporting requirements established in these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Regulations. 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 or adjudication concerning the User or the Greenville Utilities Commission, or where the User has been specifically notified of a longer retention period by the General Manager.

#### 20.5.14 Electronic Reporting

The General Manager may develop procedures for receipt of electronic reports for any reporting requirements of these Regulations. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Section 20.8 of these Regulations.

### 20.6 Compliance Monitoring

#### 20.6.1 Monitoring Facilities

The General Manager shall require 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 General Manager 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 Commission's requirements and all applicable local construction standards and specifications. Construction shall be completed in accordance with a compliance schedule negotiated with the user and the General Manager.

#### 20.6.2 Inspection and Sampling

The General Manager may inspect the facilities of any User to ascertain compliance with these Regulations and the terms of the user's permit. Users shall allow the General Manager, approval authority and EPA or their authorized representative ready access at all reasonable times to all parts of the premises related to wastewater discharge for the purposes of inspection and sampling; provided, that a reasonable time shall be allowed users to make available a properly trained facility escort for security and safety purposes; provided further, that users may forbid photography by inspectors to all areas other than those areas used solely for water use, wastewater generation and wastewater discharge. Users shall also allow the Commission, or their representatives, upon presentation of proper credentials and identification, access to records pertaining to wastewater discharge for examination and copying, provided that the provisions of these Regulations relating to confidentiality shall apply to any documents or other information examined during such inspection. The General Manager, 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 proper credentials and identification, personnel from the Commission, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the Commission's, approval authority's, or EPA's access to the user's premises shall be a violation of these Regulations. Unreasonable delays may constitute denial of access.

### 20.6.3 Search Warrants

If the Commission, 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 these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Greenville Utilities Commission designed to verify compliance with these Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Commission, approval authority, or EPA may seek issuance of a search warrant from the Superior Court of Pitt County.

## 20.7 Confidential Information

### 20.7.1 Applying for Confidential Treatment Status

- (1) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests confidential treatment of the information and data.
- (2) A request that information be treated as confidential shall be made by the person submitting the information at the time that the submittal is made. Requests for confidential treatment of information must be in writing and specifically identify the information for which confidential treatment is sought. Any request not meeting these requirements shall be invalid.
- (3) A request for confidential treatment status may refer to an entire document being submitted or any portion thereof. If it refers to a portion, the request shall specifically indicate that portion to be treated as confidential and may be submitted separately to facilitate identification and handling. If the confidential material is to be submitted separately, the information must be so noted in the other portion of the submittal. If the user desires confidential treatment only until a certain date or until the occurrence of a certain event, the request should so state.
- (4) "Effluent data" as defined in 40 CFR 2.302 will be recognized as confidential information only to the degree it is so treated by that rule.

## 20.7.2 Acquiring Confidential Treatment Status

- (1) The General Manager shall make a determination of whether business information is entitled to confidential treatment for reasons of business confidentiality whenever he/she:
  - a. receives a request for the release of business information;
  - b. desires to determine whether business information in his/her possession is entitled to confidential treatment, even though no request for release of the information has been received; or
  - c. determines that he/she will likely be requested to disclose the information at some future date and thus will have to determine whether the information is entitled to confidential treatment.
  
- (2) If, in connection with a user's request for confidential treatment status, the General Manager determines that the information may be entitled to confidential treatment, the General Manager shall:

furnish the notice of opportunity to submit comments to each user with an applicable request that has not previously been furnished such notice with regard to the information in question;

furnish to any person requesting release of the information notice that the information may be entitled to confidential treatment.

The notice of opportunity to comment shall contain a reasonable deadline imposed by the General Manager. The notice shall also state that the General Manager will construe a user's failure to furnish timely comments as a waiver of the user's request for confidential treatment status of the information.
  
- (3) Users given notice of opportunity to comment, may comment on the following:
  - a. the portions of the information which are alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired by the user (e.g., until a certain date, until the occurrence of a specified event, or permanently);

- c. the extent to which the information has been disclosed to others; and
- d. whether the user asserts that disclosure of the information would be likely to result in substantial harmful effects on the user's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

(4) Confidential treatment status shall be afforded to a user if:

- a. the user has submitted a valid request for confidential treatment status which has not expired by its terms, nor been waived nor withdrawn;
- b. the user has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;
- c. the information is not, and has not been, reasonably obtainable without the user's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing, of special need in a judicial or quasi-judicial proceeding);
- d. no statute or regulation specifically requires disclosure of the information; and
- e. the user has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the user's competitive position.

or if:

- f. release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under N.C.G.S. § 66-152(3).

- (5) The General Manager shall notify the user of his/her determination within thirty (30) days of his/her receipt of a request for confidential treatment status. To the extent that the General Manager rejects a user's confidentiality claim, within 10 days of receiving such notice, the user shall have a right to appeal the General Manager's decision in accordance with Section 20.4.3.9 of these Regulations. The General Manager shall continue to maintain confidential treatment status for such information until all appeals are completed.

#### 20.7.3 Confidential Treatment

- (1) If the General Manager determines that the information or data is entitled to confidential treatment status for the period requested, he shall maintain the information in confidence for such period.
- (2) This rule is subject to the following exceptions:
  - a. **Emergency Situations** - If the General Manager finds that disclosure of information receiving confidential treatment status is essential to alleviate a situation posing an imminent and substantial danger to public health or safety, he may disclose the information to local emergency response authorities, as he finds necessary under the circumstances.
  - b. **Court-ordered Disclosure** - The General Manager shall disclose any confidential information in any manner and to the extent ordered by a court of competent jurisdiction.
  - c. **User Notification** - The General Manager shall notify the user of the disclosures above within fourteen (14) days of the disclosure if the user has not been a part of the proceedings requiring such disclosure.

#### 20.7.4 Contractors; Assurance of Confidentiality

- (1) No confidential status information shall be disclosed to, nor access to user's facilities demanded for, contractors of the Greenville Utilities Commission pursuant to these Regulations, unless the contract between the Greenville Utilities Commission and the contractor provides:

- a. That the contractor and the contractor's employees shall use the information disclosed, or gathered from inspections, only for the purpose of carrying out the work required by the contract, shall refrain from disclosing the information to anyone other than the General Manager without the prior written approval of each affected business or of the Attorney for the Commission and shall return to the General Manager all copies of the information (and any abstracts or extracts therefrom) upon request by the General Manager, whenever the information is no longer required by the contractor for the performance of the work required under the contract, or upon completion of the contract (where the information was provided to the contractor by an agency other than the General Manager, the contractor may disclose or return the information to that agency);
- b. That the contractor shall obtain a written agreement to honor such terms of the contract from each of the contractor's employees who will have access to the information, before such employee is allowed access to confidential information or user's facilities; and
- c. That the contractor acknowledges and agrees that the contract provisions concerning the use and disclosure of business information are included for the benefit of, and shall be enforceable by, both the Commission and any affected business having an interest in information concerning it supplied to the contractor by the General Manager under the contract.

#### 20.7.5 Safeguarding of Business Information; Penalty for Wrongful Disclosure

- (1) Neither the General Manager nor any Commission employee, agent or contractor may disclose or use for private gain, any business information which came into his or her possession, or to which he or she gained access, by virtue of his or her official position, contract or employment.
- (2) Each General Manager and Commission employee, agent or contractor who has custody or possession of confidential information shall take appropriate measures to properly safeguard such information and to protect against its improper disclosure.

- (3) Violation of paragraph (1) or (2) of this section shall constitute grounds for dismissal, suspension, fine, contract termination, or other disciplinary action.

## 20.8 Enforcement

### 20.8.1 Administrative Remedies

#### 20.8.1.1 Notification of Violation

Whenever the General Manager determines that any User has violated or is violating these Regulations, their wastewater discharge permit, or any prohibition, limitation or requirements contained herein, or any other pretreatment requirement, the General Manager, or his authorized representative, may serve upon such user a written notice stating the nature of the violation. Within 30 days of the notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the General Manager 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.

#### 20.8.1.2 Consent Orders

The General Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User 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 20.8.1.4 below.

#### 20.8.1.3 Show Cause Hearing

##### 20.8.1.3.1 Hearing Notice

The General Manager may order any User who causes or is responsible for an unauthorized discharge, has violated these Regulations or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the

General Manager determines that a show cause order should be issued, 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.

#### 20.8.1.3.2 Conducting Hearing

The Commissioners may themselves conduct the hearing and take the evidence, or may designate any of their members or any office or employee of the Commission to:

- (a) Issue in the name of the Commissioners notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commissioners for action thereon.

The Commissioners shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 20.8.2 nor is any action or inaction taken by the General Manager under this section subject to an administrative appeal under Section 20.4.3.9.

#### 20.8.1.3.3 Recording Hearing

At any show cause hearing held pursuant to these Regulations, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

#### 20.8.1.4 Administrative Orders

When the General Manager finds that a User has violated or continues to violate these Regulations, permits or orders issued hereunder, or any other pretreatment requirement the General Manager may issue an order to cease and desist all such violations and direct the user 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.

Further orders and directives as are necessary and appropriate may be issued.

#### 20.8.1.5 Emergency Suspensions

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

Any person notified of a suspension of wastewater treatment service and/or the Wastewater Discharge 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 Wastewater Discharge Permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The

General Manager shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The User shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the General Manager prior to the date of the above-described hearing.

#### 20.8.1.6 Revocation of Permit or Permission to Discharge

The General Manager may revoke a wastewater discharge permit or permission to discharge for good cause, but not limited to, the following reasons:

- (a) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (b) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit or permission to discharge, conditions or these Regulations, or any applicable State and Federal regulations.

Noncompliant industrial users will be notified of the proposed revocation of their wastewater permit and will be offered an opportunity to show cause in accordance with Section 20.8.1.3 of these Regulations why the proposed action should not be taken.

#### 20.8.2 Civil Penalties

Any User who is found to have failed to comply with any provision of these Regulations, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000) per day per violation.

- (a) 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 within 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 these Regulations, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) In determining the amount of the civil penalty, the General Manager shall consider the following:
  - (i) 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;
  - (ii) The duration and gravity of the violation;
  - (iii) The effect on ground or surface water quantity or quality or on air quality;
  - (iv) The cost of rectifying the damage;
  - (v) The amount of money saved by noncompliance;
  - (vi) Whether the violation was committed willfully or intentionally;
  - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
  - (viii) The costs of enforcement to the Greenville Utilities Commission.
- (c) The User also shall reimburse the Commission upon demand for any expenses, loss, or damage actually sustained by the Commission to its sewer system, treatment plant, treatment processes or receiving waters as a result of such violation, and for the amount of any fine or penalty imposed upon the Commission by any state or federal regulatory agency as a result of such violation, and for other actual costs, including payroll costs, incurred by the Commission as a result of such violation. In addition to the penalties provided herein, the Commission may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated these Regulations or the order, rules, regulations, and permits issued hereunder.

- (d) Appeals of civil penalties assessed in accordance with these rules, regulations, and section shall be as provided in Section 20.4.3.9.

### 20.8.3 Other Available Remedies

The following remedies, in addition to those previously mentioned in these Regulations, are available to the General Manager who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

#### 20.8.3.1 Criminal Violations

The District Attorney for the Judicial District of this county may, at the request of the Attorney representing the Greenville Utilities Commission, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B.

#### 20.8.3.2 Injunctive Relief

Whenever a user is in violation of the provisions of these Regulations or an order or permit issued hereunder, the General Manager, through the Attorney representing the Commission, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

#### 20.8.3.3 Water Supply Severance

Whenever an industrial user is in violation of the provisions of these Regulations 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.

#### 20.8.3.4 Malicious Damage

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Commission's wastewater treatment system. Any person(s) violating this provision, shall, upon conviction, be punished as provided for under Section 14-4 of the General Statutes of North Carolina.

#### 20.8.3.5 Public Nuisances

Any violation of the prohibitions or effluent limitations of these Regulations or of a permit or order issued hereunder, may be declared a public nuisance and shall be corrected or abated as directed by the General Manager.

#### 20.8.4 Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive. The General Manager 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 Commission's enforcement response plan. However, the General Manager may take other action against any user when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

### 20.9 Annual Publication of Significant Noncompliance

At least annually, the Greenville Utilities Commission shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, 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)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

### 20.10 Affirmative Defenses to Discharge Violations

#### 20.10.1 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;
  - (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 Greenville Utilities Commission 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.

#### 20.10.2 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 Section 20.2.1.1 of these Regulations or the specific prohibitions in Sections 20.2.1.2 (2), (3) and (5) through (7) and (9) through (24) of these Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges 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 Greenville Utilities Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 20.10.3 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 General Manager, if possible at least ten (10) days before the date of the bypass.
  - (2) A user shall submit oral notice to the General Manager 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 General Manager 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 General Manager may take an enforcement action against a user for a bypass, unless
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (ii) 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
  - (iii) The user submitted notices as required under paragraph (b) of this section.
- (2) The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (c) (1) of this section.

#### 20.11 Severability

If any provision, paragraph, word, section or article of these Regulations are 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.

#### 20.12 Conflict

All other Ordinances, Regulations and portions of such documents inconsistent of conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

#### 20.13 Effective Date

These Regulations shall be in full force and effect from and after their passage, approval and publication as provided by Law.