

GREENVILLE UTILITIES COMMISSION



SANITARY SEWER USE REGULATIONS

Greenville Utilities Commission Utility Regulations
PART C 20.0

Adopted XX-XX-XXXX

TABLE OF CONTENTS

20.1	General Provisions	4
	20.1.1 Purpose and Policy	4
	20.1.2 Definitions	5
	20.1.3 Abbreviations	15
20.2	General Sewer Use Requirements	15
	20.2.1 General Prohibitions	15
	20.2.1.1 General Prohibitions	15
	20.2.1.2 Specific Prohibitions	15
	20.2.2 National Categorical Pretreatment Standards	18
	20.2.3 POTW Protection Criteria	19
	20.2.4 State Requirements	19
	20.2.5 Greenville Utilities Commission’s Right of Revision	19
	20.2.6 Dilution Prohibition	20
	20.2.7 Pretreatment of Wastewater	20
	20.2.8 Accidental Discharge/Slug Control Plans	21
	20.2.9 Hauled Waste	22
	20.2.10 Use of Public Sewers Required	22
	20.2.10.1 Effects of Involuntary Annexation	22
	20.2.10.2 Waiver of Requirement	23
	20.2.11 Unlawful Discharges	23
	20.2.12 Building Sewers and Connections	23
	20.2.13 Service to Adjacent Areas	25
	20.2.14 Control of Emerging Contaminants	25
20.3	Fees	26
	20.3.1 Purpose	26
	20.3.2 Charges and Fees	26
	20.3.3 Surcharge for Treatment of Industrial Waste	27
	20.3.3.1 Explanation of Surcharge	27
	20.3.3.2 Surcharge Costs	27
	20.3.3.3 Surcharge Rates	27
	20.3.4 Measurement of Flow	28
	20.3.5 Determining the Character and Concentration of Wastes	29
	20.3.6 Billing	29
20.4	Wastewater Discharge Permit Application and Issuance	29
	20.4.1 Wastewater Dischargers	29
	20.4.2 General Permits	30
	20.4.3 Wastewater Discharge Permits	30
	20.4.3.1 General	30
	20.4.3.2 Significant Industrial User Determination	30
	20.4.3.3 Significant Industrial User Permit Application	30
	20.4.3.4 Application Signatories and Certification	31
	20.4.3.5 Application Review and Evaluation	31
	20.4.3.6 Tentative Determination and Draft Permit	32
	20.4.3.7 Permit Supporting Documentation	32
	20.4.3.8 Final Action on Significant Industrial User Permit Applications	33
	20.4.3.9 Permit Modification	33

TABLE OF CONTENTS (continued)

	20.4.3.10	Permit Conditions	34	
	20.4.3.11	Permit Duration	36	
	20.4.3.12	Permit Transfer	36	
	20.4.3.13	Permit Reissuance	36	
20.5		Reporting Requirements	37	
	20.5.1	Baseline Monitoring Reports	37	
	20.5.2	Compliance Schedule Progress Reports	38	
	20.5.3	Reports on Compliance with Categorical Pretreatment Standard Deadline	39	
	20.5.4	Periodic Compliance Reports	39	
	20.5.5	Reports of Changed Conditions	39	
	20.5.6	Reports of Potential Problems	40	
	20.5.7	Reports from Unpermitted Users	40	
	20.5.8	Notice of Violation/Repeat Sampling and Reporting	40	
	20.5.9	Notification of the Discharge of Hazardous Waste	41	
	20.5.10	Analytical Requirements	42	
	20.5.11	Grab and Composite Sample Collection	42	
	20.5.12	Timing	43	
	20.5.13	Record Keeping	43	
	20.5.14	Electronic Reporting	43	
	20.5.15	Special Reporting Requirements for IUs in Satellite POTWs	43	
20.6		Compliance Monitoring	43	
	20.6.1	Monitoring Facilities	43	
	20.6.2	Inspection and Sampling	44	
	20.6.3	Search Warrants	44	
20.7		Confidential Information	45	
	20.7.1	Applying for Confidential Treatment Status	45	
	20.7.2	Acquiring Confidential Treatment Status	45	
	20.7.3	Confidential Treatment	47	
	20.7.4	Contractors; Assurance of Confidentiality	47	
	20.7.5	Safeguarding of Business Information; Penalty for Wrongful Disclosure	48	
20.8		Enforcement	49	
	20.8.1	Administrative Remedies	49	
		20.8.1.1 Notification of Violation	49	
		20.8.1.2 Consent Orders	49	
		20.8.1.3 Show Cause Hearing	49	
			20.8.1.3.1 Hearing Notice	49
			20.8.1.3.2 Conducting Hearing	50
			20.8.1.3.3 Recording Hearing	50
		20.8.1.4 Administrative Orders	50	
		20.8.1.5 Emergency Suspensions	51	
		20.8.1.6 Revocation of Permit or Permission to Discharge	51	
	20.8.2	Civil Penalties	52	
	20.8.3	Other Available Remedies	53	
		20.8.3.1 Criminal Violations	53	
		20.8.3.2 Injunctive Relief	53	
		20.8.3.3 Water Supply Severance	53	

TABLE OF CONTENTS (continued)

20.8.3.4	Malicious Damage	54
20.8.3.5	Public Nuisances	54
20.8.4	Remedies Nonexclusive	54
40.9	Annual Publication of Significant Noncompliance	54
24.10	Adjudicatory Hearings	54
20411	Affirmative Defenses to Discharge Violations	56
20.11.1	Upset	56
20.11.2	Prohibited Discharge Standards Defense	57
20.11.3	Bypass	57
20.12	Severability	58
20.13	Conflict	58
20.14	Effective Date	58

20.1 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:

20.2 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 and wastewater discharges 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 and wastewater discharges 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 sludge 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 or his designee 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.

By discharging wastewater in the Greenville Utilities' Commission collection system, industrial users and neighboring municipalities agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder. This includes all industrial users discharging in a neighboring municipality's collection system and later discharged to Greenville Utilities Commission's collection system for treatment.

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 or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - B) the manager of one or more manufacturing, production, or operation facilities, provided, the manager is expressly authorized in writing to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been expressly assigned or delegated to the manager in writing 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 manager managed limited liability company, an authorized representative shall mean the Manager.
 - (iv) If the industrial user is a member managed limited liability company, an authorized representative shall mean all Member Managers.
 - (v) 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.
 - (vi) The individuals described in paragraphs i-v 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 Commission and approved in writing by the Commission.
 - (vii) 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) BMPs Schedules of activities, prohibitions of practices, maintenance procedures, Pollutant Minimization Plans, and other management practices or combinations of practices to implement the prohibitions listed in section and to prevent or reduce the introductions of CECs to the POTW or the pollution of surface waters. BMPs also include treatment requirements; operating procedures; material or product substitution; and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (5) 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^o centigrade, usually expressed as a concentration [(e.g., milligrams per liter (mg/l)).
- (6) Building Sewer A sewer conveying wastewater from the premises of a User to the POTW.
- (7) Bypass The intentional diversion of wastestreams from any portion of a User's treatment facility.

- (8) CECs -Control of Emerging Contaminants -Chemical and other waste contaminants posing unique issues and challenges to the environmental community as a result of (a) the recent development of new chemicals or other products; (b) new or recently identified by-products; (c) newly discovered or suspected adverse health or environmental impacts; (d) physical or chemical properties that are not fully evaluated or understood; (e) an absence of or pending changes to fully defined risk levels, water quality standards or guidance or other environmental program levels of control; and (f) other factors. Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.
- (9) Categorical Standards National Categorical Pretreatment Standards or Pretreatment Standard.
- (10) Carbonaceous Biochemical Oxygen Demand (CBOD) The measurement of dissolved oxygen depleted by biological organisms in a body of water in which the contribution from nitrogenous bacteria has been suppressed.
- (11) City is the City of Greenville, North Carolina.
- (12) Color is the "true color" after turbidity has been removed and due to the substance in solution expressed in wavelengths of light.
- (13) Commission shall be the Greenville Utilities Commission of the City of Greenville, North Carolina.
- (14) Commissioners shall mean the members of the Greenville Utilities Commission Board of Commissioners.
- (15) Control Authority Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.
- (16) 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.
- (17) Environmental Protection Agency (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.
- (18) Food Service Establishment any business or other entity, whether permanent or temporary, that prepares, cooks, puts together, portions, sets out, serves, or hands out any raw, cooked, or processed edible substance including meats, meat food products, dairy products, ice, beverage, or other ingredients used or intended for human or animal consumption.
- (19) General Manager shall mean the General Manager of the Greenville Utilities Commission, Greenville, North Carolina, or his authorized representative or his designee.

- (20) Grab Sample A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a time period not to exceed 15 minutes.
- (21) 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.
- (22) 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).
- (23) Industrial User or User Any person which is a source of indirect discharge.
- (24) Industrial Waste means the wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.
- (25) Interference The inhibition, or disruption of the POTW collection system, 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, collection system, 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.
- (26) Medical Wastes 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.
- (27) 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.
- (28) 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.

(29) 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 is 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.

- (30) 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.
- (31) National Pollutant Discharge Elimination System A provision of the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued.
- (32) National Pollutant Discharge Elimination System Permit 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.
- (33) Non-discharge Permit A disposal system permit issued by the State pursuant to N.C.G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the State.
- (34) Pass Through A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's NPDES, collection system, or Non-discharge Permit, or a downstream water quality standard even if not included in the permit.
- (35) Person An individual, partnership, 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.
- (36) 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.
- (37) 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, metals, BOD, CBOD, COD, toxicity, and odor.
- (38) POTW Treatment Plant That portion of the POTW designed to provide treatment to wastewater.
- (39) 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.

- (40) 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.
- (41) Pretreatment Requirements Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (42) Pretreatment Standards Any prohibited discharge standard, categorical standard or local limit which applies to an industrial user.
- (43) 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.
- (44) 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.
- (45) Sanitary Sewer is a sewer intended to receive domestic sewage and industrial waste, except of the type expressly prohibited by this regulation, without the admixture of surface water and storm water.
- (46) 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.
- (47) Significant Industrial User or SIU. Any industrial user that discharges wastewater into a publicly owned treatment works and:
 - A) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters)
 - B) Contributes process wastewater which makes up five percent or more of the NPDES Non-discharge permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, CBOD, TSS and Ammonia; or

- C) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
- D) Is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violation of the POTW's effluent limitation and condition in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options.
- E) Subject to NC Division of Water Quality approval under 15A NCAC 02H .0907(b) the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- F) Subject to Division approval under 15 A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR 403.3 (v)(2) and thus is a Non-Significant Categorical User.
- G) Subject to Division approval under 15 A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12 (e)(3).

(48) Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in Subparagraph (b) (46), Parts (C), (D), or (H) shall also be in SNC.

- (i) Violations of wastewater discharge limits.
 - A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1);
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1) multiplied by the applicable TRC; (TRC = 1.4 for BOD, CBOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH);

- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section [20.8.1(e)] of this SUO to halt or prevent such a discharge;
- E. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
- F. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety (90)-day compliance reports, and periodic compliance reports within forty-five (45) days from the due date.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations that the Control Authority and/or POTW determine will adversely affect the operation or implementation of the local pretreatment program.

- (49) 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.
- (50) State the State of North Carolina.
- (51) 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.
- (52) Storm Sewer or Storm Drain A sewer which carries storm or surface waters and drainage but excludes sewage and industrial wastes.
- (53) Storm Water Any flow occurring during or following any form of natural precipitation and

resulting therefrom.

- (54) Surcharge 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.
- (55) 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.
- (56) 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)).
- (57) 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).
- (58) 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)).
- (59) 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.
- (60) 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.
- (61) Wastewater Discharge Permit. As set forth in Section 20.4.3 of these Regulations.
- (62) Wastewater Treatment System 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.

- (63) Waters of the State. All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs 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.

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)	CBOD	-	Carbonaceous Biochemical Oxygen Demand
(3)	CFR	-	Code of Federal Regulations
(4)	COD	-	Chemical Oxygen Demand
(5)	EPA	-	Environmental Protection Agency
(6)	FOG	-	Fats, Oils, or Grease
(7)	FSE	-	Food Service Establishment
(8)	gpd	-	Gallons per day
(9)	l	-	Liter
(10)	mg	-	Milligrams
(11)	mg/l	-	Milligrams per liter
(12)	N.C.G.S.	-	North Carolina General Statutes
(13)	NPDES	-	National Pollutant Discharge Elimination System
(14)	O & G	-	Oil and Grease (Mineral or Petroleum)
(15)	O&M	-	Operation and Maintenance
(16)	POTW	-	Publicly Owned Treatment Works
(17)	RCRA	-	Resource Conservation and Recovery Act
(18)	SIC	-	Standard Industrial Classification
(19)	SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
(20)	TN	-	Total Nitrogen
(21)	TP	-	Total Phosphorus
(22)	TSS	-	Total Suspended Solids
(23)	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 (including fats, oils and grease of animal or vegetable origin) 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 but in no case solids greater than one half inch (1/2") in any dimension.
- (3) Petroleum oil, non-biodegradable 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, collection system or equipment.
- (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40 ° C).

- (7) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any 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, sludge, 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) Any sludge, 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.
- (15) Any medical wastes, except as specifically approved by the General Manager and also in compliance with applicable State and Federal laws and regulations.
- (16) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

- (17) 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.
- (18) Any wastewater causing the POTW treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (19) 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.
- (20) Portions of the human or animal anatomy.
- (21) Any wastes containing detergents, surface active agents, or other substances which causes excessive foaming in the municipal wastewater system.
- (22) 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.
- (23) 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 or his designee 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 or his designee 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, Part (s) 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 or his designee 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 or his designee 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.
- (e) A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

20.2.3 POTW Protection Criteria as given authority in 40 CFR 403.5(d) and 40 CFR 403.5(c)(1).

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 Petroleum or Mineral Oil and Grease
(b)	250	mg/l Chloride
(c)	250	mg/l BOD / CBOD
(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)	0.061	mg/l Copper
(k)	0.015	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 headwork's 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 or his designee, 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 or his designee 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 or his designee 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 or his designee 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 or his designee 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 a SIU. The General Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the General Manager or his designee 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 non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the General Manager or his designee 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 Waste

Septic tank waste and portable toilet waste may be introduced into the POTW only at locations designated and at such times as are established by the Commission. Waste discharged shall not violate Section 20.2 of these Regulations or any other requirements established by the Commission. The General Manager or his designee will issue wastewater discharge permits to septic tank waste haulers and will enforce all permit conditions in accordance with authority provided by Section 20.4 of these regulations.

- (a) The General Manager or his designee shall require haulers of industrial waste to obtain wastewater discharge permits. The General Manager or his designee may require generators of hauled industrial waste to obtain wastewater discharge permits. The General Manager or his designee also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Regulations.
- (b) Industrial waste haulers may discharge loads only at locations designated by the General Manager or his designee. No load may be discharged without prior consent of the General Manager or his designee. The General Manager or his designee may collect samples of each hauled load to ensure compliance with applicable standards. The General Manager or his designee may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (c) 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 or his designee 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 or his designee. 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 or his designee, to meet all requirements of these Regulations. Existing building sewers may be kept in service if, in the opinion of the General Manager or his designee, 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 or his designee that repairs are necessary. Should the owner fail to repair the building sewer within 60 days after receiving written notification by the General Manager or his designee that such repairs are necessary, the General Manager or his designee may make the necessary repairs to the building sewer and shall assess the owner for the cost of the repairs.

An approved grease interceptor shall be provided, at the owner's expense, for all food service establishments (FSE). A separate grease interceptor shall be provided for each FSE unless otherwise approved in writing by the General Manager.

An oil/grit separator shall be provided, at the owner's expense, for any commercial or industrial establishment that discharges or has the potential to discharge oils, grit, or other regulated substances as set forth in these regulations into the public sanitary sewer system.

All interceptors shall be of a type and capacity approved by the General Manager, and shall be located in an area, which is readily and easily accessible for cleaning and inspection. The grease interceptor shall be provided in accordance with the GUC Design Manual. In the event an FSE requires a grease interceptor that exceeds 1,200 gallons capacity, additional interceptors may be required to be installed in series.

In the event physical property restrictions prohibit the installation of an exterior grease interceptor, the property owner may request a variance. Variances can be applied for by completing the "Grease Interceptor Variance Request" application available at the Water Resources Department and on GUC's website. Completed applications are to be submitted to the Water Resources Department for review.

Where installed, all grease interceptors and/or oil and grit separators shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at his expense, as frequently as necessary to ensure the combined fats, oils and grease (FOG) and solids accumulation does not exceed 25% of the design hydraulic depth of the device and to maintain the applicable wastewater discharge limits of FOG, oil, grit or other substances as stated in Part C, Section 20.2.1.2(14) of these Regulations. 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. Any Waste removal and hauling of the collected materials not performed by customer Owner(s) personnel must be performed by a licensed waste disposal firm.

All grease removal device cleaning and maintenance records shall be kept by the owner on site for a minimum three years. These records are subject to review, upon request, by the General Manager.

No waste or decant water removed from an interceptor shall be reintroduced into the public sanitary sewer or back into the interceptor without written authorization from the General Manager.

The addition of solvents or additives for the purpose of emulsifying the FOG in a grease trap or grease interceptor is prohibited.

Failure to properly maintain a grease removal device may result in a civil penalty in accordance with these Regulations.

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.

20.2.14 Control of Emerging Contaminants

GUC has determined that the discharge by Users, management within the POTW, discharge to receiving waters, and presence within biosolids of CECs may bring about risks to the POTW, and human health or pass-through or other environmental impacts addressed by this Ordinance and the pretreatment program. GUC shall address CECs in the following manner when Water Resources Director or his designee determines it necessary for the purposes of this SUO.

1. Information. GUC may require Users to provide specified information on the User's purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CECs; and specified information on Users' products and processes that may contribute to the creation or discharge of CECs.

2. Data. GUC may require Users to provide specified wastewater discharge or other data on any CECs identified by either GUC or by the User consistent with subsection 1 above or otherwise determined by the Director of Water Resources or his designee to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall include any existing data in the possession or control of the User and may include requirements for the User to sample and generate at its cost such data. GUC may also itself sample and generate such data, and GUC's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance with section 20.2.3 of this SSUR.

3. User Management Requirements. When the Director of Water Resources or his designee determines it necessary for the purposes of this Ordinance, he may require by Pretreatment Permit (through either a new permit, reissuance or amendment), by General Permit issued to IUs with common characteristics, by Order or otherwise pursuant to the terms of this Ordinance actions by a User to address CECs. Such actions may include (a) further or routine monitoring requirements; (b) numeric effluent limits adopted as Local Limits or calculated as either generally applicable or User-specific technology-based limits; and (c) requirements for Best Management Practices. Any such requirements may be based on (x) GUC's determination of CEC numeric criteria based on available toxicity or other data; (y) U.S. EPA or NC DEQ standards or criteria; or (z) generally-accepted criteria determinations by recognized national scientific entities.

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 related to setting up and 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 two hundred and fifty (250) milligrams per liter Carbonaceous Biochemical Oxygen Demand (CBOD5), two hundred and fifty (250) milligrams per liter Total Suspended Solids, and forty (40) milligrams per liter Total Nitrogen, and five (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 (BOD5) in excess of two hundred and fifty (250) milligrams per liter, Total Suspended Solids in excess of two hundred and fifty (250) milligrams per liter, and Total Nitrogen in excess of forty (40) milligrams per liter and Total Phosphorus in excess of five (5) milligrams per liter which is discharged into the Commission's wastewater treatment system. The wastewater discharge surcharge calculation formula shall be available for public review at the GUC 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:

$$SC = (.00834) (KGal) \{[(BOD5 - 250) (CBOD5)] + [(TSS - 250) (CTSS)] + [(TN - 40) (CTN)] + [(TP - 5) (CTP)]\} + C_{ex}$$

SC = 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 = Five (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 CBOD5 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 CBOD5 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. 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 ninety three and one half (93.5) percent 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 ninety three and one half (93.5) percent 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 or his designee 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 five (5) per cent of total daily

wastewater flow as measured at the treatment plant, the User discharging such wastewater shall install, maintain, or make available at his own expense a wastewater flow meter and recorder of a type approved by the General Manager or his designee 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 designee. Where applicable, sampling to determine the BOD, CBOD, TSS, TN, and TP concentrations will be on a 24- hour composite basis. Grab samples may be used as required determining 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 designee, 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 or his designee 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 or transmitted electronically 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 or his designee in accordance with the provisions of these Regulations. When requested by the General Manager or his designee, a user must submit information on the nature and characteristics of its wastewater within forty-five (45) days of the request. The General Manager or his designee 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 or his designee for permission to do so. The General Manager or his designee 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 or his designee 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 or his designee to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the General Manager or his designee's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the General Manager or his designee 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 or his designee a significant industrial user determination. If the General Manager or his designee 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 ninety (90) days after notification of the General Manager or his designee'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 of the industrial user.
- (B) Address of the industrial user.
- (C) Standard Industrial Classification (SIC) code(s) or expected classification and industrial

user category.

- (D) Wastewater flow
- (E) Types and concentrations (or mass) of pollutants contained in the discharge.
- (F) Major products manufactured or services supplied.
- (G) Description of existing on-site pretreatment facilities and practices.
- (H) Locations of discharge points.
- (I) Raw materials used.
- (J) Flow diagram or sewer map for the industrial user.
- (K) Number of employees.
- (L) Operation and production schedules; and
- (M) 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 Commission 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 or his designee will evaluate the data furnished by the User and may require additional information.

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

- (2) Within thirty (30) days of receipt the General Manager or his designee 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 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 Environmental Compliance Coordinator within thirty (30) working days following receipt of the draft permit.

20.4.3.7 Permit Supporting Documentation

The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.

- (1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flow and loads with Division approved maximum allowable loading of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
- (2) The basis, or rationale, for the pretreatment limitation, including the following:

- (A) Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
- (B) Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e) (2).

20.4.3.8 Final Action on Significant Industrial User Permit Applications

- (1) The General Manager or his designee shall take final action on all applications by issuing a pretreatment permit or by denying the discharge not later than ninety (90) days following receipt of a complete application. The applicant may request an adjudicatory hearing in accordance with Section 20.10 should any objections to permit conditions remain in the final permit issued by the Commission.
- (2) The General Manager or his designee 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 sixty (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 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.
 - (A) Changes in the ownership of the discharge when no other change in the permit is indicated,
 - (B) A single modification of any compliance schedule not in excess of four months,
 - (C) Modifications 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 nine (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 one hundred and eighty (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 or his designee within one hundred and eighty (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 sixty (60) day notice required by G.S. 143-215.1(b) for modifications.

20.4.3.10 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 Commission, unless otherwise noted. The General Manager or his designee 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 or his designee 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/or 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/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the 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 designee, access thereto.
- (l) Requirements for prior notification and approval of the General Manager or his designee 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, his designee or the Division, affect compliance with the wastewater discharge permit conditions or these Regulations.
- (m) Requirements for the prior notification to the General Manager or his designee of any significant change in the manufacturing and/or pretreatment process used by the permittee that could, in the opinion of the General Manager his designee 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 or his designee to ensure compliance with these Regulations, the State and Federal laws, rules, and regulations.

20.4.3.11 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.

20.4.3.12 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.

20.4.3.13 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 one hundred and eighty (180) days prior to the expiration of the user's existing permit. The General Manager or his designee may allow the users to certify that the permit allocation information submitted previously by the user to the Commission is accurate and representative of the current wastewater discharge in lieu of resubmitting information that is in the 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 or his designee 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 or his designee 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 or his designee, 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 or his designee 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 or his designee.

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 or his designee 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 or his designee 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 or his designee, 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 or his designee of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority. See Section 20.5.6(d) for other reporting requirements.

- (a) The General Manager or his designee 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 or his designee 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, increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority; new or changed product lines; new or changed manufacturing processes and/or chemicals' or new or changed customers.]

20.5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in 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 or his designee 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 or his designee, 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 or his designee 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 Environmental Compliance 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 Environmental Compliance Coordinator within thirty (30) days after becoming aware of the violation. If allowed by the General Manager or his designee, 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 Commission has performed the sampling and analysis in lieu of the industrial user 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 thirty30 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 before the discharge commences. The user shall not begin the discharge until receiving written approval from the Control Authority. 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 requirements 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 non-acute 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 or his designee, 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. Analyses must be performed by a State certified lab for each parameter analyzed if such certification exists for that parameter.

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 or his designee may allow collection of multiple grabs during a twenty-four (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 Commission, or where the User has been specifically notified of a longer retention period by the General Manager or his designee.

20.5.14 Electronic Reporting

The General Manager or his designee 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.

20.5.15 Special Reporting Requirements for IUs in Satellite POTWs

In the case of industrial user located in a neighboring town or municipality, all information required to be reported to the industrial user's town or municipal Pretreatment Program shall also be reported to the Commission's Environmental Compliance Coordinator. In the case of industrial users located in towns or municipalities without State approved Pretreatment Program(s), the industrial user shall be regulated directly by these regulations and the Commission's Enforcement Response Plan.

20.6 Compliance Monitoring

20.6.1 Monitoring Facilities

The General Manager or his designee 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 or his designee 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 or his designee.

20.6.2 Inspection and Sampling

The General Manager or his designee 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 Commission, State 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 Commission, State 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, State approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the Commission's, State 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 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 or his designee determines that the information may be entitled to confidential treatment, the General Manager or his designee shall:

- a. 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;
- b. 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 or his designee. The notice shall also state that the General Manager or his designee 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 or his designee 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 ten (10) days of receiving such notice, the user shall have a right to appeal the General Manager's decision in accordance with Section 20.10 of these Regulations. The General Manager or his designee 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 or his designee 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 Commission pursuant to these Regulations, unless the contract between the 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 or his designee without the prior written approval of each affected business or of the Attorney for the Commission and shall return to the General Manager or his designee all copies of the information (and any abstracts or extracts therefrom) upon request by the General Manager or his designee, 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 Commission, 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 or his designee 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 or his designee 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 designee, may serve upon such user a written notice stating the nature of the violation. Within thirty (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 or his designee 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 or his designee 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 or his designee 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 officer 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 steno graphically or electronically and transcribed. 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 or his designee 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 fifteen (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 or his designee 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 or his designee 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 or his designee prior to the date of the above- described hearing.

20.8.1.6 Revocation of Permit or Permission to Discharge

The General Manager or his designee 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 assessed a civil penalty of 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 or his designee 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 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 20.10.

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 or otherwise as allowed by law.

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 or his designee.

20.8.4 Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive. The General Manager or his designee 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 or his designee may take other action against any user when the circumstances warrant. Further, the General Manager or his designee is empowered to take more than one enforcement action against any noncompliant user.

20.9 Annual Publication of Significant Noncompliance

At least annually, the 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) (34), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

20.10 Adjudicatory Hearings

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

(a) Initial Adjudicatory Hearing.

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section [20.8.2], or one issued an administrative order under section [20.8.1] shall have the right to an adjudicatory hearing before the General Manager or his designee upon making written demand, identifying the specific issues to be contested, to the General Manager or his designee within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and

binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The General Manager or his designee shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (c) below. The terms and conditions of a permit under appeal shall be as follows:

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

(b) **Final Appeal Hearing.**

Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (a) above may be appealed to the General Manager for his review and decision. If suitable resolution is not obtained, then a hearing appeal for the Greenville Utilities Board of Commissioners shall be requested in writing within ten (10) days of receipt of notice of the General Manager's decision. Hearings held under this Subdivision shall be conducted in accordance with Local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Greenville Utilities Board of Commissioners shall make a final decision on the appeal within ninety (90) days of the date of written request for Board appeal and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (c) below. The decision is a final decision for the purposes of seeking judicial review.

(c) **Official record.**

When a final decision is issued under paragraph (b) above, the Greenville Utilities Board of Commissioners shall prepare an official record of the case that includes:

- (1) All notices, motions, and other like pleadings.
- (2) A copy of all documentary evidence introduced.
- (3) A certified transcript of all testimony taken if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
- (4) A copy of the final decision of the Greenville Utilities Board of Commissioners.

(d) 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 paragraph (b) above, may seek judicial review of the order or decision by filing a request for review by the Superior Court of Pitt County within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter. Within thirty (30) days after receipt of the copy of the written request for review by the Court, the Greenville Utilities Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.

20.11 Affirmative Defenses to Discharge Violations

20.11.1 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 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.

20.11.2 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 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.

20.11.3 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 or his designee, if possible, at least ten (10) Days before the date of the bypass.
 - (2) A user shall submit oral notice to the General Manager or his designee 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 or his designee 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 or his designee 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 or his designee 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.

20.12 Severability

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

20.13 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.

20.14 Effective Date

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