

SEWER USE ORDINANCE (SUO)

and

**INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN (ERP)**

and

FATS, OILS AND GREASE CONTROL ORDINANCE (FOG)

September, 2012

CITY OF ROCKINGHAM
SEWER USE ORDINANCE

An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the direct and indirect discharge or deposit of certain substances into the municipal wastewater system or Publicly Owned Treatment Works (POTW) now maintained and/or owned by or which may become the property of the City of Rockingham, and providing penalties for violation thereof.

This Ordinance shall apply to all Users of the municipal wastewater system within the City and to persons outside the City, who are, by permit or agreement with the City, Users of the Rockingham POTW. By discharging wastewater into the municipal wastewater system, Industrial Users located beyond the city limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits or orders issued hereunder.

ARTICLE I

DEFINITIONS

Section 101. Definition and Abbreviations:

(a) Unless the context specially indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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

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

(3) Authorized Representative of the Industrial User.

(i) If the Industrial User is a corporation, authorized representative shall mean:

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

B) the manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of

making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(iii) If the Industrial User is a Federal, State or local government, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in paragraphs 1-3 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 City.

(v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the POTW Director prior to or together with any reports to be signed by an authorized representative.

(4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade expressed as a concentration (mg/l).

(5) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.

(6) Bypass. The intentional diversion of wastestreams from any portion of a User's treatment facility.

(7) Categorical Standards. Federal Categorical Pretreatment Standards or Pretreatment Standard.

(8) City. The City of Rockingham.

(9) Color. The "True Color" due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in wave lengths of light.

- (10) Combined Sewer. A sewer receiving both surface runoff and sewage.
- (11) Control Authority. The City of Rockingham, N.C. or the POTW Director of the City if approval of the City's Pretreatment Program has not been withdrawn.
- (12) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.
- (13) Domestic Wastewater. Liquid waste from bathrooms, toilet rooms, kitchens and home laundries.
- (14) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term duly authorized official of said agency.
- (15) EPA Pretreatment Regulation. EPA regulation 40 CFR Part 403 titled, "General Pretreatment Regulations for Existing and New Sources of Pollution".
- (16) Federal Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with of the Act which applies to a specific category of Industrial Users, and provides limitations on the introduction of pollutants into POTW.
- (17) Garbage. Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (18) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a time period not to exceed 15 minutes.
- (19) 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.
- (20) Indirect Discharge or Discharge. The discharge or the introduction of pollutants from any non-domestic source into the POTW (including holding tank waste discharged into the system).
- (21) Industrial User or User. Any person which is a source of indirect discharge.
- (22) Industrial Wastewater. Wastewater containing non-domestic pollutants.
- (23) Interference. The inhibition, or disruption of the POTW, collection system,

treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's NPDES collection system, or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(24) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(25) National Pollution Discharge Elimination System or NPDES Permit. A permit issued to a Control Authority 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.

(26) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into the POTW developed under the authority of the Act.

(27) New Source.

(i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards which will be applicable to such source if such standards are thereafter promulgated 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 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.

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(B) or (1)(C) above but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) For purposes of this definition, construction of a new source has commenced if their owner or operator has:

(A) Begun, or caused to begin as part of a continuous on-site construction program.

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

(28) 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.

(29) Non-Discharge Permit. A permit issued by the State pursuant to NCGS 143-215.1(d) for a waste which is not discharged directly to the surface waters of the State or for a wastewater treatment works which does not discharge directly to the surface waters of the State.

(30) North Carolina Pretreatment Rule. North Carolina Administrative Code (NCAC) 15A 02H .0900 – Local Pretreatment Program.

(31) 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.

(32) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.

(33) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units.

(34) Pollutant. Any "waste" as defined in NCGS 143-213 (8) and dredged spoil, solid waste, incinerator residue, sewage, garbage sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

(35) POTW Director. The City Manager of the City of Rockingham. Except as otherwise provided herein, the POTW Director shall be responsible for the administration, implementation, and enforcement of the provisions of this Ordinance. Any authority granted to or imposed upon the POTW Director may be delegated by the POTW Director to the Wastewater Treatment Plant (WWTP) Director and other City personnel

(36) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the City in compliance with EPA Pretreatment Regulation and approved by the Approval Authority.

(37) Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment other than a Pretreatment Standard.

(38) Pretreatment Standard. Prohibited discharge standards, Categorical Standards, or local limits which applies to an Industrial User.

(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 to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

(40) Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension.

(41) Public Sewer. A sewer in which all owners of abutting properties shall have equal rights, and is controlled by the Control Authority.

(42) Publicly Owned Treatment Works (POTW). A treatment works as defined by the Act, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of domestic and industrial wastewater. It includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. "POTW" shall also include any wastewater system that conveys wastewater to the

POTW from persons or Users of the City's POTW who are located outside the City.

(43) Septic Tank. A private domestic wastewater treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with any or all existing local and state requirements.

(44) Sewage. The same meaning as wastewater.

(45) Sewer. A pipe or conduit for carrying wastewater.

(46) Shall is mandatory: May is permissive.

(47) Significant Industrial User or SIU. An Industrial User that discharges wastewater into a POTW and that:

(i) 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);or

(ii) Contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern; or

(iii) Is subject to Categorical Pretreatment Standards under EPA Pretreatment Regulations; or

(iv) Is found by the Control Authority, the Division Of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing Industrial Users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any Pretreatment Standards or Requirements.

(v) Subject to Division of Water Quality approval under NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (i) and (ii) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.

(vi) Subject to Division of Water Quality approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in

paragraph (C) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.

(48) Significant Noncompliance A status of noncompliance defined as follows:

(i) Chronic violations of wastewater discharge limits: Sixty-six percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

(ii) Technical review criteria (TRC) violations: Thirty-three 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(l) multiplied by the applicable TRC;

--For conventional pollutants (BOD, TSS, and fats, oil and grease):

TRC = 1.4 or 40% over the limit

--For all other pollutants (except flow and pH):

TRC = 1.2 or 20% over the limit

(iii) Any other violation(s) of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through; or endangering the health of the POTW personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the Control Authority's POTW's use of its emergency authority to halt or prevent such a discharge.

(v) Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(vi) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90 day compliance reports, and periodic compliance reports within 30 days from the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(49) Slug Load or Discharge. Any discharge to the POTW 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 Article II Section 204 of this Ordinance.

(50) 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.

(51) Storm Sewer or Storm Drain. A sewer which carries storm and surface water and drainage, but excludes domestic or industrial wastewater.

(52) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(53) Sub-district. Shall mean any residential sub-division, real estate development, commercial, industrial or institutional complex.

(54) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(55) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with 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, maintenance, or careless or improper operation.

(56) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW including persons who contribute such wastes from mobile sources.

(57) Wastewater. The liquid and water-carried industrial or domestic wastewater from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which are contributed or permitted to enter the POTW.

(58) Wastewater Contribution Permit. A permit issued to Significant Industrial Users specifying term and conditions for discharge of industrial wastewater to the POTW.

(59) Wastewater System. All facilities for collecting, conveying, pumping,

treating and disposing of wastewater.

(60) Wastewater Treatment Plant. Any arrangement or device and structures for treating wastewater.

(61) Waters of the State. All stream, 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 of any portion thereof.

(b) The following abbreviations when used in this Ordinance shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) gpd - Gallons per day.
- (6) l - Litter
- (7) mg - Milligrams
- (8) mg/l - Milligrams per liter.
- (9) NCGS - North Carolina General Statutes.
- (10) NPDES - National Pollution Discharge Elimination System
- (11) O & M - Operation and Maintenance.
- (12) RCRA - Resource Conservation & Recovery Act
- (13) POTW - Publicly-Owned Treatment Works
- (14) ppm - Parts per million.
- (15) SIC - Standard Industrial Classification.
- (16) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- (17) TSS - Total Suspended Solids.
- (18) TKN - Total Kjeldahl Nitrogen
- (19) USC - United States Code.
- (20) WWTP - Wastewater Treatment Plant

ARTICLE II

PROHIBITED USE OF PUBLIC SEWERS

Section 201. General: These general prohibitions apply to all Users of the POTW whether or not the User is a Significant Industrial User or subject to any federal, state, or local Pretreatment Standard or requirement.

Section 202. Interference and Pass Through: No User shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater which causes Interference or Pass Through.

Section 203. Stormwater:

(a) No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, ground water, roof run-off, or sub-surface drainage.

(b) Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the Control Authority, be discharged to storm sewers or storm drains; in their absence, authority may be granted to discharge into the sanitary sewer system upon written application.

Section 204. Prohibited Discharges: Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any POTW:

(a) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.

(b) 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.

(c) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.

(d) Any garbage that has not been properly shredded.

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

(f) Any materials which forms excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.

(g) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.

(h) Any wastewater having a pH less than 6.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.

(i) Any wastewater containing pollutants, including oxygen demanding pollutants, in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause Interference with the POTW.

(j) 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.

(k) Any substance which may cause the POTW's WWTP effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW's WWTP 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.

(l) Any wastewater which imparts color which cannot be removed by the wastewater treatment process, such as, but no limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; or to impair the receiving waters for any designated uses.

(m) 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 with the temperature at the introduction into the POTW's WWTP to exceed 104°F (40°C).

(n) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.

(o) Any trucked or hauled pollutants, except upon prior approval by the POTW Director and at discharge points designated by the POTW Director.

(p) Storm water surface water, ground water, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.

(q) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

(r) Fats, oils or greases of animal or vegetable origin in concentrations greater than 100 mg/l unless authorized by the POTW Director.

(s) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

(t) Any medical wastes, except as specifically authorized by the POTW Director.

(u) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(v) 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 POTW Director.

(w) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances or NPDES permit limitations.

(x) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(y) Any pollutants which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(z) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(aa) Recognizable portions of the human or animal anatomy.

(bb) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.

(cc) When the Control Authority determines that a User 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 Control Authority shall:

(1) Advise the User(s) of the potential impact of the contribution on the POTW in accordance with Section 701.

(2) Take appropriate actions in accordance with Section 701 for such User to protect the POTW from Interference or Pass Through.

Section 205. Waste Storage and Floor Drains: Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the Industrial User's pretreatment facility before connecting with the system.

Section 206. Waste of Unusual Strength: The Control Authority, without limitation by other sections of this Ordinance, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the City under approved conditions. The Control Authority may prohibit entry to particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes of the sewage system. Should such be the case, City Council will be immediately notified.

Section 207. Federal (National) Categorical Pretreatment Standards:

(a) Users subject to Categorical Pretreatment Standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(1) Where a Categorical Pretreatment Standard is expressed in terms of either mass or concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits.

(2) When wastewater subject to a Categorical Pretreatment Standard is mixed with a wastewater not regulated by the same standard, the POTW Director may impose an alternate limit using the combined wastestream formula in the EPA General Pretreatment Regulations.

(3) A User may obtain a variance from Categorical Pretreatment Standards in accordance with the EPA General Pretreatment Regulations.

(4) A User may obtain a net gross adjustment to a Categorical Pretreatment Standards in accordance with the EPA General Pretreatment Regulations.

(5) A User may request a removal credit adjustment to a Categorical standard in accordance with the EPA General Pretreatment Regulations.

(b) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance.

Section 208. Specific Pollutant Discharge (Local) Limitations: A User discharging wastewater containing in excess of the following daily average discharge limits is required to provide industrial waste survey information that will be used to develop user-specific local limits as necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for a pollutants of concern. User specific local limits for pollutants of concern shall be included in Wastewater Contribution Permits. The POTW Director may impose mass based limits in addition to, or in place of concentration based limits.

<u>Pollutant</u>	<u>Average Daily Concentration, mg/l (24 hr. Composite Sample)</u>
BOD	250
TSS	250
TKN	40
Arsenic	0.003
Cadmium	0.003
Copper	0.061
Cyanide	0.015
Lead	0.049
Mercury	0.0003
Nickel	0.021
Silver	0.005
Total Chromium	0.05
Zinc	0.175

Section 209. State Requirements: State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

Section 210. Federal Requirements: Federal requirements and limitations on discharges as contained in the EPA General Pretreatment Regulations shall apply in any case where they are more stringent than State requirements and limitations or those in this Ordinance.

Section 211. Right of Revision: The City reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives of this Ordinance.

Section 212. 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 Federal Categorical Pretreatment Standards, unless expressly authorized by an applicable Pretreatment Standard, or in any other pollutant discharge limitation developed by the City or State.

ARTICLE III

PERMISSIVE USE OF PUBLIC SEWER

Section 301. Sewer Connections Permission: The City shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any Person. The tap fee shall be as specified in Article IV.

Section 302. Wastewater Discharge Rate: Whenever the total volume of sewage to be discharged by an person in any one day is such that it proves detrimental to the operation of the sewer system, such Person shall be required, at no expense to the City, to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller of other approved device, the operation and setting of which shall be directed by the Control Authority. Notice shall be given the Control Authority when normal operations of the Person will be interrupted for 24 hours, or longer, and when and in what quantities wastes will be available for discharge.

Section 303. Wastewater Pretreatment:

(a) Whenever the waste characteristics of sewage being discharged or proposed to be discharged by any Person exceed those requirements of Article II, or where necessary in the opinion of the Control Authority, the Person shall construct or cause to be constructed at no expense to the City such wastewater pretreatment facilities as may be required to reduce the objectionable characteristics or constituents to come within the maximum limits provided for in Article II.

(b) The facilities shall be constructed in accordance with a compliance schedule specified by the City, the State, or EPA whichever is more stringent.

(c) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the POTW Director and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the User from the responsibility of complying with the provisions of this Ordinance. Any changes in pretreatment facilities shall be approved by the POTW Director prior to initiation of the changes.

(d) Where wastewater pretreatment facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the City.

(e) Whenever deemed necessary, the POTW Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

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

Section 304. Discharge Application:

(a) Any Person who is now discharging any sewage into the City public sewers may be required to make written application to the Control Authority giving complete information as to the nature and characteristics of the sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

(b) Any Person having been granted authority by the Control Authority to discharge sewage into the City's public sewers and who shall change or cause to be changed the nature or quantity of such sewage, shall before making such change, receive the approval of the Control Authority of such change and may be required to furnish the Control Authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

(c) Any Person who should wish to make such connection and discharge such sewage as described above, shall make written application to the Control Authority and may be required to furnish the Control Authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other articles of this Ordinance.

Section 305. Grease, Oil and Sand Interceptors:

(a) Grease, oil and sand separators or traps shall be provided when in the opinion of the Control Authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or in excessive amounts. Such separators shall not be required for private living quarters of dwelling units, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. Such separators shall be readily accessible for inspection by the Control Authority and shall be maintained and cleaned by the Person at no expense to the City in continuously efficient operation at all times.

(b) Any nonresidential User involved in the preparation or serving of foods will be subject to the terms and conditions of the City of Rockingham's Fats, Oils, and Grease Control Ordinance.

Section 306. Control Manhole: Any Person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pre-treatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the Control Authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the waste discharge.

Section 307. Hauled Wastewater

(a) It is the policy of the Control Authority not to accept septic tank waste. Septic tank waste may only be introduced into the POTW upon approval of the POTW Director and only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate Article II of this Ordinance or any other requirements established by the City. The Control Authority may require septic tank haulers to obtain Wastewater Contribution Permits.

(b) The POTW shall require haulers of industrial waste to obtain Wastewater Contribution Permits. The POTW Director may require generators of hauled industrial waste to obtain Wastewater Contribution Permits. The POTW Director may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of the Ordinance.

(c) Industrial waste haulers may discharge loads only at location designated by the POTW Director. No loads may be discharged without prior consent of the POTW Director who may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

ARTICLE IV

OPERATIONS AND CONTROL

Section 401. Inspections: The City will inspect the facilities of any User to ascertain whether requirements of this Ordinance are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City, Approval Authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The City, Approval Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the City's, Approval Authority's, or EPA's access to the User's premises shall be a violation of this Ordinance. Unreasonable delays may constitute denial of access.

Section 402. Danger to Public Health & Safety: In the event of imminent danger to the public health and safety, the City and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. During such event the City will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.

Section 403. Determination of Character and Concentration of Wastes:

(a) The wastewater of each industrial discharger into the City's sewerage system shall be subject to periodic inspection for a determination of character and concentration not less than semi-annual or more often as may be deemed necessary by the Control Authority. Such inspection and tests may be made immediately after any approved process change which might affect the quantity or quality of the waste discharge.

(b) Sewage samples shall be collected in such manner as to be representative of actual volume and quality of the waste. The collection of samples shall be at the control manhole provided for in Section 306 or as specified in the industries' Wastewater Contribution Permit. Procedures used in the collection of samples shall be those set forth in Federal Register 40 CFR Part 136.

(c) The determination of the flow, character, and concentration of industrial wastes as

provided herein shall be used as a basis for charges, surcharges, and compliance with Article II of this Ordinance.

Section 404. Measurement of Flow:

(a) The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the City Water Department or other water authority. In the event that a person discharging wastes into the sanitary sewer system produces evidence satisfactory to the Control Authority that greater than 10% of his water used does not reach the City sanitary sewer, the User may apply to the Control Authority for a reduced percentage of total water consumption to be used in computing sewer charges, or the User may request that the billings be based upon metered wastewater quantities. If approved by the City, such User may then provide and maintain at its own expense a meter acceptable to the City for measurement of quantities of wastewater discharged. The meter shall be accessible for inspection by the City at all times and shall be maintained to produce an accurate record of the true quantities of wastewater discharged.

(b) Where the person discharging wastewater into the sanitary sewers of the City procure any part, or all of, his water supply from sources other than one recognized and accepted by the Control Authority, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain, at his expense, water meters of a type approved by the Control Authority for the purpose of determining the proper volume of flow to be charged. The Control Authority has a right to read such private meters.

Section 405. Connection to Sewer System:

(a) Any person desiring connection to be made with the sewerage system shall make application on the appropriate form to the Control Authority, stating the name of the owner of the property, the location of the lot, and kind of connection desired. Every such application shall be signed by the person making the application and shall be accompanied by the appropriate connection fee. Fees shall be those as periodically adopted by the City Council.

(b) Any sewer taps shall conform to the requirements of the Control Authority in location, size, type, materials and method used and shall be accomplished only by employees of the Control Authority

(c) It shall be unlawful for any Person to make or undertake to make or cause to be made any connection to the sewerage system without first having made application, paid fee and received approval.

Section 406. System Abuse: Any Person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that

Person and shall be held accountable for all expenses incurred by the City or other property owners as a result of the abuse.

Section 407. Private Wastewater Systems

(a) All sewage disposal within the area of the City of Rockingham shall be regulated by the Control Authority, and disposal shall be by public sewers and sewerage system except that where no public sewer exists within 300 radial feet of a building or where connection is impractical for technical reasons. The person owning that property may apply for permit to construct and operate an approved septic tank system or similar wastewater system approved by the Control Authority provided that the quantity of sewage to be so disposed of does not exceed 1000 gallons per day as determined in Section 404, and further provided that the wastewater system is properly maintained so as to eliminate any hazard to the public health or cause a public nuisance.

(b) Unless otherwise authorized by the Control Authority, property owners will be required to connect to the sewer system within 90 days after notification by the Control Authority that connection to the sewer system is required.

(c) Abandoned septic tanks will be pumped out and filled with sand.

Section 408. Unlawful Discharge: In no event shall any Person be allowed to discharge or cause to be discharged any domestic or industrial wastewater to the ground surface, stream, watercourse, ditch, lake, other body of surface water, storm sewers, or storm drains.

Section 409. Legal Action: If any Person discharges sewage, industrial wastes or other wastes into the City's sewage system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City may commence an action for appropriate legal and/or equitable relieve in the Court of the County.

Section 410. Protection from Damage: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the City of Rockingham. This protection shall also apply to any part of the system whether City owned or not, if damage is such as to adversely affect the proper operating and maintenance of the City system. Any person violating these provisions shall be subject to penalties outlined in Article VII as well as prosecution if deemed appropriate.

Section 411. Wastewater Contribution Permits:

(a) All Significant Industrial Users shall obtain a Wastewater Contribution Permit prior to the commencement of discharge to the POTW. Existing Industrial Users who are determined by the POTW Director to be Significant Industrial Users shall obtain a Wastewater Contribution permit within 180 days of receiving notification of the POTW Director's determination. Industrial Users who do not fit the Significant Industrial User criteria may at the

discretion of the POTW Director be required to obtain a Wastewater Contribution Permit.

(b) 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 POTW Director a Significant Industrial User determination. If the POTW Director determines or suspects that the proposed discharge fits the Significant Industrial User criteria he will require that a Wastewater Contribution Permit application be filed.

(c) Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the POTW Director. Significant Industrial Users shall apply for a Permit within 90 days after notification of the POTW Director's determination in (b) above. The application shall include at a minimum the information required by N.C. Pretreatment Rule, Section 0.0916. In support of the application, the User shall submit any other information deemed necessary by the POTW Director to evaluate the permit application to include reporting requirements under the EPA Pretreatment Regulations and this Ordinance

(d) All wastewater discharge permit applications and User reports must be signed by the current authorized representative of the User on file with the Control Authority and/or Municipality as defined in Section 101(a)(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."

(e) Upon receipt of a complete permit application including any and all requested supporting documentation and data, the application will be evaluated by the POTW Director. A determination will be made to issue or deny the permit within 90 days thereafter. The POTW Director is authorized to:

(1) Issue a Wastewater Contribution Permit containing such conditions as are necessary to effectuate the purposes of this Ordinance and N.C.G.S. 143-215.1.

(i) Wastewater permits shall contain, but are not limited to, the following:

(A) A statement of duration (in no case more than five years);

- (B) A statement of non-transferability;
- (C) Applicable effluent limits based on Categorical standards or local limits or both;
- (D) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
- (E) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Article I Section 101(a)(49),
- (F) Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Article I Section 101(a)(49), if determined by the POTW Director to be necessary for the User and,
- (G) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in Article I Section 101(a)(49). Also see Article IV Section 412(e) and (f);
- (H) A statement of applicable civil and/or criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule.

(ii) In addition, permits may contain, but are not limited to, the following:

- (A) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
- (B) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (C) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- (E) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

(F) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(G) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(H) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).

(I) Compliance schedules for meeting Pretreatment Standards and Requirements.

(J) Requirements for submission of periodic self-monitoring or special notification reports.

(K) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Article IV Section 411(h) and affording the POTW Director, or his representatives, access thereto.

(L) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.

(M) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.

(N) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the terms of the permit.

(O) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(2) Issue a Wastewater Contribution Permit containing time schedules for achieving compliance with applicable Pretreatment Standards and Requirements.

(3) Modify any permit upon not less than 60 days notice and pursuant to provisions of this Ordinance.

(4) Revoke or suspend any permit pursuant to provisions of this Ordinance.

(5) Deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or Interference of the POTW.

(f) Permit Modification.

(1) Modification of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(i) Changes in the ownership of the discharge when no other change in the permit is indicated.

(ii) A single modification of any compliance schedule not in excess of four months.

(iii) Modification of construction compliance schedule in permits for new sources.

(2) Within 9 months of the promulgation for a Federal Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standard shall be revised to require compliance with such standard. Within 180 days of the promulgation of a Federal Categorical Pretreatment Standard, those Users, subject to Standard and operating without a Wastewater Discharge Permit shall apply for a Wastewater Discharge Permit.

(g) 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.

(h) Industrial Users shall retain, and make available for inspection and copying, all records and information required to be retained under EPA Pretreatment Regulation. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the Industrial User has been specifically notified of a longer retention period by the POTW Director.

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

(j) A Significant Industrial User shall apply for permit reissuance by submitting a complete permit application in accordance with this Section a minimum of 180 days prior to the expiration of the existing permit.

(k) Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the City. Permits may contain discharge limitations and conditions as deemed appropriate by the City to ensure compliance with this article. Discharge limitations and conditions may be more stringent than federal or state limitations and conditions if determined necessary to ensure compliance with all applicable federal, state, and local regulations.

Section 412. Reporting Requirements: Industrial Users are subject to the following reporting requirements as required by the EPA General Pretreatment Regulations, their Wastewater Contribution Permit, and this Ordinance.

(a) Baseline Monitoring Reports:

(1) Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination, whichever is later, existing Categorical Users shall submit to the Control Authority a base line monitoring report as required by EPA General Pretreatment Regulations. At least 90 days prior to commencement of their discharge, new Users, and Users that become Categorical Users shall submit to the Control Authority a base line monitoring report as required by the EPA General Pretreatment Regulations.

(2) Users described above shall submit the information set forth below.

(i) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(ii) Environmental Permits. A list of any environmental control permits held by or for the facility.

(iii) 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.

(iv) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(v) Measurement of Pollutants.

A) The Categorical Pretreatment Standards applicable to each regulated process.

B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Article IV Section 403(b) of this Ordinance.

C) Sampling must be performed in accordance with procedures set out in section Article IV Section 403(c) of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(vi) Certification. A statement, reviewed by the User's current authorized representative as defined in Section 101(a)(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(vii) 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 412(b) of this Ordinance.

(viii) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 411(d) of this Ordinance.

(b) Compliance Schedule Progress Reports:

Compliance schedules shall contain progress increments in the form of dates for the commencement and completion of major events enabling the User to comply with applicable Pretreatment Standards. Progress reports shall be submitted to the POTW Director no later than fourteen (14) days following each date in the schedule and the final date of compliance whether or not it complied with the increment of progress. As a minimum, the progress report shall describe the reason for any delay and, if appropriate, the steps being taken by the User to return to the established schedule.

(c) Report of Compliance with Categorical Standard Deadline:

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, Users subject to such standards shall submit a report of compliance as required by the EPA General Pretreatment Regulations.

(d) Periodic Compliance Reports:

All Significant Industrial Users shall be required to submit a report indicating the nature and concentration of pollutants in their discharge.

(1) All Significant Industrial Users shall, at a frequency determined by the POTW Director and specified by the User's Wastewater Contribution Permit 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 414 and 415 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with Section 411(d) of this Ordinance.

(2) If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in Sections 414 and 415 of this Ordinance, the results of this monitoring shall be included in the report.

(e) Reports of Changed Conditions:

All Significant Industrial Users must notify the Control Authority 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 30 days before the change. The User shall not begin the changes until receiving written approval from the Control Authority. See Section 412(f) for other reporting requirements.

(1) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application.

(2) In response to the anticipated changed condition the POTW Director may issue a new or modify an existing Wastewater Discharge Permit.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems:

(1) 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 101(a)(49), that may cause potential problems for the POTW, the User

shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(2) Within five (5) days following such discharge, the User shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

(3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(4) 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 101(a)(49).

(g) Notification of Violation/Repeat Sampling and Reporting

(1) If sampling performed by a User indicates a violation, the User must notify the POTW Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within thirty (30) days after becoming aware of the violation. If allowed by the POTW Director, the User is not required to resample:

(i) If the POTW Director monitors at the User's facility at least once a month; or

(ii) If the POTW Director samples between the User's initial sampling and when the User receives the results of this sampling.

(2) If the POTW Director has performed sampling and analysis in addition to or in lieu of the Industrial User and the POTW sampling of the User indicates a violation, the POTW Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:

(i) The POTW Director monitors at the User's facility at least once a month; or

(ii) The POTW Director samples the User between their initial sampling and when the POTW receives the results of this initial sampling; or

(iii) The POTW Director requires the User to perform sampling and submit the results to the POTW Director within the 30 day deadline of the POTW becoming aware of the violation.

(h) Notification of Discharge of Hazardous Wastes:

The Control Authority prohibits the discharge of any hazardous wastes or substance, which, if otherwise disposed of, would be a hazardous waste in accordance with EPA General Pretreatment Regulations without notification to and approval by the POTW Director. Notification must take place no later than 180 days before the discharge commences and shall not begin discharge until the User receives written approval from the POTW Director.

(i) Accidental Discharge/Slug Control Plans:

(1) The POTW Director shall evaluate whether each Significant Industrial User needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Article I. All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any POTW User to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any User. Accidental Discharge/Slug Control Plans shall be in accordance with the EPA General Pretreatment Regulations.

(2) 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 Article IV Section 412(e) and (f).

(j) All Users not required to obtain a Wastewater Contribution Permit shall provide appropriate reports to the POTW Director as the POTW Director may require.

Section 413. Confidential Information

(a) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the POTW Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such request must be asserted at the time of submission of the information or data.

(b) When requested by the Person furnishing a report, the portions of a report which

might disclose trade secrets or secret processes shall not be made which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, Non-discharge permit and/or the Pretreatment Programs; provided, however that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) All records relating to compliance with Pretreatment Standards shall be made available to officials of the Approval Authority and EPA upon request.

Section 414. Analytical Requirements: All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State of North Carolina to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard, or unless otherwise performed in accordance with procedures approved by EPA and the POTW Director. 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.

Section 415. 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 Director 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 Baseline Monitoring Reports and 90 Day Compliance Reports). Additionally, the POTW Director may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.

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

Section 416. Timing for Written Reports: 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.

Section 417. Record Keeping: Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the POTW Director.

Section 418. Search Warrants: If the City, Approval Authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City, Approval Authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the City of Rockingham or Richmond County.

ARTICLE V

USER CHARGES AND SURCHARGES

Section 501. Schedule of Charges: The City shall adopt at least annually an adequate schedule of user charges and surcharges to defray the cost of the operating and maintaining the sanitary sewerage system of the City of Rockingham. The costs to be used as a basis of determining charges shall include, but is not necessarily limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The charges adopted shall be such that each User pays at least their proportionate share of all cost herein noted.

Section 502. Publication of Charges: The user charges and surcharges shall be published in a form for public distribution and notice and shall become a part of the Ordinance upon adoption and public notification and shall be based on the cost of treatment per thousand gallons of sewage.

Section 503. Basis of Charges and Delinquent Bills: Control Authority shall levy monthly sewer user charges and said charges shall be due and payable immediately. The user charge shall be based on actual water consumption, as obtained from water meter readings or other means as provided. Failure to pay this bill within 10 days shall cause said bill to become delinquent. **User charges unpaid on the twenty first day of the month shall be subject to being shut off. Service cut off under this section shall not be restored until all overdue bills are paid. [Code Section 21-105]**

Section 504. Surcharges for Treatment of Excessive Waste: The Control Authority may, at its discretion, allow industrial waste which exceeds the limitation of Article II, Section 208, to be discharged into the sanitary sewerage system, provided that the person discharging such waste shall agree to the payment of a Surcharge to offset any cost to treat that B.O.D., Suspended Solids, or other appropriate pollutant in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service.

The Surcharge covering the cost of treatment of said industrial wastes shall be determined in the following manner:

(a) The Control Authority shall fix the rate to be charged during the new fiscal year, at the beginning of said fiscal year, for the excess B.O.D., Suspended Solids, or other appropriate pollutant from actual costs per one thousand pounds removed from the combined domestic and industrial wastes as experienced at the treatment plant during the preceding fiscal year.

(b) The rate shall be applied to the amount of excessive B.O.D., Suspended Solids, and other pollutant as determined by averaging at least three waste discharge samples taken in

accordance with provisions of Section 403.

Section 506. Outside City Charges: Any User of the sanitary sewerage system, whose discharge originates outside the City Limits of Rockingham, may be required by the Control Authority to pay an additional charge to offset use of existing sanitary sewerage facilities and/or use of the City's bonding capacity for future expansion or upgrading of the sanitary sewerage system.

Section 507. Connection Fees: Tap fees, shall be periodically established by the City Council to offset expenses associated with sewer connections.

Section 508. Pretreatment Program Administration Charge: The schedule of charges and fees adopted by the City may include charges and fees for:

- (a) Reimbursement of costs of setting up and operating the Pretreatment Program;
- (b) Monitoring, inspections and surveillance procedures;
- (c) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (d) Permitting;
- (e) Other fees as the City may deem necessary to carry out the requirements of the Pretreatment Program.

ARTICLE VI

SEWER EXTENSIONS

Section 601. Sewer Extensions: Construction of wastewater systems shall be governed and regulated by provisions as set forth in City Code Chapter 21, Article IV.

ARTICLE VII
ENFORCEMENT

Section 701. Administrative Remedies:

(a) Notification of Violation. Whenever the Control Authority finds that any User has violated or is violating this Ordinance, Wastewater Contribution permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the Control Authority may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the City by the User. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the Notice of Violation.

(b) Consent Orders. The Control Authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order issued pursuant to Section 701(d) below.

(c) Show Cause Hearing. The Control Authority may order any User who causes or is responsible for an unauthorized discharge, has violated this Ordinance or is in noncompliance with a Wastewater Contribution Permit to show cause why a proposed enforcement action should not be taken. In the event the Control Authority 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.

The Control Authority 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 nor is any action or inaction taken by the Control Authority under this section subject to an administrative appeal.

(d) Administrative Orders. When the Control Authority finds that a User has violated or continues to violate this Ordinance, permits or orders issued hereunder, or any other pretreatment requirement the Control Authority may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect User and terminate service.

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

Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the Notice of Suspension to determine whether the suspension may be lifted or the User's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Control Authority shall reinstate the wastewater permit and 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 to the Control Authority prior to the date of the above-described hearing.

(f) **Termination of Permit or Permission to Discharge.** The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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

Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 701 of this

Ordinance why the proposed action should not be taken.

Section 702. **Civil Penalties:** Any User who is found to have failed to comply with any provisions of this Ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars (\$25,000) per day per violation.

(a) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

(1) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or

(2) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by his Ordinance, or the orders, rules, regulations and permits issued hereunder, only if the Control Authority determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

Section 703. **Other Available Remedies:** Remedies, in addition to those previously identified in this Ordinance, are available to the Control Authority who may use any single one or combination against a noncompliant User. Additional available remedies include, but are not limited to:

(a) **Criminal Violation.** The District Attorney for the Judicial District may, at the request of the Control Authority, prosecute noncompliant Users who violate the provisions of this Ordinance.

(b) **Injunctive Relief.** Whenever a User is in violation of the provisions of this Ordinance or an order or permit issued hereunder, the Control Authority 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. Suit may be brought on the behalf of the City, at the same time or separately, to recover any and all damages suffered by the City as a result of any action or inaction of any User or other person causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the City. Such damages shall include, but not be limited to, claims for damages, takings, losses, expenses, costs, fines, penalties, consultant fees, and attorney's fees for which the City may become liable or responsible and which arise out of or result from the User's noncompliance with its Wastewater Contribution Permit, this Ordinance, or State or Federal laws, rules or regulations.

(c) **Water Supply Severance.** Whenever a User is in violation of the provisions of this Ordinance or an order or permit issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated ability to comply.

(d) **Public Nuisance.** Any violation of the prohibitions or effluent limitations of this Ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of the Rockingham City Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(e) **Recovery of Preventive Expenses.** When any discharge in the opinion of the POTW Director appears to be in violation of Article II of this Ordinance or its Wastewater Contribution Permit to the extent that the discharge may cause an Interference with, or have an adverse impact upon, the operation of the POTW, the City may act to take preventative action. All cost and expenses, losses and damages, including the reasonable value or cost of the use of City personnel and equipment caused or incurred by the implementation of preventative measures shall be charge to and paid by the discharger.

Section 704. **Remedies Nonexclusive:** The remedies provided for in this ordinance are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.

Section 705. **Reconnection:** It shall be unlawful for any Person to reconnect a sewer when the same has been cut off for non-compliance with articles of this Ordinance, or any other reason, until specifically approved in writing by the Control Authority. Said approval shall be contingent upon satisfaction of all articles of this Ordinance including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.

Section 706. **Hearings**

(a) **Initial Adjudicatory Hearing.** An applicant whose Wastewater Contribution Permit is denied, or is granted subject to conditions the applicant deems unacceptable, a User assessed a civil penalty, or a User issued an administrative order shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the Wastewater Contribution 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 of the contested action within 60 days of the receipt of the demand for a hearing.

(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 mutual resolution.

(3) Terminated Permits. Upon appeal, including judicial review of 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 Hearings. Any decision of a hearing officer made as a result of an adjudicatory hearing held under section (a) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with City Code. Failure to make written demand within the time specified herein shall bar further appeal. The City Council shall make a final decision on the appeal within 90 days from receipt of the demand filed under section (a) above and shall transmit a written copy of its decision by registered or certified mail.

(c) Official Record. When a final decision is issued under section (b) above the City Council shall prepare an official record of the case that shall include all notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript or narrative summary of any testimony taken; and a copy of the final decision of the City Council.

(d) Judicial Review. Any person against whom a final order or decision of the City Council is entered, pursuant to the hearing conducted under section (b) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Richmond County within 30 days after receipt of notice, but not thereafter along with a copy to the City. Within 30 days after receipt of the copy of the written request for review by the Court, the City Council shall transmit to the reviewing court the official record.

Section 707. Annual Publication of Significant Noncompliance. At least annually, the POTW Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those Industrial Users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(10), with applicable Pretreatment Standards and Requirements, during the previous 12 months.

Section 708. Affirmative Defenses to Discharge Violations.

(a) Upset

(1) 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.

(2) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the User can identify the cause(s) of the upset;

(ii) 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

(iii) The User has submitted the following information to the POTW Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(4) 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.

(5) 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.

(b) 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 202 of this Ordinance or the specific prohibitions in Sections 204 (a), (i), (m), (q) and (y) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(1) 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

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass

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 this section.

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(3) Bypass is prohibited, and the POTW Director 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 (2) of this section.

(4) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in paragraph 3 of this section.

ARTICLE VIII

VALIDITY

Section 801. Ordinance Amendment: The City of Rockingham, through its duly qualified officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice by publication one time in the daily press at least 10 days before any final action.

Section 802. Severability: In any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Section 803: Conflict: All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extend of such inconsistency or conflict.

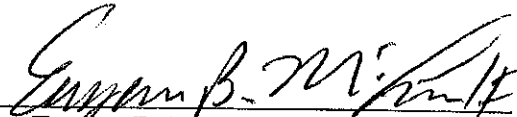
ARTICLE IX

EFFECTIVE DATE

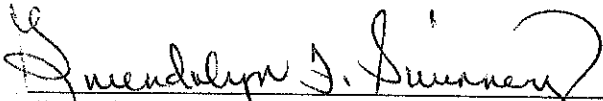
Section 901. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

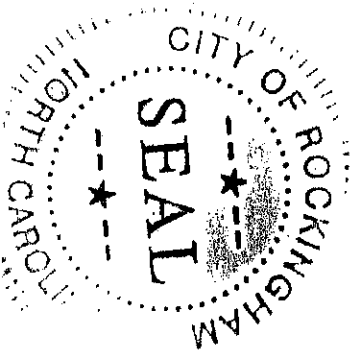
Adopted this the 11th day of September, 2012

Signed:


Eugene B. McLaurin, II
Mayor

Attest:


Gwendolyn F. Swinney, CMC, City Clerk



CITY OF ROCKINGHAM, NORTH CAROLINA

Enforcement Response Plan (ERP)

1. Introduction

It is the responsibility of the City of Rockingham, N.C. to enforce all applicable Federal, State, and local pretreatment regulations. These regulations are outlined in Federal regulation 40 CFR 403 and State regulation 15A NCAC 2H .0900, and the City's Sewer Use Ordinance (SUO). This Enforcement Response Plan (ERP) has been established as an element of the POTW's pretreatment program. The purpose of the ERP is to provide for fair and equitable treatment of all Users for anticipated enforcement situations. In general, enforcement actions will be taken in accordance with this Enforcement Response Plan. However, the enforcement actions available are not exclusive (SUO Section 704). Therefore, any combination of the enforcement actions can be taken against a non-compliant user.

2. Enforcement Actions Available to the POTW

The Director of the POTW is empowered through North Carolina General Statute (NCGS) 143-215.6A and the City Sewer Use Ordinance (SUO) to take a wide variety of enforcement actions. The following is a list of those actions and the corresponding section of the SUO that describes each.

	<u>SUO Section</u>
Notice of Violation	701 (a)
Consent Orders	701 (b)
Show Cause Hearing	701 (c)
Administrative Orders	701 (d)
Emergency Suspensions	701 (e)
Termination of Permit	701 (f)
Civil Penalties	702
Injunctive Relief	703 (b)
Water Supply Severance	703 (c)

In addition to the actions listed above, a User who violates the provisions of NCGS 143-215.6B may be referred by the POTW Director to the District Attorney for possible criminal prosecution.

In determining the amount of civil penalties for a particular violation the POTW Director shall consider the following factors

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
2. The duration and gravity of the violation;
3. The effect on ground or surface water quantity or quality or on air quality;
4. The cost of rectifying the damage;
5. The amount of money saved by non-compliance;
6. Whether the violation was committed willfully or intentionally;

7. The prior record of the violator in complying or failing to comply;
8. The costs of enforcement to the POTW.

Adjudicatory hearing procedures regarding permit decisions, civil penalties, and administrative orders may be found in the SUO.

3. Investigation of Noncompliance

The Staff of the POTW will generally investigate User compliance with Wastewater Contribution Permits (Permits) or the provisions of the SUO in three ways:

1. On-site inspections of the User to include scheduled and unscheduled visits;
2. Scheduled and unscheduled sampling of the Users effluent discharge to the POTW;
3. Review of self-monitoring data, if required, from the User.

The compliance status of Significant Industrial Users (SIU) will be evaluated at a minimum once every 6 months.

4. Types of Violation

The following is a list of different types of violations, by category. This list is not inclusive, but serves as a general list of anticipated types of noncompliance. The User's Permit, SUO, and State and Federal regulations serve as additional references for Pretreatment Requirements.

Unpermitted Discharges. Users are responsible for obtaining and renewing Permits, if required.

Permit Limits. Users are responsible for maintaining compliance with all Permit effluent limits. The POTW will evaluate the extent of the limits violation(s). In determining the extent of violation(s), Significant Non-Compliance (SNC) as defined by State and EPA regulations will be determined.

Self-Monitoring Violations. A User who fails to adequately conduct all the monitoring required in the Permit, including monitoring frequencies and sampling methods specified, is in violation. This includes a User who does not resample per their Permit when a limit violation occurs.

Reporting Violations. A User who fails to provide information (e.g., self monitoring reports) required in their Permit or the SUO in the required time frame is in violation. Late or incomplete reports will also be considered violations. A SIU who submits a report more than 30 days late is possibly considered in SNC.

Permit Conditions. Failure to apply or reapply for a Permit is considered a violation. Users who violate the general or other conditions (e.g., slug loading, dilution prohibition) outlined in their Permits or the SUO shall be considered to be in violation.

Enforcement Orders. Failure to meet the requirements of an order (e.g., interim limits, milestone dates), whether the order was entered into voluntarily or mandated by the POTW Director, shall be

considered a violation. Missing a scheduled compliance milestone by more than 90 days is considered SNC.

5. Responses: Timeframes, Responsible Officials, Escalated Actions.

The attached chart further outlines types of violations and specifies POTW Director actions (initial and escalated), timeframes, and the officials responsible for completing the actions. This chart shall be considered a part of the Enforcement Response Plan.

Responses to violations affecting the operation of the POTW, resulting in POTW NPDES violations, or resulting in environmental harm or endangerment to human health will be taken immediately or as soon as possible following discovery.

A User may be sent a Notice of Violation (NOV) or Notice of Noncompliance (NNC) for each individual violation. Alternatively, violations over a period of time may be summarized. In general, NOV's in response to violations will be issued within 30 days of discovery of the violations. Users found to be in SNC for two (2) consecutive 6 month periods will be issued an enforceable order to return to compliance. In all cases, escalated or continuing enforcement action will be taken against Users who do not return to compliance in a timely manner.

Cases of falsifying reports, tampering with monitoring or sampling equipment, or otherwise preventing the collection of representative data may be referred to the District Attorney for possible criminal investigation.

Show cause hearings may be held at the POTW Director's discretion prior to taking enforcement actions.

6. ADMINISTRATIVE

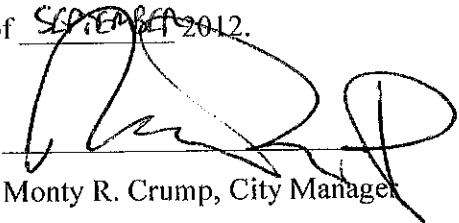
The following administrative procedures will be followed in the implementation and use of this Enforcement Response Plan.

1. Fines imposed as a result of enforcement action against an industry will be included in the industry's monthly wastewater service charge. Fines will be paid by the end of the payment period.
2. Adjudicatory hearing procedures regarding Permit decisions, civil penalties, and administrative orders may be found in the SUO.

7. APPROVAL

This Enforcement Response Plan shall become effective on the 5th day of SEPTEMBER 2012.

Approved by me this 5th day of SEPTEMBER 2012.


Monty R. Crump, City Manager

ENFORCEMENT RESPONSE PLAN
ENFORCEMENT ACTION CHART
 City of Rockingham, NC

Type of Violation	POTW Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
<i>Unpermitted Discharges</i>					
Unpermitted Discharge.	Notice Of Violation	Within 30 days of discovery of discharge.	Director of Wastewater Treatment	File Permit application.	Suspend service until Permit is issued.
Unaware Of Requirement.					
Unpermitted discharge.	Notice Of Violation with Civil Penalty.	Within 30 days of discovery of discharge	Director of Wastewater Treatment	File Permit application.	Suspend service until Permit is issued.
Aware Of Requirement.					
Unpermitted discharge results in NPDES or other State issued permit or State General Statute violations	Emergency Suspension of discharge from process causing violation. Notice of Violation with Civil Penalty of \$1,000 to \$25,000 per day per violation.	Order to suspend immediately. Notice of Violation within 7 days.	City Manager	File Permit application. Steps taken to avoid violation.	Suspend service until Permit is issued.
Unpermitted Discharge results in Endangerment	Emergency Suspension of service. Notice of Violation with a Civil Penalty of \$1,000 to \$25,000 per day per violation	Suspend service immediately Notice of Violation within 7 days.	City Manager	File Permit application. Steps taken to avoid future endangerment.	

Type of Violation	POTW Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
<i>Permit Limits Violations</i>					
Permit limits violation	Notice of non-compliance or Notice of Violation with a Civil Penalty of \$0 to \$25,000.	Within 30 days of receiving data.	City Manager	Conduct additional monitoring and return to compliance.	Notice of Violation with Civil Penalty.
Single event Minor					
Permit limits violation	Notice of Violation with a Civil Penalty of \$0 to \$25,000. Permit amendment with Compliance Schedule.	Within 30 days of receiving data.	City Manager	Conduct additional monitoring and return to compliance.	Second Notice of Violation with increased Civil Penalty.
Technical Review Criteria (TRC)					
Permit limits violation	Notice of Violation with a Civil Penalty of \$0 to \$25,000. Permit amendment with Compliance Schedule.	Within 30 days of Receiving all Data.	City Manager	Report cause of non-compliance and steps taken to prevent violation.	Enforceable schedule (AO).
Significant Non-Compliance.					
Permit limits violation resulting in NPDES or other State issued permit or State General Statute violations.	Emergency Suspension of process causing violation Notice of Violation with Civil Penalty of \$1000 to \$25,000 per day per violation. Permit amendment with Compliance Schedule.	Order to Cease Immediately. Notice of Violation within 7 days of discovering violation.	City Manager	Report cause of non-compliance and steps taken to prevent violation.	Suspend Service until resolved. Enforceable schedule (AO).
Permit limits violation resulting in Endangerment.	Suspend Service Notice of Violation with a Civil Penalty of \$1000 to \$25,000 per day per violation.	Suspend Service Immediately. Notice of Violation within 7 days.	City Manager	File for reissuance of Permit.	

Type of Violation	POTW Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
<i>Other Violations</i>					
Self Monitoring violations.	Notice of Violation with a Civil Penalty up to \$1,000 or cost of missed testing.	Within 30 days of discovery.	Director of Wastewater Treatment	Conduct missed sampling.	Second Notice of Violation with Civil Penalty up to \$2,000 or twice cost of missed testing.
Reporting violations Late report.	Notice of non-compliance.	Within 30 days of the report due date.	Director of Wastewater Treatment	Submit report	Notice of Violation with Civil Penalty assessed. Possible SNC if over 30 days.
Reporting Violations Incomplete or Inaccurate Reports.	Notice of non-compliance	Within 30 days of report submission.	Director of Wastewater Treatment	Submit revised report.	Notice of Violation with Civil Penalty assessed.
Reporting Violations Intentional Falsification	Referred to District Attorney	As soon as suspected.	City Manager & City Attorney		
Violation of Permit Conditions.	Notice of Violation with Civil Penalty up to \$25,000 per day per violation	Within 30 days of discovery.	Director of Wastewater Treatment or City Manager	Varies	Second Notice of Violation with increased Civil Penalty.
Violation of Permit Conditions results in NPDES or other State issued permit or State General Statute violations or Endangerment	Emergency Suspension of Service. Notice of Violation with up to \$25,000 Civil Penalty per day per violation.	Suspend service immediately. Notice of Violation within 7 days.	City Manager	Steps taken to avoid reoccurrence.	

Type of Violation	POTW Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
<i>Other Violations (cont.)</i>					
Violations of Enforcement Order conditions or limits; or Permit Compliance Schedule.	Notice of Violation and assess stipulated Civil Penalty and actions listed for same violation type in ERP.	Within time frame listed in Enforcement Order or for the same type of violation in ERP.	City Manager	Additional monitoring and steps taken to avoid recurrence.	Same as escalated action for same type of violation. Possible revocation of Order.
Failure to meet a milestone date in an Enforcement Order or Permit Compliance Schedule. (Does not Affect Other Dates)	Notice of violation and assess Civil Penalty stipulated in Order.	Within 14 days of Discovery.	City Manager	Submit a schedule to complete the requirement.	Show Cause Hearing
Failure to meet a milestone date in an Enforcement Order or Permit Compliance Schedule. (Affects Other Dates)	Show Cause Hearing and assess stipulated Civil Penalty.	Within 30 days of Discovery.	City Manager	Negotiate new Order and abide by new conditions.	Possible termination of service.
Failure to meet final compliance date.	Notice of Violation and assess stipulated Civil Penalty.	Within 14 days of Discovery.	City Manager	Obtain and document compliance.	Possible termination of service

**CITY OF ROCKINGHAM
FATS, OILS, AND GREASE CONTROL ORDINANCE**

A. Scope and Purpose

In an effort to aid in the prevention of Sanitary Sewer Overflow (SSO's) caused by grease accumulation in its sanitary sewer system, The City of Rockingham, NC has adopted this Fats, Oils, and Grease Control Ordinance. Any nonresidential facility connected to the City of Rockingham's sanitary sewer collection and treatment system involved in the preparation or serving of foods will be subject to the conditions of this ordinance.

B. Definitions

- 1. City** – City of Rockingham, North Carolina or any duly authorized agents acting on its behalf.
- 2. Fats, Oils and Grease** – Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measured using analytical test procedures in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
- 3. Grease Trap or Interceptor** – A device for separating and retaining waterborne Grease and Grease complexes. An interceptor may be of the "outdoor" or underground type normally of a 1000 gallon capacity or more, or for smaller operations, an "under the counter" package unit, which is typically less than 100 gallons capacity. For the purpose of this definition, the terms "grease interceptor", "interceptor", and "grease trap" are used interchangeably.
- 4. Food Service Establishment** – Any commercial, industrial, or institutional facility discharging kitchen or food preparation wastewater including but not limited to the following: restaurants, motels, hotels, cafeterias, hospitals, schools, nightclubs, delicatessens, meat cutting-preparation, bakeries, bagel-doughnut shops, grocery stores, gas stations and any other facility that the Control Authority determines to be in need of a grease interceptor by virtue of its operation.
- 5. Control Authority** – The City of Rockingham, NC or the POTW Director of the City if approval of the City's Pretreatment Program has not been withdrawn..
- 6. Operator** – The operator of a Food Service Establishment.
- 7. Owner** – An individual, person, firm, company, association, society, corporation or other entity upon whose property the building or structure containing the Food Service Establishment is located or will be constructed. "Owner" will also include the owner of a Food Service Establishment which is leasing the building, structure, or a portion thereof containing the Food Service Establishment.
- 8. Plumbing Code** – The current edition of the North Carolina Plumbing Code.
- 9. POTW** (Publicly Owned Treatment Works) – The treatment works as defined by Section 212 of the Federal Water Pollution Control Act (33U.S.C. 1292) which is owned by the City Of Rockingham. The definition includes any devise or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of liquid or solid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment plant. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City of Rockingham, or in any other way, users of the POTW.

10. Waste – Liquid and water carried waste, whether treated or untreated. The terms "sewage" and "wastewater" shall be deemed to be waste by definition.

C. Grease Interceptor Requirements

Food Service Establishments shall discharge all waste from sinks, dishwashers, drains and any other fixtures through which fats, oils, and grease may be discharged, into a properly maintained grease interceptor. The grease interceptor shall be constructed at the owner's expense.

D. Compliance Date

Operators of existing Food Service Establishments which are not equipped with a grease interceptor which is in compliance with all requirements of this ordinance shall install a grease interceptor within six (6) months of the effective date of this ordinance.

New Food Service Establishments shall be equipped with a grease interceptor prior to commencement of discharge to the POTW.

Any request for extensions of time for installing a grease interceptor must be made in writing to the Control Authority at least thirty (30) days in advance of the compliance date. The written request shall include the reasons for the operator's failure or inability to comply with the applicable compliance date, the amount of additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The Control Authority shall determine whether to grant an extension and the date for compliance.

E. Discharge Criteria

The following prohibitions shall apply to Food Service Establishments:

- (a.) Where fats, oils, and grease are byproducts of food preparation and/or cleanup, reasonable efforts shall be made to separate waste fats, oils, and grease into a separate container for proper disposal. Except as contained in byproducts of food preparation and/or cleanup, waste fats, oils and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either used by industry or disposed of at a suitable location.
- (b.) The influent to the grease interceptor shall not exceed 140 degrees Fahrenheit (140 F).
- (c.) Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
- (d.) Waste shall enter the grease interceptor only through the inlet flow control device, "sanitary tee".
- (e.) Where food waste grinders are installed, the waste from those units shall not pass through the grease interceptor.

F. Grease Interceptor Location and Construction

(a.) Except for under the sink grease interceptors, each grease interceptor shall be located outside of a building or structure in an area accessible for service, and so installed and connected that it shall be at all times easily accessible for inspection and for cleaning and removal of the intercepted waste. The location of all interceptors must be approved by the Control Authority.

(b.) All grease interceptors shall be of a type, design, and capacity approved by the Control Authority or its designee. No grease interceptor shall be less than 1000 gallons total capacity unless otherwise approved by the Control Authority.

(c.) All grease interceptors shall be subject to review, evaluation, and inspection by the Control Authority during normal working hours.

G. Interceptor Maintenance and Cleaning

(a.) Unless otherwise specified by the Control Authority, each interceptor in active use shall be cleaned at least once every six (6) months or more frequently as needed to prevent the discharge of fats, oils, and grease in excess of 100 mg/l into the POTW. The Control Authority may specify cleaning more frequently when pumping every six (6) months is shown to be inadequate. Additional pumping may be required during time periods when increased loading is anticipated.

(b.) If the Control Authority determines that the interceptor is full, immediate steps shall be taken by the operator to pump out and clean the interceptor as soon as possible. The Control Authority shall make an evaluation of the advisability of allowing discharge to continue, and may at its discretion order an immediate cessation of all discharge from the Food Service Establishment.

(c.) Every operator shall within ten (10) days of each cleaning of an interceptor located on the operator's premises, notify the Control Authority in writing that the interceptor has been cleaned. The notice of cleaning shall include the date of the cleaning, the identity of the hauler, the site to which the contents of the interceptor were hauled and such other information as the Control Authority may reasonably require. The operator shall also submit with each notice of cleaning an invoice from the hauler evidencing the cleaning of the interceptor. The operator shall maintain a written record of grease interceptor maintenance and cleaning for three (3) years and this record shall be available for inspection by the Control Authority at all times.

(d.) An operator shall cause the licensed waste hauler, transporter, or any other person cleaning or servicing an interceptor to completely evacuate all contents, including floating materials, wastewater, and bottom sludges and solids during cleaning. It shall be unlawful for an operator to allow the discharging of removed waste back into the interceptor from which the waste was removed or into any other interceptor.

(e.) All waste removed from an interceptor shall be disposed of at a facility permitted and authorized to receive such waste in accordance with all Federal, State, and local regulations.

(f.) Understand that the use of biological additives such as bacteria designed to digest fats, oils, and grease is specifically prohibited.

H. Monitoring, Inspection and Entry

It shall be unlawful for the operator of a Food Service Establishment to refuse to allow the Control Authority to enter its premises during reasonable hours to determine whether the operator is complying with all of the requirements of this ordinance. The operator shall allow the Control Authority access to all parts of the premises for purposes of inspection, sampling, records examination and copying, and the performance of additional duties reasonably required to enforce this ordinance.

I. Enforcement

- (a.) A violation of any provision of this ordinance shall subject the offender to civil penalties as set forth in the attached schedule of penalties.
- (b.) This ordinance may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- (c.) The City may enforce this ordinance by any one of or any combination of the foregoing remedies.
- (d.) The remedies provided above are not exclusive and do not prohibit the City from using any other remedy provided by law.

J. Severability

If any parts of this ordinance shall be held to be invalid, such invalidity shall not affect the remaining parts of this ordinance.

K. Right of Revision

The City of Rockingham reserves the right to revise this ordinance as conditions warrant.

Adopted this the 14th day of August, 2012.



Signed: Eugene B. McLaurin, II
Eugene B. McLaurin, II
Mayor

Gwendolyn F. Swinney
Gwendolyn F. Swinney, CMC, City Clerk

**CITY OF ROCKINGHAM
FATS, OILS, AND GREASE CONTROL ORDINANCE
SCHEDULE OF PENALTIES**

Failure To Construct

(a.) Any owner of a Food Service Establishment who fails to install an approved grease interceptor as required by the City of Rockingham Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00 per day until said grease interceptor is installed and approved by the Control Authority.

(b.) Any owner of a Food Service Establishment who fails to make the necessary improvements to an existing grease interceptor so that it complies with the City of Rockingham's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00 per day until improvements are completed and approved by the Control Authority.

Failure to Clean and Maintain Grease Interceptor

(a.) Any owner of a Food Service Establishment receiving unsatisfactory evaluations during inspections and/or who fails to meet the cleaning requirements set forth in the City of Rockingham's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00 per day until all deficiencies and/or violations have been corrected.

(b.) Any owner of a Food Service Establishment who fails to maintain proper records of all cleaning and maintenance of the grease interceptor as required by the City of Rockingham's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00.

(c.) Any owner of a Food Service Establishment who knowingly and willfully bypasses a grease interceptor and discharges Fats, Oils and Grease directly into the City of Rockingham's sewer collection system shall be subject to a fine of \$500.00 per day until discharge is stopped.

Excessive Grease Discharge TO POTW

(a.) Any owner of a Food Service Establishment whose operations cause or allow excessive grease to discharge or accumulate in the City of Rockingham's wastewater collection and treatment facilities may be liable to the City of Rockingham for calls related to service calls for sewer line blockages, line cleaning, line and pump repairs, sanitary sewer overflows, etc. including all labor, materials, and equipment. Failure to pay all service related charges may be grounds for sewer and/or water service discontinuance.

(b.) Any owner of a Food Service Establishment who continues to violate the City of Rockingham's Fats, Oils, and Grease Control Ordinance shall be considered for discontinuance of sewer and/or water service.