



June 2, 2015, CITY COUNCIL MEETING

The City Council of the City of Clinton, North Carolina, met in regular session at 7:00 PM on June 2, 2015, in the City Hall Auditorium. Mayor Starling presided. Councilmembers Strickland, Turlington, Becton, Stefanovich, and Mayor Pro Tem Harris were present.

Also present was City Attorney Tim Howard, Howard and Bradshaw, PLLC.

Also present were City Manager Shawn Purvis; Police Chief Jay Tilley; City Clerk Elaine F. Hunt; Planning Director Mary Rose; Recreation Director Jonathan Allen; Interim Fire Chief Austin Tew; Public Works Engineer Russell Byrd; Public Works Director Jeff Vreugdenhil; Lyden Williams, Senior Planner; Interim Finance Director Kristin Stafford; Human Resource Director Lisa Carter; Captain Donald Edwards; Environmental Program Manager Lisa Osthues; and newly-hired Fire Chief Scott Phillips.

Melvin Henderson, of the Sampson Weekly; and Chris Berendt, of the Sampson Independent, were also present.

Mayor Starling called the meeting to order. He called upon his longtime friend, Rev. Willie Bowden, Jr., of Olivet Institutional Baptist Church, 537 McKoy Street, to give the invocation.

CITY COUNCIL

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the minutes of the May 5, 2015, regular and May 12, 2015, special city council meetings, were approved unanimously.

PUBLIC HEARING -- OATHS

Mayor Starling administered oaths to Mary Rose and Vince Burgess of Burgess Group Consolidated, LLC, who planned to present information during a public hearing for a conditional use permit request.

P & Z – 104 FAYETTEVILLE STREET -- VINCE BURGESS, BURGESS GROUP CONSOLIDATED, LLC

Mayor Starling opened a public hearing on a request by Vince Burgess, of Burgess Group Consolidated, LLC, for a conditional use permit to renovate at 104 Fayetteville Street, in the CB- Central Business District, for the purpose of constructing up to nine (9) apartments on the second floor.

Planning Director Mary Rose presented the following findings:

1. The building under consideration contains approximately 9,728 sq. ft. of the existing structure.
2. The project will result in the creation of nine (9) second story residential units. The first floor will be remodeled for commercial use and will be permitted separately.
3. The property is currently zoned CB-Central Business.
4. The properties to the north, south, east, and west are zoned CB-Central Business.
5. The applicant will be utilizing an existing on site dumpster.
6. The parking for the proposed multi-family request will be in the applicant owned 12,700 sq. ft. parking lot to the west of 104 Fayetteville Street.

Ms. Rose presented a Certificate of Recommendation from the City of Clinton Planning Board.

Mr. Vince Burgess spoke briefly concerning the proposed renovation(s). He stated that within the next two weeks, a roof top will be constructed. He stated that a design is being prepared and tenant spaces have already been requested by citizens. Mr. Burgess stated that there will be a commercial elevator and stairway in the building. He informed City Council that a new elevator shaft has been installed. He stated that there are three floors; however, the third floor is a roof-top deck.

Councilmember Turlington questioned an inside deck and Mr. Burgess responded that fire code prohibits this addition.

Mr. Burgess concluded by stating that his goal is to try and keep up with what other towns are doing so that more and more people will come to reside in Clinton.

Ms. Rose asked City Council to approve the request by Mr. Vince Burgess to renovate at 104 Fayetteville Street, in the CB- Central Business District, for the purpose of constructing up to nine (9) apartments on the second floor.

No one else appeared to be heard, and the hearing was closed.

Mayor Starling read Standard 1: If completed as proposed, the development will comply with all of the requirements of this Ordinance. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 2: The use will not materially endanger the public health or safety. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 3: The use will not substantially injure the value of adjoining or abutting property. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 4: The use will be in harmony with the area in which it is to be located. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Mayor Starling read Standard 5: The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. He then called for a vote on whether the requested use would meet this standard. Five voted that the standard would be met. No one voted no.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Strickland, and with the incorporation into the minutes of the following Certificate of Recommendation, which was executed on May 29, 2015, a conditional use permit was unanimously approved for Vince Burgess, of Burgess Group Consolidated, LLC, to renovate and construct at 104 Fayetteville Street, in the CB- Central Business District, up to nine (9) apartments on the second floor:

Certificate of Recommendation
Conditional Use Permit - CU-5-15-1

In accordance with the provisions of the Clinton Land Development Ordinance, on Monday, May 18, 2015, the City of Clinton Planning Board unanimously (6-0) recommended approval of Conditional Use Permit 5-15-1 to permit the development of nine second floor residential units utilizing approximately 9,728 square feet of space at 104 Fayetteville Street, Clinton, North Carolina, Parcel Identification Number(s): 12104548001. This recommendation was based upon the following findings of fact as related to the corresponding conditional use standard:

Conditional Use Standards

Conditional Use Standards

1. **If completed as proposed, the development will comply with all of the requirements of this Ordinance.**
FACT: The facts as presented during the Planning Board meeting demonstrate the proposed development as presented meets all requirements of the Clinton Land Development Ordinance.

2. **The use will not materially endanger the public health or safety; and,**
FACT: The facts as presented during the Planning Board meeting demonstrate the proposed use would not materially endanger public health or safety.

3. **The use will not substantially injure the value of adjoining or abutting property; and,**
FACT: The facts as presented during the Planning Board meeting demonstrate the proposed use would not substantially injure the value of adjoining or abutting property.

4. **The use will be in harmony with the area in which it is to be located; and,**
FACT: The facts as presented during the Planning Board meeting demonstrate the proposed use will be in harmony with the area in which it is to be located due to the fact the proposed use would use the existing parking and not expand the foot print of the existing building.

5. **The use will be in general conformity with the Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council.**
FACT: The facts as presented during the Planning Board meeting demonstrate the proposed development is in general conformity with the Clinton Land Development Ordinance, thoroughfare plan, or other plan officially adopted by the Council. Section 6 B. Future Land Use Sectors in the Clinton 2035 Comprehensive Plan addresses encouraging residential uses in the Downtown area.

Approved by: _____
Luther D. Starling, Jr., Mayor Date

City Clerk: _____
Elaine F. Hunt Date

P & Z – COMMUNITY DEVELOPMENT BLOCK GRANT – 2014-2015 COMMERCE FELLOWS/BUILDING COMMUNITY THROUGH CAPACITY AND KNOWLEDGE PROGRAM – CITIZENS’ INPUT

Mayor Starling opened a public hearing on a request to receive citizens’ input regarding the use of Community Development Block Grant (CDBG) funds from the NC Department of Commerce Community Assistance and the US Department of Housing and Urban Development for the Commerce Fellows/Building Community through Capacity and Knowledge program.

City Manager Purvis stated that pursuing CDBG funds require public hearings. He stated that the City wishes to apply for a new program. He stated that if City Council approves and if the grant is awarded, the City will partner with the School of Government and other agencies in various capacity-building and professional

development courses and workshops geared toward community and economic development.

No one else wished to be heard and the public hearing was closed.

Councilmember Stefanovich made a motion, seconded by Councilmember Turlington, and it passed unanimously to move forward with the application for the Commerce Fellows/Building Community through Capacity and Knowledge program.

BUDGET – FY2015-2016

Mayor Starling opened a public hearing to receive input on the FY 2015-2016 Fiscal Year Budget.

City Manager Shawn Purvis stated that staff recommends approval of the FY 2015-2016 Budget. He stated that five workshops were scheduled leading up to the budget; however, four workshops occurred. Before presenting the FY 2015-2016 Fiscal Year Budget, City Manager Shawn Purvis presented highlights regarding the proposed budget:

- Total City Budget = \$13,554,200
- General Fund = \$8,691,300
- Water & Sewer Fund = \$4,726,300
- Downtown Fund = \$89,600
- Cemetery Fund = \$45,000
- Community Dev. Fund = \$1,000
- Fire Special Fund = \$1,000
- General Tax Rate > \$0.40 per \$100
- Downtown Tax Rate > \$0.18 per \$100
- Residential Garbage > \$15.50 per month
- Comm. Garbage > \$4.75 per yard³
- Water Rate > \$12.55 base; \$1.89 per 100 ft.³ consumption
- Sewer Rate. \$13.08 base; \$1.83 per 100 ft.³ consumption

- Cemetery Plot Fee > \$600 per plot, \$450 per columbarium niche
- All other fees remain the same
- General Fund budget decreased 4.9%
- General Fund balanced with \$147k from fund balance
- General Fund includes \$603k in capital
- General Fund debt service equals 5.2%
- Water and Sewer budget decreased 6.8%
- Water and Sewer includes \$679k in capital
- Water and Sewer debt service equals 8.2%

City Manager Purvis stated that staff does a great job of monitoring and keeping up with expenses. He stated that the Police Department has had the same budget for the past ten (10) years. He stated that there will be no privilege license tax.

City Manager Purvis asked if City Council had questions and requested that they delay adopting the budget until the convening of a special meeting within two weeks, Tuesday, June 16, 2015, at 7:00 PM in the Clinton City Hall Auditorium.

City Council had no questions. No one else wished to be heard, and the public hearing was closed.

Mayor Starling stated that no action will be taken tonight; however, City Council is asked to adopt the budget on Tuesday, June 16, 2015, at 7:00 PM.

AMENDMENT -- SEWER USE ORDINANCE – LIFT STATIONS

Public Works Director Jeff Vreugdenhil stated that this item has been discussed at the past city council meetings. He stated that City Council received the amendments in his/her agenda packet. He stated that he has reviewed the amendment(s). Mr. Vreugdenhil asked City Council to adopt the amendments to the Sewer Use Ordinance.

Upon a motion made by Mayor Pro Tem Harris, seconded by Councilmember Becton, the following amendment(s) highlighted in red in the Sewer Use Ordinance **#2015.06.01** was adopted unanimously:

#2015.06.01

Chapter 22

WATER AND SEWERS

ARTICLE V. SEWERS

DIVISION 1 - GENERAL PROVISIONS

22-76 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the **City of Clinton**, hereafter referred to as the City, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (f) To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to all users of the municipal wastewater system, as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City shall designate an administrator of the Publicly Owned Treatment works or POTW and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other City personnel.

By discharging wastewater into the City of Clinton municipal wastewater system, industrial users located outside the City limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

22-77 Definitions and Abbreviations

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:
 - (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, *et seq.*
 - (2) Approval Authority. The Director of the Division of Water 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 facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the 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 Director prior to or together with any reports to be signed by an authorized representative.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/L).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
 - (6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.
 - (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (8) Control Authority. Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.
 - (9) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
 - (10) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
 - (11) 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.
 - (12) Indirect Discharge or Discharge. The discharge or the introduction from any non-domestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
 - (13) Industrial User or User. Any person which is a source of indirect discharge.
 - (14) 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 (and/or POTW's, if different from the Control Authority) NPDES, collection system, or Non-discharge Permit or prevents sewage sludge use or disposal in

compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

- (15) 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.
- (16) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in **Division 2, Section 22-81** of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.
- (18) New Source. As defined in 40 CFR 403.3(m), including any subsequent amendments and additions.
 - (i)
- (19) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (20) National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.
- (21) Non-discharge Permit. A disposal system permit issued by the State pursuant to N.C.G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the State
- (22) 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 (and/or POTW's, if different from the Control Authority) NPDES, collection system, or Non-discharge Permit, or a downstream water quality standard even if not included in the permit
- (23) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (24) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) Pollutant. Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).
- (26) POTW Director. The chief administrative officer of the Control Authority or his/her delegate.
- (27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (28) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or

otherwise introducing such pollution into a POTW collection system and/or treatment plant. The reduction or alteration may be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Part 403.6(d).

- (29) 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 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (30) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (31) Pretreatment Standard. Any prohibited discharge standard, categorical standard or local limit which applies to an industrial user.
- (32) Private Pump Station (or Private Lift Station). A simplex (single) pump system for use at residential or small business locations which require wastewater to be lifted up to the collection system in order to reach a height by where the wastewater may then flow by gravity through the rest of the collection system. Private Pump Stations or Private Lift Stations do not include duplex or greater pump stations connected to a common pressure pipe that can operate both independently and simultaneously with other pump stations while maintaining operation of the system within the operating constraints. Private Pump or Lift Stations may include:
- (i) Pressure Sewer System: per 15A NCAC 02T .0302(6); an interdependent system of grinder pump stations, typically for residences, serving individual wastewater connections for single buildings that share a common and typically a small diameter pressure pipe (1.5 inches through 6 inches).
 - (ii) Septic tank/effluent pump (STEP) system: per 15A NCAC 02T .0302(11); the same type of system as a pressure sewer system except that the individual grinder pump is replaced with a septic tank with an effluent pump either in the second chamber of the septic tank or in a separate pump tank that follows the septic tank.
 - (iii) Simplex pump system consisting of a pump tank and non-grinding pump.
- (33) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by Section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the POTW of the City.
- (34) Severe Property Damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (35) Significant Industrial User or SIU. An industrial user that discharges wastewater into a publicly owned treatment works 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 organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS, and Ammonia; or
 - (iii) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
 - (iv) is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the POTW's

effluent limitations and conditions in its NPDES or Non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options.

- (v) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in **Subparagraphs (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 contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
 - (vi) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in **Subparagraph (iii)** above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
 - (vii) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in **Subparagraph (iii)** above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C).and 403.12 (e)(3).
- (36) Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in **Paragraph (a)(35), Subparagraphs (iii), (iv), or (viii)** shall also be SNC.
- (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
 - (ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH));
 - (iii) Any other violation 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 and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (iv) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and **Division 8, Subsection 22-161(e)** of this SUO to halt or prevent such a discharge.
 - (v) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 - (vi) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety (90)-day compliance reports, and periodic compliance reports within thirty (30) days from the due date.
 - (vii) Failure to accurately report noncompliance.

- (viii) Any other violation or group of violations that the Control Authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- (37) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in **Division 2, Section 22-81** of this ordinance.
- (38) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- (39) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
- (40) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (41) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.
- (42) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
- (43) Wastewater Permit. As set forth in **Division 4, Section 22-122** of this ordinance.
- (44) Waters of the State. All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (b) This ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.
- (c) Shall is mandatory; may is permissive or discretionary.
- (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
- (e) The following abbreviations when used in this ordinance shall have the designated meanings:
- (1) BOD Biochemical Oxygen Demand
 - (2) CFR Code of Federal Regulations
 - (3) COD Chemical Oxygen Demand
 - (4) EPA Environmental Protection Agency
 - (5) gpd Gallons per day
 - (6) L Liter
 - (7) mg Milligrams
 - (8) mg/L Milligrams per liter
 - (9) N.C.G.S. North Carolina General Statutes
 - (10) NPDES National Pollutant Discharge Elimination System
 - (11) O & M Operation and Maintenance
 - (12) POTW Publicly Owned Treatment Works
 - (13) RCRA Resource Conservation and Recovery Act
 - (14) SIC Standard Industrial Classification
 - (15) SWDA Solid Waste Disposal Act
 - (16) TSS Total Suspended Solids

- (17)TKN Total Kjeldahl Nitrogen
(18)U.S.C United States Code.

Ecs. 22-78—22-80 Reserved.

DIVISION 2 - GENERAL SEWER USE REQUIREMENTS

22-81 Prohibited Discharge Standards

- (a) General Prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
- (b) Specific Prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
 - (3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or more than 10.0, unless by special provision or permit, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
 - (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the Director in accordance with **Section 22-89** of this ordinance.
 - (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
 - (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.

- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.
- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/L, provided that up to five hundred (500) mg/L may be discharged by permit authorization.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

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

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

- (1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with **Division 8, Section 22-161**; and
- (2) take appropriate actions in accordance with **Division 4** for such user to protect the POTW from interference or pass through.

22-82 National Categorical Pretreatment Standards

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

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

- (e) A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

22-83 Local Limits

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

| Parameter | Concentration Limit, mg/L |
|------------------|---------------------------|
| BOD | 250 |
| TSS | 250 |
| NH ₃ | 25 |
| Aluminum | 3 |
| Arsenic | 0.003 |
| Cadmium | 0.003 |
| Chromium (Total) | 0.05 |
| Copper | 0.061 |
| Cyanide | 0.015 |
| Lead | 0.049 |
| Mercury | 0.0003 |
| Molybdenum | 0.060 |
| Nickel | 0.021 |
| Silver | 0.005 |
| Zinc | 0.175 |
| Chloride | 100 |

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable head works loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits.

22-84 State Requirements

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

22-85 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 presented in **Division 22, Section 22-76** of this ordinance or the general and specific prohibitions in **Section 22-81** of this ordinance, as is allowed by 40 CFR 403.4.

22-86 Dilution

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the City or State.

22-87 Pretreatment of Wastewater

(a) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under **Division 4, Section 22-122** of this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in **Section 22-81** of this ordinance within the time limitations as specified by EPA, the State, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities

or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(b) Additional Pretreatment Measures

- (1) 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (2) The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director, as defined in **Section 22-96**, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired per **Section 22-96** of this ordinance.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

22-88 Accidental Discharge/Slug Control Plans

- (a) 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 **Division 1, Paragraph 22-77(a)(36)**. All SIUs must be evaluated within one (1) year of being designated an SIU. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.
- (b) All SIU's 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 **Division 5, Sections 22-135 and 22-136**.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by **Division 5, Section 22-136** of this ordinance; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

22-89 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate **Division 2** of this ordinance or any other requirements established by the City. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

- (c) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director 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.

22-90 Protection from Damages

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any element or appurtenance of the POTW, Collection System, treatment processes, or operations, including equipment belonging to the City used for the purposes of sampling, testing, and/or examining wastewater or potential wastewater and left upon the premises of a person discharging wastes into the sewers.

22-91 Use of Public Sewers Required

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property in areas under the jurisdiction of the local government any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet in areas under the jurisdiction of the local government any wastewater except where suitable treatment has been provided in accordance with subsequent provisions of this article and with regulations of the DEM. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is hereby required at the expense of the owner to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is one hundred fifty (150) feet of the property line. Under unusual or specific circumstances, the local government may waive this provision.
- (b) An owner who has a private wastewater disposal system that complies with all recommendations of the Sampson County Health Department and the DEM shall have the option of paying the sewer use fee in lieu of connecting to the public sewer. In such case, the owner shall operate and maintain the private wastewater disposal facility in a sanitary manner in accordance with the recommendations of the Sampson County Health Department and the DEM and shall bear the cost of operating and maintaining the private wastewater disposal system at no expense to the local government.
- (c) Where a sanitary sewer is not available within one hundred fifty (150) feet of a property line, the owner shall not be required to pay a sewer use fee. At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, the owner shall be required to pay the sewer use fee whether or not he elects to connect to the public system.

22-92 Connecting Unpolluted Waters

No person shall make any connection of roof down spouts, exterior foundation drains, area drains, or other sources of inflow, groundwater, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer. Unpolluted waters may be discharged to city storm sewers and drainage ditches subject to approval of the POTW Director and provided that all required federal, state, and local permits required for such a discharge are secured by the person causing the discharge.

22-93 Multiple Connections through One-Building Sewer

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

22-94 Use of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the POTW Director, to meet all requirements of the local government and this article.

22-95 Connection of Building Sewer to Public Sewer

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written approval from the POTW Director. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the local government from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer provided, however, that such indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the local government.
- (b) All new building sewers including any necessary replacement of existing building sewers shall comply with the North Carolina State Building Code, Volume II, Plumbing. It shall be the responsibility of the property owner to keep and maintain the building sewer connected to the public sewer in good repair. With the exception of the specific circumstance(s) defined in Section 22-95 (d), the owner shall be responsible for making necessary repairs, at his own expense, to the building sewer when notified in writing by the POTW Director that repairs are necessary. Should the owner fail to repair the building sewer within fifteen (15) days after receiving written notification that such repairs are necessary, the local government may make the necessary repairs and shall assess the owner for the cost of the repairs.
- (c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain may shall be lifted by a means approved by the local government Public Works and Utility Director and discharged to the building sewer per Section 22-95 (d). The connection of the building sewer into the public sewer shall conform to the requirements of applicable building and plumbing codes and other applicable rules and regulations of the local government. All such connections shall be made gastight and watertight. Any connection to a public sewer shall be made at an existing manhole or one built for that connection at the expense of the user. Any deviation from the prescribed procedures shall be approved by the local government Public Works and Utility Director before installation.
- (e)(d) Private pump and/or lift stations
 - (1) New Sources
 - (i) In the event that pumping / lifting of wastewater is required for commercial or residential / domestic users of the Collection System (per 22-95 (c) above), 2" or smaller force main grinder pump services and/or service line lift stations on the Owner's property, the private pump or private lift station shall be purchased at the Property Owner's expense, and shall adhere to the specifications set by the City of Clinton Public Works and Utilities Director, as listed in the City of Clinton Private Pump/Lift Station Specification and Installation Requirements document. Installation, including all electrical connections to the electrical panel, as well as visual alarms and telemetry, shall be performed by licensed installers, and at the expense of the Property Owner.
 - (ii) Installation location is subject to approval by the City of Clinton Public Works and Utilities Director, and shall adhere to the City's Private Pump \ Lift Station Specification and Installation Requirements and 15A NCAC 02T .0300. The installation in its entirety will be inspected by the City, and approval by the City in writing shall be obtained before the private pump / lift station may be placed into regular service.

- (iii) In the event that the collection system user is outside of the City limits, all equipment, maintenance and associated costs are the responsibility of the Property Owner.
 - (iv) Within the City limits, the portion of service lines prior to the private pump / lift station, on private property shall be maintained by the Property Owner at his/her own expense, as well as electrical connections to the pump / lift station control panel, phone lines for auto-dialers, and generators serving the individual station. Costs for repairs/replacements to the private pump / lift station, the service line after the pump / lift station, associated wiring, as well as visible alarms and telemetry, post installation shall be borne by the City.
- (2) Existing Sources:
- (i) Existing commercial or residential/domestic private pump / lift stations located within the City limits on private property for the purpose of conveying wastewater to the City Collection System, per Section 22-95 (c), above, shall be maintained by the City. Costs for any required upgrades to the pump station or telemetry will be borne by the City. Upgrades will adhere to 15A NCAC 02T .0300.
- (3) Means and methods of private pump / lift station repair and associated force mains are at the sole discretion of the City.
- (4) The Property Owner shall bear the cost of repairs required and any damage to private property due to negligence or misuse of any private pump / lift station. Negligence or misuse includes violations of the City of Clinton Sewer Use Ordinance, specifically Sections 22-81, 22-83 and 22-84, disposing of sand, rock, gravel, metal, wipes/cloths, paper of a thickness greater than average bathroom tissue, fats, oils, greases, or any other substance that cannot reasonably be expected to be pumped or lifted and conveyed by a private pump / lift station. In addition, a misuse service fee of a minimum of \$250.00 shall apply.
- (5) The Property Owner shall bear the cost of removal of objects, fixtures, decorative materials, landscaping, etc. that interfere with the City's ability to conduct routine inspections, preventative maintenance, or repair of any private pump / lift station and/or the associated line to the collections system. The City shall make every effort to communicate to the Property Owner the necessity of removal of any item which renders the private pump / lift station and associated line to the collection system inaccessible for inspection, maintenance or repair. Recommended Installation Guidelines shall be provided to the Property Owner, and shall detail proximity and clearance guidelines. In the event that the private pump / lift station and/or associated line to the collection system, telemetry, wiring or alarm requires immediate repair, the Property Owner shall not hold liable the City for the removal of these items.
- (6) The City maintains right of entry from the private pump / lift station to the connection to the City's collection system.
- (7) The Property Owner agrees that in the event that the City makes gravity sewer service available that the Property Owner shall disconnect from the sewer force main and connect to the gravity system.

22-96 Special Interceptors

(a) Sand Interceptors

Sand Interceptors shall be installed when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of sand. All sand interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(b) Fats, Oils and Grease Interceptors

Fats, Oils and Grease interceptors shall be installed when, in the opinion of the POTW Director, they are necessary for the proper handling of liquid wastes containing fats, oils, and/or grease and/or in cases in which fats oils and grease are in excess of 100 mg/L;~~except that such interceptors shall not be required for private living quarters or dwelling units.~~

- (1) Definitions. The definitions contained in **Division 1, Section 22-77** and the following terms, when used in this section, shall apply.
 - (i) Fats, Oils and Greases: Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136. All may be referred to herein as “Grease” or “Greases”, “Oils”, or “FOG”.
 - (ii) Grease Trap or Interceptor: A device for receiving and separating FOG laden wastewater, and retaining FOG complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation or other FOG generating activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as “Grease Interceptors”.
 - (iii) Cooking Establishments: Any commercial or industrial facility that prepares or serves food, including a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment.
 - (iv) Non-Cooking Food Establishments: Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
 - (v) Minimum Design Capability: The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to the public sanitary sewer.
 - (vi) User: As defined in Division 1, Section 22-77 for the purpose of this Section.
 - (vii) Service Provider: Any third party not in the employment of the User that performs maintenance, repair, and other services on a User’s grease interceptor at the User’s directive.

- (2) User Required Grease Interceptors
 - (i) All Cooking Establishments shall have grease traps or interceptors approved by the POTW Director.
 - (ii) Non-Cooking Food Establishments shall have grease traps or interceptors when the concentration of grease discharged to the sanitary sewer exceeds 100 mg/L.
 - (iii) Other industrial, commercial, ~~or~~ non-domestic establishments, or private living quarters or dwelling units shall have grease interceptors when the concentration of FOG discharged to the sanitary sewer exceeds 100 mg/L.
 - (iv) All grease interceptors shall be subject to review, evaluation, inspection, and sampling by the City of Clinton POTW Director and his/her representatives.
 - (v) All interceptors shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and sampling of effluent wastewater discharged to the sewer.
 - (vi) Establishments whose grease interceptors are not adequately maintained to prevent floatable oils, fats or grease from entering the sewer system shall be notified in writing of any noncompliance and required to take corrective action.
 - (vii) Inspection of grease interceptors by the City will take place, at a minimum of, but not limited to, two (2) times per calendar year. Users found to be non-compliant with will be

notified within 30 days of determination, and are subject to the enforcement provisions of **Division 8** of this ordinance and the City of Clinton Enforcement Response Plan.

- (viii) At any time, the POTW Director and/or his/her representatives may conduct FOG sampling of the grease interceptor effluent of any User whose grease interceptor effluent discharge to the collection system is determined by inspection by the POTW Director to cause interference in the conveyance or operation of the collection system. Testing will be conducted by a State certified laboratory utilizing analytical procedures as defined in **Paragraph (1) Subparagraph (i)** and will be performed at the Users expense. Users found to be in violation of the 100 mg/L discharge limit will be notified within 30 days of receipt of data, and are subject to the enforcement provisions **Division 8** of this ordinance and the City of Clinton Enforcement Response Plan.
- (3) Regularly scheduled maintenance of grease-handling facilities and equipment is required to ensure adequate operation.
- (i) All maintenance and cleaning of interceptors is performed at the expense of the user.
 - (ii) The exclusive use of enzymes, emulsifiers, etc., is not considered an acceptable grease interceptor maintenance practice.
 - (iii) On-site grease interceptor cleaning may only be performed by a User if the User or the User's contract Service Provider is permitted by the NC Division of Waste Management as a septage management firm or service provider.
 - (iv) In the maintaining of these interceptors, the User shall be ultimately responsible for the proper removal and disposal by appropriate means of the captured materials. Any removal and hauling of collected materials shall be performed according to applicable state, federal and local regulations.
 - (v) All outdoor grease interceptors are required to be completely pumped out and cleaned at a minimum frequency of once per sixty (60) calendar days, except that users may be required to perform maintenance on a more frequent basis should inspection or discharge analysis per **Paragraph (2)** above reveal violations, or in any case in which the 60 day interval is not sufficient to prevent sanitary sewer overflows or blockages due to contribution of FOG into the collection system.
 - (vi) All under the sink grease interceptors are required to be completely cleaned out at a minimum frequency of once per thirty (30) calendar days, except that users may be required to perform maintenance on a more frequent basis should inspection or discharge analysis per **Paragraph (2)** above reveal violations, or in any case in which the 30 day interval is not sufficient to prevent sanitary sewer overflows or blockages due to contribution of FOG into the collection system.
 - (vii) Unless a pretreatment permit is issued specifically for a FOG generating facility under **Division 4, Section 22-122**, records shall be maintained on site where the grease interceptor is located for a period of at least three years. All such records will be available for inspection by the City upon request. These records shall include, at a minimum:
 - (A) User name and physical location
 - (B) Date and time of grease interceptor service
 - (C) Name and signature of grease interceptor service company agent performing said service
 - (D) Number and size of each grease interceptor serviced at physical location
 - (E) Approximated amount, per best professional judgment of contract service provider, of: grease and solids removed from each grease interceptor; total volume of waste removed from each grease interceptor
 - (F) Destination of removed wastes, food solids, and wastewater disposal
 - (G) Signature and date of User confirming service completion

- (viii) The User shall be responsible for ensuring that no waste or wastewater pumped from the grease interceptor is reintroduced back into the device.
- (ix) Any User whose operations cause or allow excessive grease to discharge or accumulate in the City of Clinton collection system may be liable to the City of Clinton for costs related to line blockages, line cleanings, line and pump repairs, etc., including all labor, materials and equipment. Users that fail to pay the related charges will be subject to enforcement provisions in the City of Clinton Enforcement Response Plan.
- (x) Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease interceptor.

(4) Standards for New FOG Generating Facilities

- (i) Unless otherwise approved by the POTW Director, all new FOG generating facilities shall be required to install an adequately sized grease interceptor which will ensure a minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the grease interceptor being allowed for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate.
- (ii) No new FOG generating establishment will be allowed to discharge wastewater to the City's collection system until an adequately sized grease interceptor is installed and approved by the POTW Director.
- (iii) All grease interceptors must have each chamber directly accessible from the surface for servicing and maintaining the interceptor.
- (iv) A basket, screen, trap or other intercepting device shall prevent passage into the drainage system of solids one-half (1/2) inch or larger in size. The basket or device shall be removable for cleaning purposes.
- (v) All fixtures and drains receiving kitchen or food preparation wastewater or other type of FOG generating wastewater shall pass through a grease interceptor and in no case should other wastewater pass through this interceptor, such as bathrooms, etc.

(5) Standards for Existing Facilities

- (i) All existing FOG generating facilities shall have grease interceptors approved by the POTW Director. FOG generating facilities without a grease interceptor will be given a compliance deadline of six (6) months from date of notification to have an appropriate sized and type of grease interceptor installed and approved by the POTW Director. Failure to do so will be considered a violation of the City of Clinton Sewer Use Ordinance and may subject the facility to penalty assessments and/or service termination.
- (ii) In the event an existing FOG generating facility's grease interceptor is either undersized or substandard in accordance with this ordinance, the owner and or lessee will be notified of the deficiencies and required improvements, and given a compliance deadline of six (6) months to conform with the requirements of this ordinance. Failure to do so will be considered a violation of the City of Clinton Sewer Use Ordinance and may subject the facility to penalty assessments and/or service termination.
- (iii) For cases in which outdoor in-ground grease interceptors are infeasible to install, existing FOG generating establishments will be required to install adequate under the sink grease traps approved by the POTW Director for use on individual fixtures including dishwashers, sinks, and other fixtures and drains that potentially contain grease.

Any person owning or controlling premises located beyond the corporate limits of the city and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the city may do so by complying with the requirements of this article and paying an additional permit fee and a yearly sewer rental charge to be fixed by the City Council.

Secs. 22-98—22-110 Reserved.

DIVISION 3 - FEES

22-111 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the City for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW Director and approved by the City Council. A copy of these charges and fees will be made available from the POTW Director.

22-112 User Charges

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

- (a) *Authority.* Pursuant to the provisions of Public Law 92-500 Section 240 (b) and subsequent amendments to it, the City, having received EPA financial assistance for the construction of treatment works, shall adopt a system of charges to assure each user pays a share of the cost of debt service, operation and maintenance (including replacement) of the POTW, and annual administration.
- (b) *Intent.* The intent of such user charges is to equitably distribute the cost of administration, operation, and maintenance of the POTW to each user proportional to the amount of wastewater treatment service each user receives; and to promote self-sufficiency of the POTW with respect to administration, operation, and maintenance costs.
- (c) *User Class.* Each user shall be charged a share of the treatment works operation and maintenance cost based on the measured proportional contribution to the treatment works loading. Generally, the user charge will be dependent upon the volume of flow insofar as BOD, COD, TSS and other pollutant contributions discharged by all users are approximately equal. Where such pollutants exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge will be added to the base charge as stipulated in **Section 22-113**. The models used in calculating the user charge are defined in **Subsection 22-113 (d)**.
- (d) *User Charge Criteria.* The user charge system shall be approved by the Regional Administrator of the Environmental Protection Agency and shall be maintained by the City in accordance with the following requirements:
 - (1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the city jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).
 - (2) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the City.
- (e) The City Manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the City Council for adjustments in the schedule of charges and fees as necessary.
- (f) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

22-113 Surcharges

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

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the City; or
 - (2) If required by the City or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the City. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the City.
 - (3) Where any user procures all or part of his water supply from sources other than the City, the user shall install and maintain, at user expense, a flow measuring device of a type approved by the City.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the City or POTW Director approved industrial user utilizing a State certified laboratory. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.
- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the Director or his duly appointed representatives shall be binding as a basis for charges.
- (d) The Model User Charge System adopted by the City shall result in the equitable distribution of annual treatment works administration, operation, and maintenance costs to each user (or user class) in approximate proportion to each user's (or user class') contribution towards the total wastewater loading of the treatment works. The following user charge models shall be used for this purpose. The symbols used in the models are as defined below:

| | | |
|-------|---|---|
| C_f | = | Total fixed operation and maintenance (O&M) costs per unit of time. |
| C_t | = | Total variable operation and maintenance (O&M) costs per unit of time. |
| C_u | = | A user's charge for O&M per unit of time. |
| C_s | = | A surcharge for wastewaters of excessive strength. |
| V_u | = | Volume contribution from a user per unit of time. |
| V_t | = | Total volume contribution from all users per unit of time. |
| B_c | = | O&M cost for treatment of a unit of biological oxygen demand (BOD). |
| B | = | Contribution of BOD from a user above a base level. |
| S_c | = | O&M cost for treatment of a unit of suspended solids (SS). |
| S | = | Contribution of SS from a user above a base level. |
| N_c | = | O&M cost for treatment of a unit of ammonia nitrogen (NH_3N). |
| N | = | Contribution of NH_3N from a user above a base level. |
| P_c | = | O&M cost for treatment of a unit of any pollutant having identifiable contributions to overall treatment costs. |
| P | = | Concentration of a pollutant from a user above a base level. |

- (1) Model No. 1: Whereas the treatment works is primarily flow dependent as the BOD, SS, and other pollutant concentrations discharged by the majority of users are approximately equal; therefore, the user charge will be developed on a volume basis in accordance with the model below:

$$C_u = \frac{C_f}{\text{No. of Users}} + \frac{V_u C_t}{V_t}$$

- (2) Model No. 2: When determined by the City that BOD, COD, TSS, NH₃N and any other appropriate pollutant concentrations from a user exceeds the range of concentration of these pollutants typically found in normal domestic sewage, a surcharge shall be levied in addition to the base sewer use charge. The surcharge shall be computed by the model below:

$$C_s=[B_c(B)+S_c(S)+N_c(N)+P_c(P)]$$

- (e) Baseline pollutant concentrations shall be BOD – 250 mg/L, TSS – 250 mg/L, and NH₃N – 25 mg/L or as established by the Director and held as a standard for the City.
- (f) (Model No. 1 shall include all costs for operation and maintenance associated with extraneous flows not attributable to any one user or user class, thereby distributing these costs to all users.
- (g) User charges may be established bases on a percentage of the charge for water usage. However, the unit rate sewer charge for the largest volume users must be as great as or greater than the unit cost of operation and maintenance (excluding debt service). In any event, a surcharge shall still be levied in accordance with the provisions of Model No. 2 above. The system of user charges for the wastewater treatment system shall be based on total annual system costs, including operation and maintenance expenses.
- (h) Each user shall be notified no less often than annually of the rates for user charges. Such notification shall be done in conjunction with a regular bill, and, if the regular bill also includes charges for other services, shall clearly identify the portion of the bill attributable to wastewater user charges.
- (i) The user charge system shall take precedence over any terms or conditions of any contracts or agreements that are inconsistent with Section 204(b)(1)(a) of the Clean Water Act (“the Act” as defined by this article).

22-114 Pretreatment Program Administration Charges

The POTW Director has reserved the authority to establish a schedule of charges and fees for the reimbursement of costs incurred in operating and administering the required local pretreatment program in conjunction with 40 CFR 403. 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) labor and material used for enforcement actions;
- (f) other fees as the City may deem necessary to carry out the requirements of the Pretreatment Program.

Secs. 22-115 – 22-120 Reserved.

DIVISION 4 WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

22-121 Wastewater Dischargers

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

22-122 Wastewater Permits

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (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 discharge permit for non-significant industrial users.

(a) Significant Industrial User Determination

All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the 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 significant industrial user permit application be filed.

(b) Significant Industrial User Permit Application

Users required to obtain a significant industrial user permit shall complete and file with the City, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in **Subsection 22-122(a)** above. The application shall include at a minimum the information required by 15A NCAC 02H 0.0916 (c) (1) (A-M). In support of the application, the user shall submit any other information deemed necessary by the POTW Director to evaluate the permit application. This may include reporting requirements under 40 CFR 403.12 (b) and **Division 5, Section 22-131** of this Ordinance.

(c) Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the City as defined in Section 22-77 (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."

(d) Application Review and Evaluation

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

- (1) The POTW Director is authorized to accept applications for the City and shall refer all applications to the POTW staff for review and evaluation.
- (2) Within thirty (30) days of receipt the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(e) Tentative Determination and Draft Permit

- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in **Paragraph (1)** above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

- (3) The staff shall organize the determinations made pursuant to **Paragraphs (1) and (2)** above and the general permit conditions of the City into a significant industrial user permit.

(f) Permit supporting documentation. The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.

- (1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW,

including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

- (2) The basis, or rationale, for the pretreatment limitations, including the following:
 - (i) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - (ii) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- (g) Final Action On Significant Industrial User Permit Applications
 - (1) The POTW Director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
 - (2) The POTW Director is authorized to:
 - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
 - (ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (iii) modify any permit upon not less than sixty (60) days' notice and pursuant to **Subsection 22-122(i)** of this ordinance;
 - (iv) revoke any permit pursuant to **Division 8, Section 22-161** of this ordinance;
 - (v) suspend a permit pursuant to **Division 8, Section 22-161** of this Ordinance;
 - (vi) 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 wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (h) Permit Modification
 - (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance
 - (i) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (ii) a single modification of any compliance schedule not in excess of four months,
 - (iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
 - (2) Within nine (9) months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by **Section 22-122**, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National categorical pretreatment standard.
 - (3) A request for a modification by the permittee shall constitute a waiver of the sixty (60) day notice required by G.S. 143-215.1(b) for modifications.
- (i) Permit Conditions
 - (1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (i) a statement of duration (in no case more than five (5) years);
 - (ii) a statement of non-transferability;
 - (iii) applicable effluent limits based on categorical standards or local limits or both;

- (iv) 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;
- (v) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in **Division 1, Paragraph 22-77 (a)(36)**; and,
- (vi) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in **Division 1, Paragraph 22-77 (a)(36)**, if determined by the POTW Director to be necessary for the User; and,
- (vii) 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 **Division 1, Paragraph 22-77 (a)(36)**. Also see **Division 5, Sections 22-135 and 22-136**.
- (viii) a statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

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

- (i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (ii) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (iii) 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.
 - (iv) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 - (v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 - (vi) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (viii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (ix) 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).
 - (x) Compliance schedules for meeting pretreatment standards and requirements.
 - (xi) Requirements for submission of periodic self-monitoring or special notification reports.
 - (xii) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in **Division 5, Section 22-143** and affording the POTW Director, or his representatives, access thereto.
 - (xiii) 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.
 - (xiv) 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.
 - (xv) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
 - (xvi) 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.
 - (xvii) Other conditions as deemed appropriate by the POTW Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- (j) Permit Duration

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

(k) Permit Transfer

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

(l) Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with **Section 22-122** a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

Secs. 22-123 – 22-130 Reserved.

DIVISION 5 - REPORTING REQUIREMENTS

22-131 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403,6(e).
 - (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the 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 **Section 22-140** of this ordinance.
 - (iii) Sampling must be performed in accordance with procedures set out in **Section 22-141** of this ordinance and 40 CFR 403.12(b) and (g), including CFR 403.12(g)(4).
 - (6) Certification. A statement, reviewed by the user's current authorized representative as defined in **Division 1, Paragraph 22-77 (a)(3)** and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) 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 22-132** of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with **Division 4, Subsection 22-122(c)** of this ordinance.

22-132 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by **Paragraph 22-131(b)(7)** of this ordinance:

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

22-133 Reports on Compliance with Categorical Pretreatment Standard, Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in **Paragraphs 22-131(b) 4—6** of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with **Division 4, Subsection 22-122(c)** of this ordinance.

22-134 Periodic Compliance Reports

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

- (a) All significant industrial users shall, at a frequency determined by the POTW Director 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 measured for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in **Sections 22-140 and 22-141** of this ordinance. All periodic compliance reports must be signed and certified in accordance with **Division 4, Subsection 22-122(c)** of this ordinance.
- (b) 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.
- (c) 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 22-140 and 22-141** of this ordinance, the results of this monitoring shall be included in the report.

22-135 Reports of Changed Conditions

Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. . The permittee shall not begin the changes until receiving written approval from the Control Authority and/or Municipality. See **Subsection 22-136 (d)** for other reporting requirements.

- (a) 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 under **Division 4, Section 22-122** of this ordinance.
- (b) The POTW Director may issue a wastewater discharge permit under **Division 4, Section 22-122** of this ordinance or modify an existing wastewater discharge permit under **Division 4, Section 22-122** of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases or decreases of twenty percent (20%) or greater, and/or the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority and/or Municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers

22-136 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in **Division 1, Paragraph 22-77 (a)(36)** 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.
- (b) 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.
- (c) 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.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in **Division 1, Paragraph 22-77 (a)(36)**.

22-137 Reports from Unpermitted Users

- (a) All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require.
- (b) All users classified as Non-Significant Categorical Industrial Users under **Division 1, Subparagraph 22-77(a)(34)(vi)** shall provide appropriate reports to the POTW Director as the POTW Director may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

22-138 Notice of Violation/Repeat Sampling and Reporting

- (a) 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:

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

22-139 Notification of the Discharge of Hazardous Waste

The City prohibits the discharge of any hazardous wastes without notification to and approval by the POTW Director.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days before the discharge commences. The user shall not begin the discharge until receiving written approval from the City. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under **Section 22-135** of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of **Sections 22-131, 22-132 and 22-134** of this ordinance.
- (b) Dischargers are exempt from the requirements of **Subparagraph (a)**, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued hereunder, or any applicable Federal or State law.

22-140 Analytical Requirements

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

22-141 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 facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and ninety (90) Day Compliance Reports. Additionally, the POTW Director may allow the collection of multiple grabs during a twenty four (24) hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the 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.

22-142 Timing

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

22-143 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 City, or where the user has been specifically notified of a longer retention period by the POTW Director.

22-144 Electronic Reporting

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

Secs. 22-145 – 22-150 Reserved.

DIVISION 6 - COMPLIANCE MONITORING

22-151 Monitoring Facilities

The City requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or

cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

22-152 Inspection and Sampling

The City will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the 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 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.

22-153 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.

Secs. 22-154 – 22-160 Reserved.

DIVISION 7 - CONFIDENTIAL INFORMATION

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

DIVISION 8 - ENFORCEMENT

22-161 Administrative Remedies

(a) Notification of Violation

Whenever the POTW Director finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the POTW Director may serve upon such a person a written notice stating the nature of the violation. Within thirty (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 City Manager 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 **Subsection 22-161(d)**, below.

(c) Show Cause Hearing

The City Manager may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this ordinance or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the City Manager determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

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

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under **Section 22-162** nor is any action or inaction taken by the City Manager under this section subject to an administrative appeal under **Division 10**.

(d) Administrative Orders

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

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

(e) Emergency Suspensions

The City Manager 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 City Manager 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 City Manager shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

The City Manager 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 **Subsection 22-161(c)** of this ordinance why the proposed action should not be taken.

22-162 Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty of up to twenty-five thousand dollars (\$25,000) per day per violation.
 - (1) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - (i) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - (ii) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the City Manager determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
 - (b) In determining the amount of the civil penalty, the City Manager shall consider the following:
 - (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (2) The duration and gravity of the violation;
 - (3) The effect on ground or surface water quantity or quality or on air quality;
 - (4) The cost of rectifying the damage;
 - (5) The amount of money saved by noncompliance;
 - (6) Whether the violation was committed willfully or intentionally;
 - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (8) The costs of enforcement to the City.
 - (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in **Division 10**.

22-163 Other Available Remedies

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

(a) Criminal Violations

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

(b) Injunctive Relief

Whenever a user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the City Manager, through the City Attorney, 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.

(a) Water Supply Severance

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

(b) Public Nuisances

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

22-164 Remedies Nonexclusive

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

DIVISION 9 - 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 jurisdictions served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(34), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

DIVISION 10 – ADJUDICATORY HEARINGS

22-165 Hearings: The local government may conduct hearings in accordance with its regular hearing procedure.

- (a) Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under **Division 8, Section 22-162**, or one issued an administrative order under **Division 8, Section 22-161** shall have the right to an adjudicatory hearing before a 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 thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty five

(45) days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (c) below. The terms and conditions of a permit under appeal shall be as follows:

- (1) New Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (3) Terminated Permits. Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (b) Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under **Subsection (a)** above may be appealed, to the City Council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with the City's hearing procedures. 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 ninety (90) days from receipt of the demand filed under **Subsection (a)** and shall transmit a written copy of its decision by registered or certified mail as described in **Subsection (c)** below. The decision is a final decision for the purposes of seeking judicial review.
- (c) Official record. When a final decision is issued under **Subsection (b)** above, the City Council shall prepare an official record of the case that includes:
- (1) All notices, motions, and other like pleadings;
 - (2) A copy of all documentary evidence introduced;
 - (3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - (4) A copy of the final decision of the 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 **Subsection (b)** above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Sampson County within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the City. Within thirty (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 original or a certified copy of the official record.

Secs. 22-166 – 22-170 Reserved.

DIVISION 11 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

22-171 Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of **Subsection (b)**, below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

- (3) The user has submitted the following information to the 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]:
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

22-172 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 **Division 2, Subsection 22-81(a)** of this ordinance or the specific prohibitions in **Division 2, Paragraphs 22-81(b)(2), (3), (5 - 7) and (9-23)** of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the 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) The references in **Section 22-172** refers only to the specific prohibitions actually listed in this ordinance. Pursuant to 40 CFR Section 403.5(a)(2), the affirmative defense outlined in **Section 22-172** cannot apply to the specific prohibitions in **Division 2, Paragraphs 22-81(b)(1) and (4), and (8)**.

22-173 Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of **Subsections (b) and (c)** of this section.
- (b)
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the 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 the 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.
- (c)

- (1) 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 **Subsection (b)** above, of this section.
- (2) 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 (c)(1)** of this section.

DIVISION 12 - SEVERABILITY

If 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.

DIVISION 13 - CONFLICT

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

DIVISION 14 - EFFECTIVE DATE

This ordinance shall be in full force and effect on the 5th day of March, 2013.

CITY CODE -- ORDINANCE-- CHAPTER 14 LICENSES --

City Manager Purvis asked City Council to table this item, "Consideration of amending Chapter 14 Licenses of the Clinton City Code." He stated that the General Assembly has not made the final decision regarding legislation for privilege licenses and he does not know when a decision will be made.

It was the consensus of City Council to table this abovementioned item per City Manager Purvis' request.

MIXED-USE RESIDENTIAL INCENTIVE -- DOWNTOWN CLINTON

Senior Planner Lyden Williams presented a PowerPoint regarding this request, "Consideration of approval of a mixed-use residential incentive for downtown relating to water, sewer, and fire line tap fees." He stated that the Clinton 2035 Comprehensive Plan calls for a mixed-use development to be encouraged in Downtown Clinton. Mr. Williams stated that a mixed-use center is defined as a building or area which blends a combination of residential, commercial, cultural, or institutional uses into a single structure or area. He stated that this incentive program would waive City water, sewer, and fire line connection fees up to \$5,000 per building/property associated with the

creation of new second story residential units within the Downtown Clinton Special Tax District.

Mr. Williams informed City Council that presently, several downtown development incentives are being offered in Downtown Clinton: the façade program, utility incentive program, economic tax incentive grant, and if City Council approves, this proposed mixed-use residential development incentive.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Becton, the Mixed-Use Residential Development Incentive Program passed unanimously.

PERSONNEL POLICY – AMENDMENT

City Manager Purvis stated that City Council is asked to approve an amendment to the Personnel Policy which originated from the Employee Relations Committee. He stated that the existing policy only allows employees to share vacation time; however, the Committee would like to allow the inclusion of sick time. Mr. Purvis stated that in review of other agencies' policies, HR did not find any reason to prohibit sharing earned sick time. He further stated that restrictions will be placed on the amount of time that can be donated and received as it does with vacation time.

City Manager Purvis recommended the approval of this amendment.

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, the following amendment to the Personnel Policy were unanimously adopted:

Personnel Policy Amendment

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 27. Shared Leave

AMENDED AS FOLLOWS:

It is the policy of the City to provide an opportunity for employees to share and/or receive leave during periods of prolonged absences from work due to a medical condition, resulting in exhaustion of all leave.

Eligibility

Only permanent full-time employees who have exhausted all paid leave and compensatory time are eligible to receive donated leave.

Definitions

Medical Condition – a condition of an employee or immediate family member, validated by the attending physician's **medical certification form**, which requires the employee to be absent from work for more than one pay period or for a series of absences which will result in the exhaustion of all earned leave. The **certification** from the attending physician should list the condition, prognosis, and estimated time for treatment or recovery.

Immediate Family Member – employee's spouse, children (including step-children), grandchildren, parents, and dependents living in the employee's household.

Guidelines

To receive shared leave, recipient employees:

- Must have been employed full-time for a minimum of six (6) months.
- Must have exhausted all paid leave (sick, annual, compensatory time and the special advance provision outlined in Article VII, Section 16 of the Personnel Policy) before requesting and using shared leave.
- Must have a serious medical condition as defined in this policy and, in all cases, submit a physician's **medical certification form** of diagnosis, prognosis and estimated duration of medical leave necessary.
- Must have a reasonable leave record.
- Cannot simultaneously receive Worker's Compensation
- Must be ineligible for disability retirement.

To donate shared leave, donor employees:

- Any eligible employee may donate annual **or sick leave** to any approved employee.
- **May only donate a maximum of eighty (80) hours of annual or sick leave in a calendar year.**
- May not reduce his or her annual **or sick** leave balance below one-half ($\frac{1}{2}$) of what the donor can earn in one (1) year.
- Must donate a minimum of four (4) hours.
- All donations must be in writing, designate the employee receiving the donation, and signed by the donor.

- Donors and donation amounts shall remain confidential.
- All leave donations must be to a designated employee approved by the City Manager and may not be made to a pool or bank.

Employees wishing to request shared leave must submit the completed Shared Leave Recipient Form with the physician's **medical certification form** and an authorization for the release of medical information to the **Human Resources Director**. The department head confirms no abuse of leave, approves the requests, and forwards the application to the **Human Resources Director**. The **Human Resources Director** confirms the medical **certification** with the attending physician and forwards the request to the City Manager for approval or disapproval.

After City Manager's approval, the **Human Resources Director** sends out information identifying the employee, the circumstances, and a request for shared leave donors.

If the employee is unable to make the request for leave, a third party acting on the employee's behalf, may make the application.

The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient or family member has a prolonged illness will be made.

Length of Leave – The City Manager will determine the length of the leave. However, shared leave may only be used during a maximum six (6) months period for any single injury or illness. Under no circumstances may the use of shared leave exceed the recipient's period of treatment and recovery.

Earning Leave While Using Shared Leave – Annual leave, sick leave, and holidays shall continue to be earned/paid while using shared leave. However, earned leave accrued during this period must be used by the employee prior to continued use of shared leave.

Unused Leave – At the expiration of the period approved for shared leave as determined by the City Manager, any donated leave must be returned on a pro rata basis to the donors.

Abuse – The City Manager and department heads are authorized to take all necessary steps to prevent abuse of this policy, including dispatching a nurse or physician to verify the medical condition or requiring a medical examination.

Employees or family members may not solicit leave directly from other employees under any circumstances. In addition, solicitation by supervisors or department heads on behalf of other employees is prohibited and shall be grounds for disciplinary action.

The donating employee may not receive compensation in any form for the donation of leave. Acceptance of remuneration for donated leave shall result in dismissal.

CONTRACT – LAW ENFORCEMENT – CLINTON ABC BOARD

Upon a motion made by Councilmember Strickland, seconded by Mayor Pro Tem Harris, a contract between the City of Clinton and Clinton ABC Board for ABC law enforcement passed unanimously.

The City of Clinton shall provide law enforcement in the Clinton School District in return for the sum of \$5,000/more to be paid by September 30, 2015, dependent upon revenues collected. He further stated that this contract has been in existence for many years and the City has had no problems with the Clinton ABC Board and this partnership.

RESOLUTION -- ALLOWING CLINTON ABC BOARD TO ADOPT CITY'S TRAVEL POLICY

City Manager Purvis stated that the North Carolina Alcoholic Beverage Control Commission is requesting all local liquor boards to adopt travel policies. He stated that this is an annual requirement. Mr. Purvis recommended that City Council approve this request.

Upon a motion made by Councilmember Stefanovich, seconded by Councilmember Turlington, the following resolution was unanimously adopted:

RESOLUTION ALLOWING THE ADOPTION OF THE CITY OF CLINTON'S TRAVEL POLICY BY THE CLINTON ABC BOARD

WHEREAS, the North Carolina Alcoholic Beverage Control Commission is requesting that all local liquor boards adopt travel policies as pursuant to Statutory Authority G.S. 18B-702(e) and legislation *HB 1717* Modernization of the State ABC System; and

WHEREAS, the Clinton ABC Board requests written confirmation from the Clinton City Council to allow the Board permission to adopt its current Travel Policy which became effective April 2012.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Clinton hereby grants the Clinton ABC Board's request to use the City's Travel Policy which was adopted in April 2012, during FY2015-2016.

ORDINANCES—BUDGET

Interim Finance Director Kristin Stafford requested that Mayor and City Council approve budget amendments to keep the general ledger balanced in various line items and to reflect expenditures more accurately. She stated that there is an increase in the General Fund from fund balance for the new fire truck which City Council approved recently. She informed them that the truck is scheduled to be here this week. Mrs. Stafford stated that the project ordinance amendment is for the NC 24 Expansion Project; whereas, the new project ordinance is to establish the fund for the WWTP Expansion PER which City Council approved at the May 5, 2015, city council meeting.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to adopt the following amendment
#2015.06.02:

**Budget Ordinance Amendment
 Fiscal Year 2014-2015 Budget**

#2015.06.02

BE IT ORDAINED by the City Council of the City of Clinton, NC, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2015, amended on July 1, 2014; on August 5, 2014; on November 5, 2014; on February 3, 2015; on March 3, 2015; and on May 5, 2015, is hereby amended as follows:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|------------------|-------------------------|-----------------|-----------------|--------------|
| 10-4100-0400 | Prof. Service | \$1,800 | | |
| 10-4100-2600 | Advertising | 500 | | |
| 10-4200-0200 | Salaries | 2,300 | | |
| 10-4200-0600 | Group Insurance | 1,100 | | |
| 10-4200-0700 | Retirement | 1,200 | | |
| 10-4400-0200 | Salaries | | \$ 65,000 | |
| 10-4900-1200 | Printing & Office Supp. | 1,700 | | |
| 10-5100-1000 | Employee Training | 700 | | |
| 10-5100-3100 | Fuel | | 1,500 | |
| 10-5100-3600 | Uniforms | 700 | | |
| 10-5300-0600 | Group insurance | | 2,000 | |
| 10-5300-1402 | Fire and Life safety | | 3,000 | |
| 10-5300-1600 | Maint/repr equipment | | 2,000 | |
| 10-5300-3100 | Fuel | | 2,000 | |
| 10-5300-3303 | Haz-Mat supplies | | 1,000 | |
| 10-5300-3600 | Uniforms | 4,000 | | |
| 10-5300-4500 | Contract service | 3,000 | | |
| 10-5300-7400 | Capital outlay | 217,300 | | |
| 10-5600-0200 | Salaries | 1,500 | | |

| | | | | |
|---------------------------|------------------------|------------------|------------------|------------------|
| 10-5600-0700 | Retirement | 1,000 | | |
| 10-5600-3100 | Fuel | | 6,000 | |
| 10-5600-3600 | Uniforms | 2,500 | | |
| 10-5600-4500 | Contract service | 7,600 | | |
| 10-5600-5000 | Street lighting | 18,000 | | |
| 10-5610-1300 | Utilities | 2,000 | | |
| 10-5610-1500 | PW complex maint. | 1,500 | | |
| 10-5610-4500 | Contract service | 500 | | |
| 10-5900-0200 | Salaries | 1,000 | | |
| 10-5900-0700 | Retirement | 500 | | |
| 10-5900-1400 | Travel & Education | | 1,400 | |
| 10-5900-1700 | Maint/rpr auto | 5,500 | | |
| 10-5900-3100 | Fuel | | 5,000 | |
| 10-5900-3600 | Uniforms | 1,300 | | |
| 10-5900-4600 | Landfill tipping fees | 23,500 | | |
| 10-6200-0200 | Salaries | 1,500 | | |
| 10-6200-0201 | Part time salaries | | 15,000 | |
| 10-6200-1100 | Telephone | | 1,000 | |
| 10-6200-1400 | Travel & Education | | 2,000 | |
| 10-6200-1602 | Maint/rpr fields | 6,000 | | |
| 10-6400-0400 | Prof. service | 1,000 | | |
| 10-6400-4500 | Contract service | 2,000 | | |
| 10-6600-0300 | Overpayment on taxes | 700 | | |
| 10-6600-0400 | Prof. service | | 1,800 | |
| 10-6600-0604 | Employee wellness | 500 | | |
| 10-6600-3700 | Out of State sales tax | 3,700 | | |
| 10-6600-5700 | Misc/Non-departmental | 3,000 | | |
| 10-6600-5900 | Employee Relations | 1,000 | | |
| 10-6600-7400 | Capital Outlay | 11,000 | | |
| 10-6600-8000 | Contingency | | 15,500 | |
| TOTAL EXPENDITURES | | \$331,100 | \$124,200 | \$206,900 |

Section 2. The revenues are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|-----------------------|----------------------|------------------|-----------------|------------------|
| 10-3990-0000 | Fund Balance Approp. | \$206,900 | | |
| TOTAL REVENUES | | \$206,900 | \$0 | \$206,900 |

Section 3. To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|------------------|----------------------|-----------------|-----------------|--------------|
| 30-6600-2600 | Advertising | \$ 800 | | |
| 30-6600-5700 | Misc Expense | 2,000 | | |

| | | | | |
|---------------------------|-------------------------|-----------------|-----------------|------------|
| 30-6600-9500 | Transfer to CDBG Proj | | \$38,400 | |
| 30-8100-0200 | Salaries | | 16,300 | |
| 30-8100-0401 | Prof. Service | 5,900 | | |
| 30-8100-2600 | Advertising | 500 | | |
| 30-8100-3300 | Dept. Supplies | 3,000 | | |
| 30-8100-3302 | Cement and concrete | 3,000 | | |
| 30-8100-4501 | Maint/rpr lines | 15,000 | | |
| 30-8200-3101 | Special sludge disposal | 10,000 | | |
| 30-8200-3300 | Dept. supplies | 1,000 | | |
| 30-8200-3301 | Lab chemical & equip | 1,500 | | |
| 30-8300-0400 | Prof. service | 13,000 | | |
| 30-8400-0200 | Salaries | | 1,000 | |
| TOTAL EXPENDITURES | | \$55,700 | \$55,700 | \$0 |

Section 4. To amend the Downtown Fund, the expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|---------------------------|----------------------|-----------------|-----------------|----------------|
| 71-6910-2500 | Craft fair | \$2,500 | | |
| 71-6910-3300 | Supplies | 500 | | |
| TOTAL EXPENDITURES | | \$3,000 | \$0 | \$3,000 |

Section 5. The revenues are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|-----------------------|----------------------|-----------------|-----------------|----------------|
| 71-3350-0000 | Miscellaneous | \$3,000 | | |
| TOTAL REVENUES | | \$3,000 | \$0 | \$3,000 |

Section 6. Copies of this budget amendment shall be furnished to the City Clerk, to the City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to adopt the following amendment **#2015.06.03:**

NC Hwy 24 Infrastructure Relocation Project Amendment

Fiscal Year 2014-2015

#2015.06.03

BE IT ORDAINED by the City Council of the City of Clinton, NC that the following amendment be made to the NC Hwy 24 Infrastructure Relocation Capital Project Ordinance that was adopted on April 1, 2014, amended on March 3, 2015, is hereby amended as follows:

Section 1. The expenditures are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|---------------------------|-----------------------------|------------------------|------------------------|---------------------|
| 47-7140-0400 | Professional Service | \$ 28,000 | | |
| TOTAL EXPENDITURES | | \$ 28,000 | \$ 0 | \$ 28,000 |

Section 2. The revenues are to be changed as follows:

| <u>Account #</u> | <u>Account Title</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|-------------------------|-----------------------------|------------------------|------------------------|---------------------|
| 47-3714-0500 | Transfer from Water & Sewer | \$ 28,000 | | |
| TOTAL REVENUES | | \$ 28,000 | | \$ 28,000 |

Section 3. Copies of this budget amendment shall be furnished to the City Clerk, City Manager, and Finance Director for their direction.

Upon a motion made by Councilmember Strickland, seconded by Councilmember Becton, it passed unanimously to adopt the following Capital Project Ordinance **#2015.06.04**:

WWTP Expansion Capital Project Ordinance

#2015.06.04

BE IT ORDAINED by the City Council of the City of Clinton, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project is hereby adopted:

Section 1. The project authorized is the WWTP Expansion Capital Project described in the work statement contained in the Agreement between this unit and The Wooten Company.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the documents, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

| <u>Account Number</u> | <u>Description</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|-----------------------|-----------------------------|------------------|-----------------|------------------|
| 42-3300-0000 | Transfer from water & sewer | \$ 65,000 | | |
| | | <hr/> | | |
| | Total Revenues | \$ 65,000 | \$0 | \$ 65,000 |

Section 4. The following expenditures are appropriated for the project:

| <u>Account Number</u> | <u>Description</u> | <u>Increase</u> | <u>Decrease</u> | <u>Total</u> |
|-----------------------|---------------------------|------------------|-----------------|------------------|
| 42-8100-0400 | Professional Service | \$ 65,000 | | |
| | | <hr/> | | |
| | Total Expenditures | \$ 65,000 | \$0 | \$ 65,000 |

Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to the agency required by the agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this council.

Section 8. Copies of this Capital Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 9. The Finance Officer is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

* Upon completion of the capital project, any remaining funds are to be transferred to the Water and Sewer Fund.

APPOINTMENTS

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to reappoint Matt Johnson and Virginia Grier and to appoint Jan Tart and Frank Bradshaw, to a four-year term on the Historic Preservation Commission. Jan Tart and Frank Bradshaw replaced Allison Bradshaw

and Frank Butler, respectively. It was stated that these terms would begin effective July 1, 2015.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Strickland, it passed unanimously to reappoint Brooks Barwick, District 4; Sabrina Reeves, District 2; and Greg Thornton, At large, to a three-year term on the Recreation Advisory Board. The appointment for District 5, currently held by Wanda Corbett, was continued until the July 7, 2015, city council meeting.

Notification was given of the expiring three-year term of Shurley McCullen on the ABC Board. No action was taken. City Council will be asked to reappoint/appoint at its July 7, 2015, city council meeting.

REPORTS

The code enforcement, fire, finance, and personnel reports were acknowledged.

STAFF REPORTS

Police Chief Jay Tilley requested that due to her age, health issues, etc., Canine Zeusa be declared surplus. Chief Tilley stated that Zeusa's handler, Police Officer Ashleigh Peterson has made an offer of \$1.00 (one dollar) to purchase her.

Upon a motion made by Councilmember Jean Turlington, seconded by Councilmember Becton, it passed unanimously to declare Zeusa surplus and award her to Police Officer Ashleigh Peterson.

Chief Tilley informed the group of the crime report that he received for last year's activities. He stated that for the first time in history, crime decreased in every category: aggravated assault, theft, etc. He commended the Neighborhood Improvement Team for its hard work.

Public Works Director Vreugdenhil informed the group that the sidewalk project on Barden Street is scheduled to begin on Monday, June 8, 2015. He stated that the resurfacing of streets which included Earl and Hall Streets are underway. He stated that Diamond Construction, Fayetteville, NC, is the contractor. Mr. Vreugdenhil stated that the parking lot at City Hall will be complete before the July 7, 2015, city council meeting.

Mr. Vreugdenhil spoke regarding the water tank located at Southwood Drive. He stated that this project is progressing well. He stated the water tank will be painted soon.

Mr. Vreugdenhil stated that the NC Hwy 24 Improvement Project is moving along. He further stated that he meets with NCDOT semi-monthly.

CITY MANAGER REPORTS

City Manager Purvis stated that his written monthly report was included in the agenda packet. He asked City Council to please contact him regarding any concerns.

He stated that on Tuesday, June 16, 2015, at 7 PM, City Council will meet and adopt the budget.

Councilmember Stefanovich asked City Manager Purvis to speak concerning an email which was sent to City Council recently on "Best Place in NC."

Mr. Purvis stated that the email ranked Clinton as #23 out of 46 – Best towns to live in the U.S. Also, he stated that Clinton was ranked as #13 out of 46 – Best towns to raise a family. He stated that these results were based on school ratings, crime rates, affordable housing, child care, libraries, etc.

PUBLIC COMMENTS

Mrs. Mary Smith, 701 Sunset Avenue, appeared before City Council regarding property. She stated that CenturyLink came; however, they were displeased with where they placed the dirt.

Mayor Starling informed Mrs. Smith that the problem is with CenturyLink not the City of Clinton. He further stated that the City has no control over this matter.

City Manager Purvis stated that he contacted CenturyLink and he gave Mrs. Smith the contact information. He volunteered to contact CenturyLink again

Mayor Starling called upon Public Works Director Vreugdenhil who informed the group that the company who did the work is Lambert Company. Mr. Vreugdenhil stated that this company was contracted by CenturyLink who also damaged the City's sidewalk. Mr. Vreugdenhil said Public Works Manager Tony Steffen has been in contact with Lambert Company.

Mr. Vreugdenhil requested a month to get this matter resolved; however, Mayor Starling stated a week. Mayor Starling further stated that if staff does not get a response within a week, City Manager Purvis is to contact the Utilities Commission.

CLOSED SESSION

Upon a motion made by Councilmember Strickland, seconded by Councilmember Stefanovich, the following resolution was unanimously adopted:

RESOLUTION TO ENTER CLOSED SESSION

Be It Resolved that the regular meeting of the City Council of the City of Clinton, North Carolina held at 7:00 PM on June 2, 2015, entered closed session as allowed by G.S.143-318.11(a)(3)(5) to discuss potential litigation matters and the negotiation of property acquisition of the Byrd Family Properties located on Rowan Road for the purpose of public utilities use.

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to exit closed session and re-enter regular session at 8:24 PM. No action was taken.

CONTINUATION

Upon a motion made by Councilmember Turlington, seconded by Councilmember Becton, it passed unanimously to continue this June 2, 2015, city council meeting until June 16, 2015, at 7:00 PM in the City Hall Auditorium for the purpose of adopting the FY2015-2016 Budget and other business as deemed necessary. This meeting adjourned at 8:25 PM.

Elaine F. Hunt, City Clerk, MMC, NCCMC

Lew Starling, Mayor