City of High Point

Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260

Meeting Agenda

Thursday, May 14, 2020

4:00 PM

3rd Floor Conference Room

Finance Committee

Britt Moore, Chair
Committee Members:
Michael Holmes
Monica Peters
Victor Jones

Jay Wagner, Mayor (Alternate)
Christopher Williams, Mayor Pro Tem (Alternate)

FINANCE COMMITTEE - Council Member Britt W. Moore, Chair

As part of the city of High Point's COVID-19 Mitigation efforts, in-person attendance will not be allowed at this meeting. Instead, the city will be live streaming the meeting. Please click on the following link to listen to the meeting live once the Finance Committee is in session.
https://www.highpointnc.gov/2270/Virtual-Public-Meeting

CALL TO ORDER

PRESENTATION OF ITEMS

2020-155 Ordinance- NCMPA1 - Waiver Agreement - Project and Supplemental Power Sales Agreement 2020
City Council is requested by NCMPA1 to approve a request to send the monthly wholesale power
bill electronically through email. To do this NCMPA1 is requesting a Waiver Agreement
from each Participant that waives the US mail requirement outlined in the Project and
Supplemental Power Sales Agreements. This item was discussed at the NCMPA1 Rate
Committee meeting on March 19 and the NCMPA1 Board of Commissioners meeting on
April 21. The ElectriCities Board of Directors approved at its meeting on April 24,
authorization of such Waiver Agreement in the attached resolution BDR-6-20.
NCMAP1 is requesting High Point City Council to approve the following:

1) Waiver Agreement NCMPA1 Project and Supplemental Power Sales Agreement 2020
2) Ordinance Waiver Agreement NCMPA1 PSPS Agreements 2020
3) Clerks Certificate - Waiver Agreement NCMPA1 PSPS Agreements 2020

Attachments: 1. FINAL_NCMPA1 Waiver Agreement

2020-156 Tax Collection Orders- Forsyth County Tax Administration- for Collection of Fiscal Year 2020 Taxes
and Collection of 2019 and Prior Years' Taxes
City Council is requested to approve the Tax Collection Orders as requested by the Forsyth County Tax Administration for collection of Fiscal Year 2020 Taxes and collection of 2019 and prior years' taxes by the Forsyth County Tax Administration office for areas of High Point located in Forsyth County, and to authorize the appropriate City Official to execute the

Tax Collection Orders.

Attachments: 2. FINAL_Forsyth County Tax Collection 2020

Signed Order 2020 Tax Collection City of High Point

2020-157 Contract - Aviat Networks, Inc. - Radio Microwave System
City Council is requested to award a contract to Aviat Networks, Inc. in the amount of $230,576.00 for an 800 MhZ radio system to replace the existing system.

Attachments: 3. FINAL_Radio System Microwave Replacement

2020-158 Construction Contract - Sharpe Brothers, Inc. - Cedrow Subdivision
City Council is requested to award a contract to Sharpe Brothers, Inc. in the amount of $541,718.04 to construct a subdivision consisting of nineteen (19) building lots and all the infrastructure to support these houses including water, sanitary sewer, storm drain, asphalt, bio retention cell, curb and gutter.

Attachments: 4. FINAL_2020-001 Cedrow Subdivision

2020-159 Sole Source Contract - Penn Valley Pump Co., Inc. - Double Disc Pumps - Eastside Wastewater Treatment Plant
City Council is requested to approve a Sole Source Contract with Penn Valley Pump Co., Inc. in the amount of $64,283.00 for the purchase of two (2) 6" Model 6DDSX107CNU-MK1 PVP Double Disc Pumps for the Eastside Wastewater Treatment Plant (WWTP).

Attachments: 5. FINAL_Eastside Primary Sludge Pumps5720

2020-160 Sole Source Contract - Pete Duty & Associates - Ward Water Treatment Plant (WWTP) - Flash Mix Pump
City Council is requested to approve a Sole Source Contract with Pete Duty & Associates in the amount of $44,396.00 to purchase of a Sulzer/ABS Model XFP 400M-CH2 replacement flash mix pump at the Ward Water Treatment Plant (WTP).

Attachments: 6. FINAL_WWTP Replacement Flash Mix Pump_Pete Duty & Assoc

2020-161 Contract - Construction Manager at Risk (CMAR) Professional Services Garney Companies, Inc. DBA Garney Construction - Catalyst Project - Virginia Place - Change Order #6
City Council is requested to approve Change Order No. six (6) in the amount of $498,190.56 for the replacement of water and sewer utility lines within Virginia Place and additional work and delays that were part of the Appling Way and W. English Road projects.

Attachments: 7. REVISED_FINAL_Construction Manager At Risk CMAR Contract - Change C

2020-162 Ordinance - Revised City of High Point Sewer Use Ordinance
City Council is requested to adopt a revised ordinance to update the City of High Point Sewer Use Ordinance to meet federal and state permitting

requirements.

Attachments: 8. FINAL Sewer Use Ordinance5820

2020-163 Contract - Crowder - Change Order No. 2 - Riverdale Pump Station Phase 1 Repairs

City Council is requested to approve Change Order No. 2 for Crowder Construction Company in the amount of $1,501,116.00 for additional construction materials and work outside of the scope of the original contract for the Riverdale Pump Station Phase 1 repairs.

Attachments: 9. FINAL Crowder- CO#25820 - Riverdale Pump Station Phase 1 Repairs

2020-164 Contract - Amendment No. 2 - Hazen & Sawyer - Riverdale Pump Station

City Council is requested to approve Amendment No. 2 to the Hazen and Sawyer contract in the amount of $506,727.00 for providing additional engineering services related to the Riverdale pump station expansion project.

Attachments: 9a. FINAL Hazen- Riverdale Pump Station Expansion Amendment 2

2020-165 Contract - Amendment No. 2 - Hazen & Sawyer - Appling Way - Catalyst Project

City Council is requested to approve Amendment No. 2 to the Hazen and Sawyer contract in the amount $157,600.00 for providing additional support and consultant coordination for the construction of Appling Way adjacent to the Catalyst project.

Attachments: 10. FINAL Hazen Amendment-2 Appling Way 5-18-20t

ADJOURNMENT

CITY OF HIGH POINT
AGENDA ITEM

Title: **Riverdale Pump Station Phase 1 Repairs**
Crowder Construction Company
Change Order 2

From: Terry Houk – Public Services Director
Derrick Boone – Public Services Asst. Director **Meeting Date:** May 18, 2020

Public Hearing: N/A **Advertising Date:** N/A
Advertised By: N/A

Attachments: Attachment A – Change Order Document

PURPOSE:
To approve Change Order No. 2 to Crowder Construction Company for additional construction materials and work outside of the scope of the original contract.

BACKGROUND:
On July 15, 2019, City Council awarded a contract to Crowder Construction Company for $3,726,504.00. to construct Phase 1 of the expansion of the Riverdale Lift Station. Phase 1 includes the installation of a 10 MGD submersible pump, construction of additional piping to connect to the existing force main, and the connection of a new generator/electrical equipment to increase the capacity of the station to 30 MGD. This project was declared a pressing need. Change order No. 2 includes additional items required for the lift station and unforeseen conditions encountered.

BUDGET IMPACT:
Funds for this change order are available in the FY 2019-20 budget.

RECOMMENDATION / ACTION REQUESTED:
Public Services is recommending that Council approve Change Order 2 to Crowder Construction Company in the amount of $1,501,116.00.

Hazen and Sawyer
620 Green Valley Road, Suite 101 • Greensboro, NC 27408

May 7, 2020

Mr. Terry Houk
Public Services Director
City of High Point
211 S. Hamilton Street
High Point, NC 27261

Re: Change Order #002
Riverdale Sewer Lift Station Expansion
City of High Point, North Carolina
Contractor: Crowder Construction Company
CHP PO# : 100205
Hazen No.: 31408-006

Dear Mr. Houk:

The referenced work in the attached documents is outside of the scope of the original contract and warrants additional costs. Please find the enclosed documentation to be considered for a summary Change Order No. 2 amending the referenced contract to expand Riverdale Sewer Lift Station.

Original Contract Value:	$3,726,503.00	Completion Date: M1: August 22, 2019 Final: October 21, 2019
Change Order No. 1:	$248,884.00	
Change Order No. 2:	**$1,501,116.00**	
Total Contract Value:	**$5,476,503.00**	**M1: August 30, 2019** **Final: June 30, 2020**

Please let me know if there are any questions or concerns.

Best Regards,

Aaron D. Babson, PE
Senior Associate

Enclosure:
Contractor Backup Information

cc:

Hazen

PCO Summary Table

PCO Description	Type	Budget Extension	Days Extension
PCO #4 – Wet Well Additions	LS	$ 4,680.97	0
PCO #5 – Re-route of Bypass	LS	$ 131,584.41	19
PCO #6 – Electrical Scope Changes	LS	$ 136,092.73	18
PCO #7 – Thrust Blocks	LS	$ 170,167.00	16
PCO #8 – Rock Removal	LS	$ 427,646.71	125
PCO #9 – Select Backfill	LS	$ 45,954.16	0
PCO #10 – SCADA Allowance Exceeded	T&M	$ 22,695.00	0
PCO #11 – Demo and Install of concrete Stairs	LS	$ 5,660.47	3
PCO #12 – Shoring of VFD Electrical Room Building	LS	$ 421,018.27	22
PCO #13 – Weather	LS	$ 150,238.50	13
PCO #14 – Productivity Loss	LS	$ -	0
PCO #15 – Critical Impact Cost of PCO #01 to #03	LS	$ -	0
PCO #16 - Holidays	LS	$ 44,765.37	5
PCO #17 - Credit for unused funds on PCO #2 and 3	LS	$ (59,387.59)	0
Total		**$ 1,501,116.00**	**237**

High Point Riverdale Sewer Lift Station Expansion

Change Order 2 Request – Summary

SUMMARY

Crowder Construction Company (Contractor) negotiated agreement with City of High Point (CHP) and Hazen & Sawyer (H&S) on Proposed Change Orders (PCO) #4 through #17 on May 7, 2020. Table 1 Change Order Status below provides a summary of the negotiated amounts.

Table 1 – Change Order Status

Description	TYPE	Contract Time (Days)	Negotiated Agreement Amount	Change Order
PCO #1 – Ductile Iron Pipe	LS	8	$ 135,488.00	CO 1 - Approved
PCO #2 – Pump Installation Support	T&M	5	$ 86,601.00	CO 1 - Approved
PCO #3 – Concrete for Pressure Hatch	T&M	3	$ 26,795.00	CO 1 - Approved
PCO #4 – Wet Well Additions	LS	0	$ 4,680.97	CO 2 - Proposed
PCO #5 – Re-route of Bypass	LS	19	$ 131,584.41	CO 2 - Proposed
PCO #6 – Electrical Scope Changes	LS	18	$ 136,092.73	CO 2 - Proposed
PCO #7 – Thrust Blocks	LS	16	$ 170,167.11	CO 2 - Proposed
PCO #8 – Rock Removal	LS	141	$ 427,646.60	CO 2 - Proposed
PCO #9 – Select Backfill	LS	0	$ 45,954.16	CO 2 - Proposed
PCO #10 – SCADA Allowance Exceeded	T&M	0	$ 22,695.00	CO 2 - Proposed
PCO #11 – Demo of Concrete Stairs	LS	3	$ 5,660.47	CO 2 - Proposed
PCO #12 – Shoring of VFD Electrical Room Building	LS	22	$ 421,018.27	CO 2 - Proposed
PCO #13 – Weather	LS	13	$ 150,238.50	CO 2 - Proposed
PCO #14 – Productivity Loss	LS	0	$ -	CO 2 - Proposed
PCO #15 – Critical Impact Cost of PCO #01 to #03	LS	0	$ -	CO 2 - Proposed
PCO #16 - Holidays	LS	5	$ 44,765.37	CO 2 - Proposed
PCO #17 - Credit for unused funds on PCO#02 & #03	LS	0	$ (59,387.59)	CO 2 - Proposed
	Subtotal	**253**	**$ 1,750,000.00**	

Original Contract Value	$	3,726,503.00	
Approved Changes	$	248,884.00	
Pending Changes	**$**	**1,501,116.00**	CO 2 - Proposed
Total Contract Value with Changes	$	5,476,503.00	
Final Completion Date (Original)		10/21/2019	
Approved Days		16	
Pending Days		**237**	CO 2 - Proposed
Total Days		253	
Final Completion with Changes		6/30/2020	

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Change Order No. 2

Date of Issuance:	May 7, 2020	Effective Date:	
Owner:	City of High Point, NC	Owner's Contract No.:	100205
Contractor:	Crowder Construction Company	Contractor's Project No.:	51267
Engineer:	Hazen and Sawyer	Engineer's Project No.:	31408-006
Project:	Riverdale Sewer Lift Station Expansion	Contract Name:	Riverdale SLS

The Contract is modified as follows upon execution of this Change Order:

Description: The Contractor was requested to provide a change of scope to the original contract documents as follows and described in the attached documents.

Attachments: *Summary Change Order No. 2*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 3,726,503.00	Original Contract Times: Milestone 1 Completion: August 22, 2019 Milestone 2 Completion: October 21, 2019 days or dates
Increase from previously approved Change Orders No. _: $ 248,884.00	Increase from previously approved Change Order No. 1 : Substantial Completion: 8 days Ready for Final Payment: 16 days
Contract Price prior to this Change Order: $ 3,975,387.00	Contract Times prior to this Change Order: Substantial Completion: August 30, 2019 Ready for Final Payment: November 6, 2019
Increase of this Change Order: $ 1,501,116.00	Increase of this Change Order: Substantial Completion: 0 days Ready for Final Payment: 237 days days or dates
Contract Price incorporating this Change Order: $ 5,476,503.00	Contract Times with all approved Change Orders: Substantial Completion: August 30, 2019 Ready for Final Payment: June 30, 2020

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: [signature]	By:	By:
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: SENIOR ASSOCIATE	Title	Title President
Date: 05-08-20	Date	Date 05-08-20

Approved by Funding Agency (if applicable)

By: _____ Date:

Title: _____

Hazen and Sawyer
620 Green Valley Road, Suite 101 • Greensboro, NC 27408

ARTICLE B Sewer

Editor's note: Ordinance No. 07-81, adopted May 18, 2020, amended article B in its entirety to read as herein set out. Formerly, this article pertained to similar subject matter and derived from Ord. No. 94-15, adopted March 17, 1994; and Ord. No. 97-102(3), adopted Dec. 18, 1997.

Sec. 8-2-51 SEWER RESPONSIBILITY

The public services department shall be charged with the maintenance and repair of all sewer mains, including house connections, pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this department an adequate number of employees to properly maintain and operate the facilities of this department. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-52 GENERAL PROVISIONS

A. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of High Point, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are:

(1) To prevent the introduction of pollutants and wastewater discharges into the municipal~~ity~~ wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) 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;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(6) To ensure the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any Federal or State laws which the municipal wastewater system is subject to.

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 all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City of High Point 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 Publicly Owned Treatment Works (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 of High Point personnel.

By discharging wastewater into the City of High Point 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.

B. RESERVED.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-53 DEFINITIONS AND ABBREVIATIONS.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

***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.

Approval authority. The Director of the Division of Water Resources of the North Carolina Department of Environmental Quality or his or her designee.

Authorized representative of the industrial user.

1. 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 (1) 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.

2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.

3. If the industrial user is Federal, State or local governments, or an agent thereof, 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.

4. The individuals described in paragraphs (1)--(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

5. 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 City of High Point prior to or together with any reports to be signed by an authorized representative.

Best Management Practices or BMPs. *Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the General Prohibitions listed in 40 CFR Part 403.5(a)(1). BMPs also include treatment requirements, operating procedures and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw-material storage.*

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

Building sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical standards. National Categorical Pretreatment Standards or pretreatment standard.

Categorical Industrial User (CIU). Are Industrial Users that are subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

Control Authority. Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.

Dental amalgam. *Shall mean an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.*

Dental Discharger. *Shall mean a facility where the practice of dentistry is performed, including but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments that discharges wastewater to a publicly owned treatment works (POTW).*

Discharger. Means any person who discharges or causes the discharge of wastewater to a community sewer system, storm water system, or directly to the POTW. Discharger shall mean the same as user.

Domestic sewage. The liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

Duly Authorized Representative. *Shall have the same definitions as defined by Authorized Representative #s 1a and 1b of this section.*

Effluent. Means wastewater or other liquid, partially or completely treated, or in its natural state or any portion thereof flowing out of a reservoir, basin, treatment plant or industrial treatment plant.

Enforcement Response Plan (ERP). The set of enforcement actions to be taken by the city in response to violations of any part(s) of this article.

***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.

Existing Sources. *Shall mean a discharger that is not a new source*

Fats, Oils and Grease (FOG). Shall mean any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

FOG Best Management Practices. Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sanitary and storm water systems.

Food Service Establishment. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public operating in a permanently constructed structure such as a room, building, or place, or portion thereof, that utilize one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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 for a period of time not to exceed 15 minutes.

Grease shall mean, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but not need be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution. Grease is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate methods and procedures approved by the Environmental Protection Agency, and identified in 40 CFR Part 136.

Grease Control Device. Shall mean a grease interceptor, grease trap, or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of fats, oils or grease (FOG) to the sanitary sewer.

Grease Generating Activity. Shall mean any activity that includes the following in regards to wastewater or any FOG materials entering the sanitary sewer system by means of washing dishes, kitchen equipment, discharging FOG in a drain which leaves the property.

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.

Hot Spots. Shall mean areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained at an accelerated frequency to avoid blockages of sewer system as a result from FOG buildup in the sanitary sewer system.

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

Industrial user. Any person which is a source of indirect discharge.

Low Grease Generator Agreement. Shall refer to an agreement between certain categories of FSEs and the City that do not require the installation of a Grease Control Device.

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 POTW's 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. section 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.

Maintenance log. Shall mean any form of record keeping requirements as addressed in Section 8-2-54.11(5).

Manifest. Shall mean the receipt which is retained by the generator of wastes for disposing recyclable waste, liquid or solid wastes as required by the city.

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.

Middle Tier CIU. Categorical Industrial User (CIU) designated by the City as Middle tier if its discharge of categorical wastewater does not exceed any of the following:

(1) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller
(2) 0.01 percent of the design dry weather organic treatment capacity of the POTW
(3) 0.01 percent of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by the POTW.

Mobile unit. Shall mean a specialized mobile self-contained van, trailer or equipment used in providing dentistry services at multiple locations.

Monitoring facility. Structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the wastes, the design, location and operation of which must be approved by the director.

National Categorical Pretreatment Standard* or categorical *standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 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 through 471.

National Prohibitive Discharge Standard* or prohibitive *discharge standard. Absolute prohibitions against the discharge or certain substances; these prohibitions appear in subsection 8-2-54(a) of this article and developed under the authority of [section] 307(b) of the Act and 40 CFR, section 403.5.

New source.

1. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
   a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
   a. Begun, or caused to begin as part of a continuous on-site construction program:
      1. Any placement, assembly, or installation of facilities or equipment; or
      2. Significant site preparation work including clearing, excavation, or removal or existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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.

Non-discharge permit. A permit issued by the State pursuant to 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

Non-Significant Categorical Industrial User (NSCIU). Categorical Industrial User (CIU) designated by the City as "non-significant," never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment Standard). A NSCIU must also:

(1) Have consistently complied with all applicable Pretreatment Standards
(2) Annually submit a certification statement and
(3) Never discharge any untreated concentrated wastewater

Pass through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES, collection system, or non-discharge permit or downstream water quality standard even if not included in the permit.

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

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.

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, ~~or~~ and odor).

POTW Director. The City of High Point Director of Public Services or his/her delegate.

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 can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment program. The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and 403.11 and as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standard~~s~~. Any prohibited discharge standard~~s~~, categorical standard~~s~~, or local limit~~s~~ which applies to an industrial user.

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 article, "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 city's POTW.

Sanitary Sewer Overflow shall mean any discharge of sewage from the sanitary sewer to the inside or outside of a FSE or to the Stormwater system.

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.

Significant industrial user or SIU. An~~y~~ industrial user that discharges wastewater into a publicly owned treatment works and that:

(1) 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

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

(3) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N, Parts 405-471; or

(4) 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.

(5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above have 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.

(6) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.

(7) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) 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).

Significant noncompliance. 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 that meets the criteria in (c), (d), or (h) shall also be SNC.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numerical 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, Oils and grease; 1.2 for all other pollutants (except flow and pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(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);

(d) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in 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)(l)(vi)(B) and Section 8-2-54(a) of this ordinance to halt or prevent such a discharge;

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

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

(g) Failure to accurately report noncompliance.

(h) 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.

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 subsection 8-2-54(a) of this section.

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.

Standard manhole. Shall mean a sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from.

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.

Trap means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

Twenty-five percent (25%) Rule shall mean the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in <u>any</u> location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

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.

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 stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater permit. As set forth in subsection 8-2-56(b) of this article.

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.

This article is gender neutral and the masculine gender shall include the feminine and vice versa.

"Shall" is mandatory; ***"may"*** is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The following abbreviations 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. *NCGS.* North Carolina General Statutes.
10. *NPDES.* National Pollution Discharge Elimination System.
11. *O& M.* Operation and maintenance.
12. *POTW.* Publicly owned treatment works.
13. *SIC.* Standard industrial classification.
14. *SWDA.* Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
15. *USC.* United States Code.
16. SIU. Significant Industrial User
17. *TSS.* Total suspended solids.
18. *TKN.* Total kjeldahl nitrogen.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-54 REGULATIONS.

Sec. 8-2-54.1 *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. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter.

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch in any dimension.

3. Any wastes or water containing mineral or, hydrocarbon, vegetable or animal fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit. Animal and vegetable fats above these units may be allowed following written application and approval by the director.

4. Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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 pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

6. 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.

7. 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.

8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the POTW's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

9. Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).

10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable state or federal regulations.

11. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

12. Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with section 8-2-65 of this article.

13. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.

14. Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season, but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease unless authorized by the POTW Director.

15. Petroleum oil, non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds in amounts that will cause interference or pass through.

16. Any sludges, screenings or other residues from the pretreatment of industrial wastes.

17. Any medical wastes, except as specifically authorized by the POTW Director in an industrial wastewater discharge permit.

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

19. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW Director.

20. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

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.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that these wastes 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 connection 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 Director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with subsections 8-2-54.1 and 8-2-54.2;
(2) Take appropriate actions in accordance with section 8-2-60 for such user to protect the POTW from interference or pass through.

Sec. 8-2-54.2 *Polluted water control.*

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the city or not, when polluted by its use, shall be forced into the city's sanitary sewer system provided such wastes meet the requirements of this chapter.

Sec. 8-2-54.3 *Use of public sewers required.*

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction, any sewage or other polluting materials, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

Sec. 8-2-54.4 *National Categorical Pretreatment Standards.*

1. 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 through 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 POTW Director may impose equivalent concentration or mass limits in accordance with CFR 403.6(c).

   B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

   C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

   D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

   E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7

Sec. 8-2-54.5 *Local limits.*

To implement the general and specific discharge prohibitions listed in this article, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:
TABLE INSET:

Parameter	-Limit (mg/l)
BOD	300
TSS	200
Ammonia	15
Cadmium (T)	0.005
Chromium (T)	0.050
Copper (T)	0.050
Cyanide (T)	0.010
Lead (T)	0.050
Mercury (T)	0.0005
Nickel (T)	0.050
Silver (T)	0.005
Zinc (T)	0.10
Oil and grease	100
Total Phosphorus	5.0
pH range: Between 5.0 and 11.0 (standard units)	

(T) = Total

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The City of High Point reserves the right to re-evaluate and/or institute additional local limits at any time it is determined necessary.

Sec. 8-2-54.6 *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 article.

Sec. 8-2-54.7 *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 regulations if deemed necessary to comply with the objectives presented in section 8-2-52 of this article or the general and specific prohibitions in section 8-2-54 of this article, as is allowed by 40 CFR 403.4.

Sec. 8-2-54.8 *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.

Sec. 8-2-54.9 *Pretreatment of Wastewater.*

1. **Pretreatment Facilities.**
   Users shall provide necessary wastewater treatment as required to comply with this article and wastewater permits issued under subsection 8-2-56.2 of this article and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 8-2-54.1within the time limitations as specified by the EPA, the State, or the POTW Director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the city 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 acceptable to the POTW Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method(s) of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

2. **Additional Pretreatment Measures**
   a. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
   b. 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-controlled facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

Sec. 8-2-54.10 *Grease Control Devices shall be installed on the premises where FOG is used or Generated.*

1. All commercial kitchens in new or existing buildings, undergoing significant improvement, undergoing remodeling or change in operations shall have grease control devices (GCD) as required by the Uniform Plumbing Code. IF there is a size discrepancy in GCD installation (due to space limitations, etc) a mutual agreement between the Building Department and Industrial Pretreatment Department shall agree to compromise regarding size and fixtures to be discharged through the GCD.
2. All grease generating fixtures shall connect to a GCD, including but not limited to pre-rinse sinks, three compartment sinks, two compartment sinks, mop or janitor sinks, food preparation sinks, floor drains in dishwashing areas and kitchens, etc. All drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD.
3. No high temperature kitchen equipment discharges shall be allowed to connect through any type of GCD. Discharge of wastewater from dishwashers, pasta cookers, other hot lines and non-grease generating fixtures to any GCD is prohibited unless authorized by the POTW Director.
4. FSEs shall have a sink or other area for cleaning floor mats, containers, exhaust hood filters and equipment, which is connected to a GCD. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. Outside washing of floor mats, equipment grills, or other containers is prohibited; this may allow contaminated wastewater to flow to the storm drain system.
5. All in-ground GCDs greater than 750 gallons in capacity shall have a minimum of three manholes (refer to City of High Point Design Standards) to allow visibility over each inlet piping, baffle (divider) piping and outlet piping to ensure accessibility for inspection, cleaning

and removal of all contents. Two manholes may be allowed under certain conditions only granted by the City of High Point. Nothing shall be allowed to be stored on top of any GCD manholes.

6. In ground GCDs shall be installed in a suitable location that will allow access for inspection, cleaning, and maintenance. This includes drive-thru roads and parking stalls where inspection would be difficult or unsafe and impeded business operations.
7. Laterals installed between a FSE and GCD, also between the GCD and the City's main shall include installation of two way clean outs as required to allow access points for sewer line maintenance and inspection.

Sec. 8-2-54.11 *Grease, Oil and Sand Traps required for Commercial and Industrial Establishments.*

1. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of sewerage system from liquid wastes containing petroleum based oils, fluids and greases in excessive amounts, or any flammable wastes, sand and other harmful pollutants not prohibited in section 8-2-54(a). Such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, automotive repair garages, car washes, and other commercial or industrial establishments as the city may designate.

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

3. **Grease Control Device Maintenance Requirements**
   A. Maintenance Requirements
      a. All GCDs shall be kept in good repair, functioning properly and shall be maintained in continuous operation according to manufacturer's guidelines and the City of High Point's requirements.
      b. GCDs shall be maintained by the owner at the owner's expense.
      c. Sewer lines to and from GCDs shall be kept in good repair and clear of any buildup of FOG that could potentially contribute to backups and/or SSOs.
      d. All FOG discharged during GCD or sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, exit lines from a GCD and/or laterals cleaned by jetting or hydro flushing shall have the contractor capture the contents removed from the line to prevent SSOs depending on the main size the lateral feeds into. All contents removed from sewer lines shall be contained and disposed properly by a licensed contractor.
      e. No additives may be introduced to GCDs or a FSE's wastewater system for the purpose of emulsifying FOG. Additives, such as solvents or enzymes that dissolve or mobilize FOG are prohibited.

4. **GCD Maintenance Frequency**
   A. The maintenance frequency shall be set so as to ensure the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer collection system. The maintenance frequency for all FSEs with a GCD shall be determined by one of the following methods:

      i. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth in any location of the GCD. The 25% Rule shall apply to all GCDs.

ii. The entire contents of all grease interceptors (gravity grease interceptors) and GCDs greater than 100 gallons shall be removed every three months or more frequently as to prevent FOG from entering the sanitary sewer.

iii. The entire contents of all grease traps (hydro mechanical grease interceptors and automatically or mechanically cleaning GCDs) shall be removed every month or more frequently as to prevent FOG from entering the sanitary sewer.

B. The city may modify the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.

C. If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements in section (g)(1)(i) above, the FSE shall have the GCD serviced immediately such that all FOG, solids, and other materials are completely removed from the GCD.

D. Waste haulers servicing GCDs shall not reinsert or discharge into GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from the GCD or to cause those materials to be so handled.

5. Requirements for Record Keeping

A. GCD & Plumbing record keeping

i. The FSE shall retain all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier and disposal site location for at least three years. Such records, which include at a minimum of the following, shall be made immediately available for inspection and copying to the inspector or City representative upon request:

ii. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.

iii. Copies of records of waste hauling GCD contents. The grease haulers shall leave, at the facility site, a manifest with the following information:

- Name of site pumped
- Street address
- City Name
- Date and Time Pumped
- Volume collected
- Hauler name
- Truck #
- Observed GCD structural problems
- Final destination of material collected

iv. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCDs

v. Records of any SSOs, backups, spills and/or cleaning of the lateral sewer system

vi. A record of Best Management Practices being implemented including employee training

vii. Any other information deemed appropriate by the city to ensure and document compliance with this Article.

6. Tallow Bins

1. Segregation and collection of waste cooking oil

1. No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

All waste cooling oils shall be collected and stored properly in tallow receptacles such as barrels or drums or bins for recycling or other acceptable methods of disposal.

a. Segregated waste grease and oil bins (tallow bins) shall be in place at the location of any FSE that creates grease or oil from the use of fryers, automatically or mechanically cleaning GCDs which need FSE staff maintenance, rotisserie drip lines not connected to a GCD or any other type of grease and oil waste created by cooking or cleaning of equipment. FSE staff, not limited to kitchen staff, shall properly dispose of grease or oils from cooking equipment into an oil/grease receptacle such as a tallow bin, barrel or drum. Appropriate measures shall be taken to eliminate spills. An absorption rag, towel, or material shall be immediately available each time the waste oil/grease is emptied to the tallow bin or segregated receptacle and used to clean up spills. The transporting of waste oil/grease shall be conducted with a covered and sealed container.
b. Tallow bins or used waste oil and grease container areas shall be kept clean. Containers shall be covered with lids and free from excessive fats, oil and grease and debris to prevent foul-smelling odors and vector attraction. Housekeeping procedures shall be put in place and signs posted.
c. Tallow bins shall be located in areas that reduce the risk of spills or discharges to the storm drain system. Where relocation is not possible, spill prevention should be implemented to prevent such discharges.

7. Tallow Haulers

Tallow haulers servicing FSEs shall clean up all spills created during the collection and transporting of grease whether it is on the containers, bins, barrels or the ground.

8. Tallow Bin Record Keeping

The FSE shall keep all manifests, receipts and invoices of all oil/grease removal from the FSE, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative or inspector. These records may include:

- A logbook of all segregated oil bins cleaning and maintenance practices
- A record of Best Management Practices being implemented including employee training.
- Copies of records and manifests of waste hauling activities.
- Records of any spills and/or cleaning.
- Any other information deemed appropriate by the City to ensure compliance with this Article.

9. Best Management Practices – FSEs

All FSEs shall implement Best Management Practices (BMPs). Emphasis shall be on minimizing the discharge of FOG to the sewer system and preventing non-stormwater discharges to the storm drain system. All FSEs shall be required, at a minimum, to provide staff training for the appropriate ordinance requirements and for the following kitchen BMPs:

a. Install screens in all drains. The screens shall be installed to all sinks, drains, floor drains, floor sinks, dishwasher, etc. The screens shall be cleaned frequently by disposing waste to the trash or food scrap container if available. Regular inspections shall be conducted by lead Managers and/or Executive Chefs to ensure screens are functioning properly and are present. It is

recommended that the inspections be documented to confirm compliance and be available to the City representative or inspector upon request.

b. Dispose of all food waste. Food waste shall not be disposed to sinks or drains. FSE staff shall dispose of all food waste directly into the trash, garbage, compost or food waste collection bins by scraping with scrapers, towels, paper towels and/or rubber spatulas prior to using water to rinse off plates, dishes, pots, pans, containers, etc. This practice helps remove FOG from entering the sanitary sewer system and GCDs. Properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
c. Maintain kitchen exhaust hood and equipment. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly and shall be cleaned in sinks connected to a GCD to ensure to capture of FOG prior to entering the sanitary sewer.
d. Post signs and posters for best management and waste minimization practices conspicuously in the food preparation and dishwashing areas at all times.
e. Clean all kitchen equipment and other equipment in the sinks or drains that flow directly into a GCD. Never clean equipment in a sink not connected to a GCD.
f. Dry methods shall be used to clean up oil and grease spills. Pick up liquids or grease with rags or absorbents such as raw dust or cat litter. Sweep up absorbent, seal in a plastic bag and dispose in the trash. Regularly use dry methods to clean under fryer baskets and other locations where grease may be spilled or dripped. Clean up all oil and grease spills prior to mopping. If possible, always discharge waste mop water to a drain that will flow to a GCD.
g. Dry sweep pavement, such as walkways, dining areas and dumpster areas as frequently as possible.
h. Never pour, sweep or direct wash wastewater into a Stormwater collection system, street or gutter. If any pavement cleaning requires water, sweep first; next use a mop without soap and bucket and dispose of wash wastewater in a sink that drains to a GCD.
i. Never wash down dumpsters or tallow bins with a hose. If a dumpster or tallow bin must be cleaned, contact the dumpster or tallow bin vendor. Check dumpsters and tallow bins frequently for leaks. Notify the dumpster or tallow bin vendor to maintain and replace leaking dumpsters or tallow bins.

Sec. 8-2-54.12 *Accidental discharge /Slug Control Plans*

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 Section 8-2-53(A). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

1. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non- customary batch discharge, or a slug load. Also, see subsections 8-2-57.6 and 8-2-57.7.

2. An accidental discharge/slug control plan shall address, at a minimum, the following:
   - **(a)** Description of discharge practices, including non-routine batch discharges;
   - **(b)** Description of stored chemicals;
   - **(c)** Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by subsection 8-2-57.7 of this article; and
   - **(d)** 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.

(e) Flow and loading equalization. In order to promote the equalization of flows and any constituent loadings, including but not limited to BOD and TSS on the sewer system, each person whose operations produce wastewaters having widely fluctuating flows or constituents is required to install and maintain at his own expense, a suitable storage or holding tank. The holding tank shall have a minimum capacity of 75 percent of the user's average daily flow, except that no tank shall be less than 1,000 gallons. Suitable air mixing will be required to keep solids in suspension and maintain aerobic conditions. Such holding or storage tank, air mixing system and any outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the director.

(f) Monitoring facilities.

(1) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:

a. The BOD concentration exceeds 300 mg/l;
b. The TSS concentration exceeds 250 mg/l;
c. The average flow per work day exceeds 25,000 gallons; or
d. The manufacturing processes produce toxic or poisonous wastes such as but not limited to cyanides, heavy metals, insecticides, herbicides, etc.

(2) All industrial users that are subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the director or the categorical pretreatment standards. Plans for the location and construction of the monitoring facilities shall be approved by the director prior to commencing the installation. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec.8-2-54.13 Dental Facilities

As promulgated by the Environmental Protection Agency, and as incorporated below, dental facilities that use or remove amalgam must install, operate and maintain, at user's expense, one or more amalgam separators that meet established standards and record keeping requirements listed under 40 CFR Part 441.

A. Amalgam Separators Required

1. Dental facilities that use or remove amalgam must install, operate and maintain at user's expense, one or more amalgam separators or amalgam removal device(s) that meet the following requirements:

a. Compliant with American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) ***or***

b. Compliant with the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions if the separators achieve at least a 95% removal efficiency.

c. Amalgam removal device, other than an amalgam separator shall have a removal efficiency of at least 95% from all amalgam process wastewater. Removal efficiency and performance testing information is outlined in 40 CFR Part 441.30(a)(2)(i) through (viii).

B. Implementation of the following best management practices(BMPs):

1. Waste amalgam including, but not limited to, dental amalgam from chairside traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.
2. Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with an oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.

C. Dental dischargers that meet any of the criteria below are exempt from this section:

1. Dental dischargers that exclusively practice one or more of the following specialties are exempt from these requirements:
a. Oral pathology
b. Oral and Maxillofacial radiology
c. Oral and maxillofacial surgery
d. Orthodontics
e. Periodontics
f. Prosthodontics
2. Mobile unit operated by a dental discharger.
3. Dental dischargers that do not discharge any amalgam process wastewater to a POTW because amalgam process wastewater is collected and transferred to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.
4. Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify to such to the Control Authority as required in Section 8-2-54.13(D)(1)(b)(ii).

D. Reporting and Recordkeeping Requirements

1. Dental Dischargers subject to this part must comply with the following reporting requirements:
a. One-Time Compliance Report.
i. A One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following introduction of wastewater into a POTW.
b. Signature and certification.
i. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of Section 8-2-53(A)(1) and 8-2-56.2(C).
ii. The One-Time Compliance Report for dental dischargers subject to this part that do not place or remove dental amalgam as described in Section 8-2-54.13(C)(1) through (4) and must include the following:
1. Facility name
2. Physical address

3. *Mailing address*
4. *Contact information*
5. *Name of the operator(s) and owner(s)*
6. *Certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.*

iii. *The One-Time Compliance Report for dental dischargers subject to the standards of this section must include the following information:*

1. *The facility name*
2. *Physical address*
3. *Mailing address*
4. *Contact information*
5. *Name(s) of the operator(s) and owner(s)*
6. *A description of the operation at the dental facility including:*
   a. *The total number of chairs*
   b. *The total number of chairs at which dental amalgam may be present in the resulting wastewater*
   c. *A description of any existing amalgam separator(s) or equivalent device(s) currently operated to include at a minimum, the make, model and year of installation*
7. *Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D)*
8. *Certification that the dental discharger is implementing BMPs specified in Sections 8-2-54.13(A)(2) or 8-2-54.13(D) and will continue to do so.*
9. *The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D).*

iv. *Transfer of Ownership notification*

1. *If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer*

v. *Retention period*

1. *If a Dental Discharger subject to this section is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance report required by Section 8-2-54.13(D)(1)(a) and make it available for inspection in either physical or electronic form.*
2. *Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:*

a. *Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions if needed.*
b. *Documentation of amalgam retaining container or equivalent container replacement (including date as applicable).*
c. *Documentation of all dates that collected amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.*
d. *Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement and a description of the repair or replacement (including make and model).*
e. *Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, the manufacturer's operating manual for the current device.*

Sec. 8-2-55 FEES

Sec. 8-2-55.1 *Purpose.*

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

Sec. 8-2-55.2 *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. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

B. Each user shall pay its proportionate cost based on volume of flow.

C. 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.

D. 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.

E. For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for water and/or sewer service is set forth by a rate schedule adopted by city council. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.

F. Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the city at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the director of public services may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.

G. Where a well is used by any person and water from such well is put into the sanitary sewer system of the city, then such person shall install, at his own expense, the necessary meter or meters, obtained from the city, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required it if is determined by the director of public services to be in the best interest of the city.

H. In cases where the city determines not to require the installation of a meter, a flat rate shall be applied, as outlined in a rate schedule adopted by city council. These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one-family residence. The director of public services shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range. A flat rate shall not be used where the water supply is from a state approved public water supply.

Sec. 8-2-55.3 *Surcharges.*

All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:
BOD = 250 mg/l
TSS = 200 mg/l

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or TSS exceeds the limits as hereinbefore prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and TSS concentration above the permissible limits of 250 mg/l BOD, and 200 mg/l TSS, according to the following formulate:

a. The number of hundreds of pounds of constituent (BOD or TSS) subject to the surcharge will be determined by:

TABLE INSET:

$$P = \frac{U \times C \times 0.006238}{100}$$

where:
P = pounds of constituent (BOD or TSS) in hundreds
U = units of wastewater discharged (1 unit = 100 cu. ft.)
C = strength of constituent in wastewater in mg/l in excess of 250 for BOD, or 200 for TSS
0.006238 = weight of wastewater (million pounds per unit)

b. The amount of the surcharge will be calculated by:

$S = (R1 \times P1) + (R2 \times P2)$

where:
S = total surcharge
R1 = surcharge rate per CWT BOD
R2 = surcharge rate per CWT TSS
P1 = pounds of BOD in hundreds
P2 = pounds of TSS in hundreds
R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by city council.

(2) The city council, in a meeting with the city manager and the director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment.

(3) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the city. Where satisfactory evidence can be produced that more than 10 percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the director and excluded from the surcharge computation.

Sec. 8-2-55.4 *Pretreatment program administration charges.*

The schedule of charges and fees adopted by the city may include charges and fees for:

A. Reimbursement of costs of setting up and operating the pretreatment program;
B. Monitoring, inspections and surveillance procedures;
C. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
D. Permitting;
E. Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

Sec. 8-2-55.5 *Sampling and testing procedures.*

A. Each person discharging liquid wastes into the public sewer shall be subject to periodic inspections to determine the character and concentration of such wastes. The frequency of sampling shall be as determined by the director. Sampling and inspections will be both scheduled and unscheduled.
B. Samples from monitoring facilities may be grab and/or composite according to flow. All other sampling will be conducted in a manner prescribed by the director.
C. Each person subject to sampling and analytical services will be charged the cost of such services. All costs incident to the supervision, inspection, sampling and analyses will be billed to the user in accordance with a fee schedule adopted by city council. The city council, in a meeting with the city manager and the director, will annually review the actual cost of supervision, inspection, sampling and analyses required for monitoring industrial discharges and adjust fees to reflect the true cost of the pretreatment program. Any analyses performed by contract laboratory services on behalf of the City will be billed directly to the user by the contract laboratory.
D. The city, upon request by the industry concerned, shall make available a split sample collected. Split samples with a POTW sample cannot be used for the industry's monthly compliance sample. If the industry feels the results are not representative of their wastes, the city will resample at a cost in accordance with the fee schedule referred to in subsection 8-2-55.2(C). The values determined from any re-sampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-56 ADMINISTRATION

Sec. 8-2-56.1 *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 30 days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 8-2-56.2 *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 180 days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater contribution permit for non-significant industrial users.

A. ***Significant industrial user determination.*** All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic 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 90 days after notification of the POTW Director's determination in subsection 8-2-56(b) above. The application shall include at a minimum:

a. name of industrial user;
b. address of industrial user;
c. standard industrial classification (SIC) code(s) or expected classification and industrial user category;
d. wastewater flow'
e. types and concentrations (or mass) of pollutants contained in the discharge;
f. major products manufactured or services supplied;
g. description of existing on-site pretreatment facilities and practices;
h. locations of discharge points;
i. raw materials used or stored at the site;
j. flow diagram or sewer map for the industrial user;
k. number of employees
l. operation and production schedules; and
m. description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g);

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 POTW Director as defined in subsection 8-2-53.1 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.***

a. The POTW Director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
b. Within 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.***

a. The POTW staff shall conduct a review of the application and on 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.
b. If the staff's tentative determination in paragraph (5)(a) above is to issue the permit, the following additional determinations shall be made in writing:
    1. Proposed discharge limitations for those pollutants proposed to be limited;
    2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
    3. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
c. The staff shall organize the determinations made pursuant to paragraphs (5)(a) and (b) above and the city's general permit conditions 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:
    a. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
    b. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

G. ***Final action on significant industrial user permit applications.***

a. The POTW Director shall take final action on all applications not later than 90 days following receipt of a complete application.

b. The director is authorized to:

1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and N.C.G.S. 143-215.1;
2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
3. Modify any permit upon not less than 60 days' notice and pursuant to subsection 8-2-56(I) of this article;
4. Revoke any permit pursuant to subsection 8-2-60.1 of this article;
5. Suspend a permit pursuant to subsection 8-2-60.1 of this article;
6. Deny a permit application when in the opinion of POTW Director such discharge may cause or contribute to pass through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

H. ***Permit modification.***

A. 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.

1. Changes in the ownership of the discharge when no other change in the permit is indicated;
2. A single modification of any compliance schedule not in excess of four (4) months;
3. 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.
4. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection 8-2-56.2(B) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
5. A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

I. ***Permit conditions.***

A. 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 article and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

1. A statement of duration (in no case more than five (5) years);
2. A statement of non-transferability;
3. Applicable effluent limits based on categorical standards or local limits or both;
4. 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;
5. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in subsection 8-2-53(A);
6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 8-2-53(A), if determined by the POTW Director to be necessary for the user;
7. 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 subsection 8-2-53(A). Also see subsections 8-2-57.4 and 8-2-54.5; and
8. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

B. In addition, permits may contain, but are not limited to, the following:

1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
2. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. 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.
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
8. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).
9. Compliance schedules for meeting pretreatment standards and requirements.

10. Requirements for submission of periodic self-monitoring or special notification reports.
11. Requirements for maintaining and retaining plans records relating to wastewater discharges as specified in subsection 8-2-57.13 and affording the POTW Director, or his representatives, access thereto.
12. 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.
13. 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.
14. A statement that compliance with 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.
15. Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, regulations, and the term of the permit.

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.***
Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial 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 subsection 8-2-56.2 minimum of 180 days prior to the expiration of the existing permit. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-57 REPORTING REQUIREMENTS.

Sec. 8-2-57.1 *Baseline monitoring reports.*

A. Within either 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. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
B. Users described above shall submit the information set forth below:
    1. ***Identifying information.*** The name and address of the facility, including the name of the operator and owner.
    2. ***Environmental permits.*** A list of any environmental control permits held by or for the facility.
    3. ***Description of operations.*** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
    4. ***Flow measurement.*** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. ***Measurement of pollutants.***
    a. The categorical pretreatment standards applicable to each regulated process.
    b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 8-2-57.10 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4). Standard Pretreatment
    c. When determining mass calculations, standard pretreatment conversion factors shall be used.
    d. Sampling must be performed in accordance with procedures set out in subsection 8-2-57.11 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
6. ***Certification.***
   A statement, reviewed by the user's current authorized representative as defined in subsection 8-2-53(A)(1) 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 subsection 8-2-57.2 of this article.
8. ***Signature and certification.***
   All baseline monitoring reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.2 *Compliance schedule progress reports.*

The following conditions shall apply to the compliance schedule required by subsection 8-2-57.1(B)(7). of this article:

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. These 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 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.

Sec. 8-2-57.3 *Reports on compliance with categorical pretreatment standard, deadline.*

Within 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 subsection 8-2-57.1(B)(4) through (6) of this article. 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 measures 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 subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.4 *Periodic compliance reports.*

A. All significant industrial users shall, at a frequency determined by the POTW Director, but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in subsections 8-2-57.10 and 8-2-57.11 of this section. All periodic compliance reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.
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 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 subsections 8-2-57.10 and 8-2-57.11 of this article, the results of this monitoring shall be included in the report.

8-2-57.5 *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 90 days before the change. The permittee shall not begin the changes until receiving written approval from the City. See subsection 8-2-57. 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 subsection 8-2-56.2 of this article.
B. The POTW director may issue a wastewater discharge permit under subsection 8-2-56.2 of this article or modify an existing wastewater discharge permit under subsection 8-2-56.2 of this article 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 of 20 percent (20%) or greater, and 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 City; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

8-2-57.6 *Reports of potential problems.*

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug load as defined in section 8-2-53(A), 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 article.
C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom 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 subsection 8-2-53(A).

Sec. 8-2-57.7 *Reports from unpermitted users.*

All users classified as Non-Significant Categorical Industrial Users under Section 8-2-53(A) 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).

Sec. 8-2-57.8 *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 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 30 days after becoming aware of the violation. The user is not required to resample if the POTW director monitors at the user's facility at least once a month, or 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 or designee 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 (or designee) shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one (1) 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 30-day deadline of the POTW becoming aware of the violation.

Sec. 8-2-57.9 *Notification of the discharge of hazardous waste.*

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after 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 subsection 8-2-57.5 of this article. 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 subsections 8-2-57.1, 8-2-57.3, and 8-2-57.4 of this article.

B. Discharges are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than 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 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 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 article, a permit issued thereunder, or any applicable Federal or State law.

Sec. 8-2-57.10 *Analytical requirements.*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the City. 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 EPA and the City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

Sec. 8-2-57.11 *Sample collection.*

A. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
B. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
C. Composite samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

Sec. 8-2-57.12 *Timing.*

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

Sec. 8-2-57.13 ***Record keeping***. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article 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 date 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.

Sec. 8-2-57.14 *Electronic reporting*.

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 8-2-60 of this article. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-58 COMPLIANCE MONITORING.

Sec. 8-2-58.1 *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 city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

Sec. 8-2-58.2 *Inspection and sampling.*

The city will inspect the facilities of any user to ascertain whether the purpose of this article 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 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 article. Unreasonable delays may constitute denial of access.

Sec 8-2-58.3 *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 article, 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 article 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 18th Judicial District of Guilford County.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-59 CONFIDENTIAL INFORMATION

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge permit and/or the pretreatment programs, provided however, that such portions of a

report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-60 ENFORCEMENT

Sec. 8-2-60.1 *Administrative remedies.*

A. ***Notification of violation.***
Whenever the POTW director finds that any industrial user has violated or is violating this article, 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 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 discharge of liability for any violations occurring before or after receipt of the notice of violation. Violations will be administered according to the enforcement response plan (ERP).

B. ***Consent orders.***
The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 8-2-60.1(D) below.

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

The POTW director 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 subsection 8-2-60 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under subsection 8-2-56.2 POTW director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

D. ***Administrative orders.***
When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set in the order;
3. Take appropriate remedial or preventive action in the event of a continuing or threatened violation.

E. ***Emergency suspensions.***
The POTW Director 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 suspended order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

F. ***Termination of permit or permission to discharge.***
The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:
1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this section, 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 8-2-57.1 of this article why the proposed action should not be taken.

Sec. 8-2-60.2 *Civil penalties.*

A. Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars ($25,000) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges (40 CFR 403.8(f), GS 143-215.6A(a)).
    1. Penalties between $10,000 and $25,000 per day per violation may be assessed against a violator only if:
        a. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
        b. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this section, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.

B. In determining the amount of the civil penalty, the POTW director 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 subsection 8-2-70.

8-2-60.3 *Other available remedies.*

A. Remedies, in addition to those previously mentioned in this article, are available to the POTW director/superintendent who may use any single one (1) or combination against a noncompliant user. Additional available remedies include, but are not limited to:

1. ***Criminal violations.***
The district attorney for the (18th) 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.B(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)).

2. ***Injunctive relief.***
Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, 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.

3. ***Water supply severance.***
Whenever an industrial user is in violation of the provisions of this article 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 consistent compliance.

4. ***Public nuisances.***
Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of subsections 8-2-54(a)(2)(f) and 8-2-60(b) of the sewer use ordinance.

8-2-60.4 *Remedies nonexclusive.*

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-61 ANNUAL PUBLICATION OF REPORTABLE NONCOMPLIANCE

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with this article or any order or permit issued hereunder, during the 12-month period since the previous publication. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-62 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

Sec. 8-2-62.1 *Upset.*

A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), 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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    a. A description of the indirect discharge and cause of noncompliance;
    b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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.

Sec. 8-2-62.2 *Prohibited discharge standards defense.*

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 8-2-54.1 of this article or the specific prohibitions in subsections 8-2-54.1(B)(2)., (B)(5)., (B)(7) through (11), (B)(13) through (22) of this article 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.

Sec. 8-2-62.3 *Bypass.*

A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (D) of this section.

B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least 10 days before the date of the bypass, if possible.

C. A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence 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 24 hours.

D. Bypass is prohibited, and the POTW director may take an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. 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
3. The user submitted notices as required under subparagraph (C) of this section.

E. The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three (3) conditions listed in subparagraph (D). of this section. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-63 SEVERABILITY.

If any provision, paragraph, word, or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-64 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-65 SEPTIC TANK WASTE.

No person shall discharge into the sanitary sewerage system any waste from any septic tank or other private sewage disposal device except under the following conditions:

A. Only waste of domestic character (or other waste approved on special arrangement and in advance which in the opinion of the director of public services will not be detrimental to operation of the pollution control plants) will be allowed.
B. All waste shall be discharged at either the eastside or westside pollution control plant at the discretion of the director of public services or his authorized representative and under the supervision of the operator on duty.
C. Persons desiring to discharge waste in accordance with this section shall make application to and contract with the director of public services for such service, and obtain septage vouchers.
D. Fee for septage vouchers shall be paid for in advance at the rate set forth in a rate schedule adopted by city council for each truckload of 1,000 gallons or fraction thereof.
E. Prior to discharging any waste, the truck driver will complete the septage voucher, which shall be submitted to the operator on duty, setting forth the name of the individual, firm or corporation responsible for the waste, the name of the driver of the waste-carrying vehicle, the date and time of discharge, and the name, address and telephone number of the owner of each premises where the waste was collected.
F. All waste-carrying vehicles shall have clear permanent markings showing the owner's name, address, Guilford County Health Department permit number and waste-carrying capacity in gallons.
G. If at any time, in the opinion of the director of public services, the best interest of the city will be served by discontinuance of this service, then no more such wastes shall be accepted from any person, firm or corporation. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-66 SEWER CONNECTIONS—COMPULSORY RULES AND REGULATIONS FOR PERMANENT PAVEMENT OF STREET

All owners, whether in fee or as life tenants, of houses or lots abutting on a street where a public sewer is laid, or which otherwise have access to a public sewer, shall connect all water closets or privies on such property with the sewer system, under such rules and regulations as are prescribed by the city council, and in the event that an order has been made for the permanent paving of any street, the sewer department shall make a connection from the sewer line to the curb line in front of each lot. Such connection shall be 15 feet from the lower property line when practicable. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-67 SEWER CONNECTIONS—PROCEDURE FOR COMPELLING

Whenever any property in the city or within its service area shall be required by this article to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows: 30 days' notice printed or written requiring such connection shall be served by the director of public services of the city on the owner of the property if he is a resident of the city or on his agent if such owner is a nonresident, and where a nonresident has no agent in the city then such notice shall be published for 10 days in a newspaper published in the city.
(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-68 SEWER CONNECTIONS—REFUSAL TO MAKE

It shall be unlawful for any property owner whose property or premises shall be required by the ordinances of the city to be connected with the public sewerage system to refuse or neglect to make connection in the manner required.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-69 SEWER CONNECTIONS--FEES

A. The charges for sewer connections shall be as prescribed in a rate schedule adopted by city council.
B. Any person residing outside of the corporation limits of the city and seeking permission to tap on any sewer line located outside the city must first make written application to the city council and must furnish a set of approved plans, from which no additions or deletions shall be made without city approval, showing any information concerning the location, size, depth and length of main to be laid and any other information deemed necessary and requested by the public services department and must secure the approval of the public services department and of the city council before such connection is made.
C. Any person who shall receive such permission to tap on to the city sewer system shall not permit any extension of such main to serve any other family, firm or corporation unit except by special permission of the city council.
D. The city reserves the right to have any waste matter going into the city's sewer main or sewer system to be checked and examined to determine whether such material or waste matter is corrosive, volatile, suffocating, flammable or explosive and/or would result in damage or destruction of the city's sewer line or system and if found hazardous or damaging to the city system, the owner shall be required to remove such waste from the city system.
E. Drawings and specifications for all laterals required for industrial or residential development must be submitted to and approved by the director of public services.
F. Charges for sewer connections outside the corporate limits of the city shall be submitted as outlined in a rate schedule adopted by city council, plus an additional amount as set forth in a rate schedule adopted by the city council per front foot of lot tract based on division or use. If the tap on is made to an outfall line, the same charge based on frontage shall apply, except for residences on undivided farm land where a frontage of 100 feet will be assumed.
G. Where such sewer lines are in a street right-of-way, the city shall extend the connection to the curb line; where such sewer lines are not in a street right-of-way, the city shall extend the connection at the most convenient point within the right-of-way of the sewer main or outfall.
H. Any person, firm or corporation found to be illegally connected to the sanitary sewer system of the city shall be required to pay a penalty as set forth in a rate schedule adopted by city council plus the usual connection fee and service charges as determined by the public services department for the period of illegal use. After payment of the determined amount of money, the person, firm or corporation must submit an application, on forms supplied by the city; provided that sewer connection charges on lines installed under the agreement with Guilford County shall be the same rate for sewer connections inside the corporate limits.
I. Any property owner desiring to connect to a sewer main laid under assessment shall, in addition to the regular tap-on fee, pay an amount equal to his prorated share of the assessment.
(Ord. No. 6486/07-81, § 1, 9-20-07)

Section 8-2-70 HEARINGS

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 subsection 8-2-60.2, or one issued an administrative order under subsection 8-2-60.1(D) shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 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 (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

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

B. **Final appeal hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (A) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with city policies. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (C) below. The decision is a final decision for the purposes of seeking judicial review.

C. **Official record**. When a final decision is issued under paragraph (A) above, the Hearing Officer 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 Hearing officer

D. **Judicial Review.** Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Guilford County within 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 30 days after receipt of the copy written request for the review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

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

Adopted by the City Council of the City of High Point

This 18th day of May 2020

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Contract Award, Contract 2020-001 Cedrow Subdivision

From: Terry Kuneff, Engineering Services

Public Hearing: N/A

Attachments: Vicinity Map and Plan Sheet

Meeting Date: May 18, 2020
Advertising Date: March 27, 2020
Advertised By: Purchasing Division

PURPOSE:
City Council is requested to award a construction contract for the Cedrow Subdivision to Sharpe Brothers, a Division of Vecellio & Grogan, Inc. at the contract bid amount of $541,718.04.

BACKGROUND:
The City of High Point secured funding through the City of High Point and a Community Block Grant through the City of High Point's Community Development and Housing Department to design and build a subdivision consisting of nineteen building lots and all the infrastructure to support these houses including water, sanitary sewer, storm drain, asphalt, bioretention cell, and curb and gutter.

On April 29, 2020 the City received bids for contract ENG-2020-001 from the following responsive bidders:

$541,718.04	Sharpe Brothers, Inc
$542,867.08	P&S Grading, LLC
$636,194.00	Triangle Grading, Inc
$737,687.55	Yates Construction Company, Inc.
$1,077,376.00	JR Lynch and Sons, Inc.

The contractor can begin work following award and full contract document execution. The contractor will have 180 days to complete all contract construction work.

BUDGET IMPACT:
Funds are available in the following accounts.
302536 527101 302134040155 53010
302531 527101 302192026670 53010

RECOMMENDATION / ACTION REQUESTED:
The Engineering Services Department requests Council approve the bids and award Contract 2020-001 Cedrow Subdivision to Sharpe Brothers, a Division of Vecellio & Grogan, Inc. at the contract bid price of $541,718.04.

NORTH CAROLINA'S INTERNATIONAL CITY

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ENGINEERING SERVICES

COUNCIL AGENDA DATE: MAY 18, 2020

BID NO. 14-042920 CONTRACT NO.: 2020-001 DATE OPENED: April 29, 2020

DESCRIPTION:

Cedrow Subdivision consisting of 19 building lots and all the infrastructure to support these houses including water, sanitary sewer, storm drain, asphalt, bioretention cell, and curb and gutter.

PURPOSE:

Using Community Development and City funding sources – to design and build a subdivision of 19 building lots.

COMMENTS:

The construction work on this contract will start following contract award and execution and issuance of Notice to Proceed.

RECOMMEND AWARD TO: Sharpe Bros., a Division of V&G, Inc AMOUNT: $541,718.04

JUSTIFICATION:

Current bidders are Sharpe Brothers, Inc. $541,718.04, Yates Construction Co., Inc. $737,687.55, JR Lynch and Sons $1,0771376.00, P&S Grading $542,867.08, and Triangle Grading $636,194.00

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGO	BUDGETED AMOUNT
302536	527101	302134040155	53010	$165,558.00
302531	527101	302192026670	53010	$376,160.04
TOTAL BUDGETED AMOUNT				$541,718.04

DEPARTMENT HEAD:: Terry Kuneff, P.E., CFM Digitally signed by Terry Kuneff, P.E., CFM DN: cn=Terry Kuneff, P.E., CFM, o=City of High Point, ou=Engineering Services Department, email=terry.kuneff@highpointnc.gov, c=US Date: 2020.05.04 14:49:14 -04'00' DATE: 5-4-2020

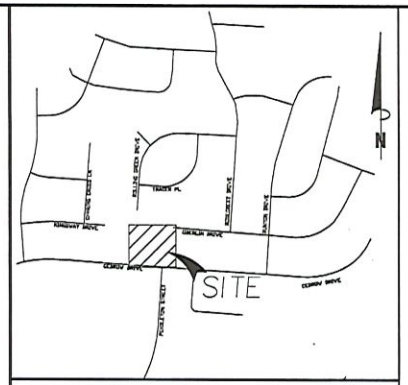
The Purchasing Division concurs with recommendation submitted by the ENGINEERING SVC DEPT and recommends award to the lowest responsible, responsive bidder SHARPE BROS, INC. in the amount of $541,718.04.

PURCHASING MANAGER: Erik S. Conti Digitally signed by Erik S. Conti Date: 2020.05.04 15:24:04 -04'00' DATE: 5-4-20

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Bobby Fitzjohn Digitally signed by Bobby Fitzjohn Date: 2020.05.04 15:40:09 -04'00' DATE: 5-4-20

CITY MANAGER: Greg Demko Digitally signed by Greg Demko Date: 2020.05.07 09:54:40 -04'00' DATE:

CITY OF HIGH POINT PROJECT P00446



— VICINITY MAP —
NOT TO SCALE

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
STREET AND UTILITY PLANS AND PROFILES FOR
CEDROW SUBDIVISION

LOCATED BETWEEN US HWY 311 AND PENDLETON AVE

TYPE OF WORK: – ROADWAY, SANITARY SEWER, WATER LINES, STORM DRAINAGE, WATER AND SEWER SERVICES, EROSION CONTROL, FINE GRADING, SEEDING AND BIO–RETENTION CELL

ACREAGE OF PROJECT

4.63 ACRES TOTAL

GRAPHIC SCALE

PLANS

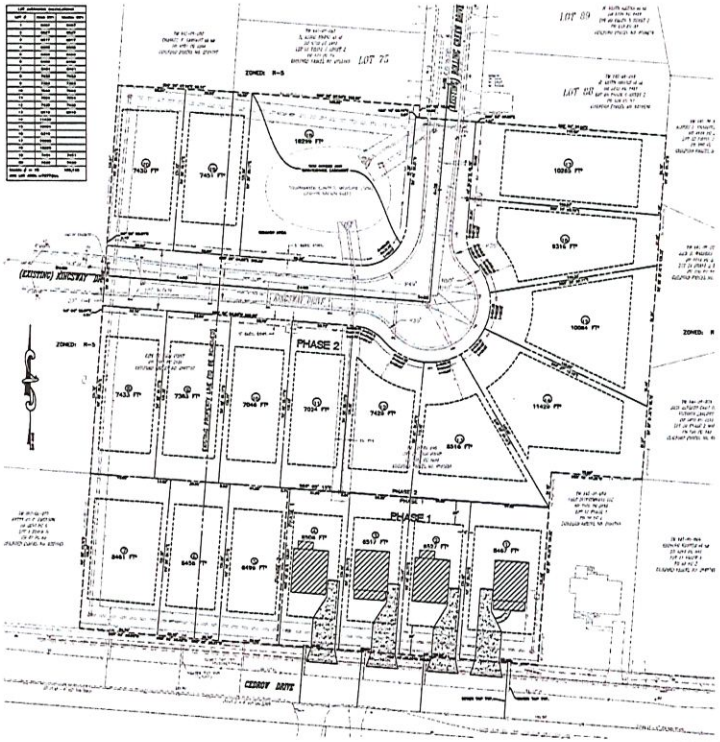
(IN FEET)
1 inch = 20 ft.

PROFILE HORIZONTAL

(IN FEET)
1 inch = 20 ft.

PROFILE VERTICAL

(IN FEET)
1 inch = 4 ft.



LEGEND

EXISTING	PROPOSED	
		FIRE HYDRANT
		WATER VALVE
		WATER METER
		SEWER CLEANOUT
IPF		EXISTING IRON PIPE
PSC	PSC	PERMENANT DRAINAGE EASEMENT
V	V	WATERLINE WITH VALVE MH
S	S	SANITARY SEWER WITH MH
		PROPOSED DITCH
		EXISTING DITCH
		PROPERTY LINE
TCE	TCE	TEMPORARY EASEMENT
CUT	FILL	CUT – FILL LINE
R		RIGHT OF WAY
EXT. STORM PIPE (TYP)	PROP. STORM PIPE (TYP)	TYPE "B" CATCH BASIN
		GRATED INLET
		YARD INLET
		TYPE "A" CATCH BASIN
		DRAINAGE MANHOLE
G	G	GAS VALVE
		CURB & GUTTER
X	X	FENCE
		WOODS LINE
E PP	E PP	POWER POLE
T TP	T TP	TELEPHONE POLE WITH GUY
		EDGE PAVEMENT
		CENTERLINE
		ROW PARCEL NUMBER
CATV		CABLE TV PEDESTAL
TV		TELEPHONE PEDSETAL
		DRAINAGE STRUCTURE NUMBER
		EXISTING WELL
HCR		PROP. WHEEL CHAIR RAMP
		EXISTING TREE
		REMOVE EXISTING TREE
		EXISTING SIGN

PLANS PREPARED BY:
CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
HIGH POINT, N.C. 27261

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
COVER SHEET	TITLE SHEET
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3	WATERSHED, GRADING AND STORM DRAINAGE PLANS
4	BIO-RETENTION CELL PLAN
5	STORM DRAINAGE PROFILES – TYPICAL SECTION
EC-1	EROSION CONTROL PLAN
EC-2	EROSION CONTROL NOTES AND DETAILS
EC-3	EROSION CONTROL NOTES AND DETAILS
EC-4	EROSION CONTROL NOTES AND DETAILS
EC-5	NCG01 SHEET – GROUND STABILIZATION
EC-6	NCG01 SHEET – SELF INSPECTION – REPORTING

Contact Scott Foster for electrical services and design at 336-971-6761.

PROJECT DEVELOPER:
CITY OF HIGH POINT
COMMUNITY DEVELOPMENT DEPARTMENT

CONTRACT NO. ENG–2020–001

APPROVAL DATE_____

STANDARD SPECIFICATIONS:
NORTH CAROLINA DEPT. OF TRANSPORTATION, JULY 2018
STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES

CITY OF HIGH POINT, STANDARD SPECIFICATIONS AND DETAILS FOR ROADS, STRUCTURES AND UTILITIES, (LATEST EDITION)

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY

CITY OF HIGH POINT
PROJECT DESIGN ENGINEER

SIGNATURE DATE 02-06-2020

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29958 TERRY A. HUNEYCUTT

CONTACT CITY ENGINEER
(336) 883-3194

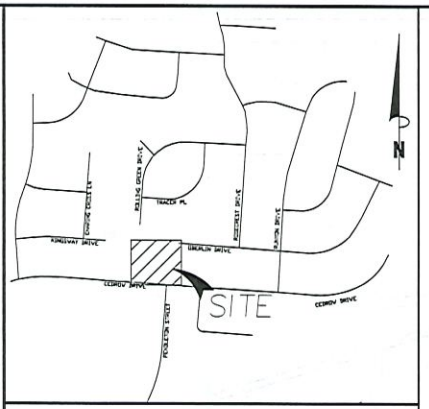
CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949

TITLE SHEET

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
STREET AND UTILITY PLANS AND PROFILES FOR
CEDROW SUBDIVISION

LOCATED BETWEEN US HWY 311 AND PENDLETON AVE

TYPE OF WORK: – ROADWAY, SANITARY SEWER, WATER LINES, STORM DRAINAGE, WATER AND SEWER SERVICES, EROSION CONTROL, FINE GRADING, SEEDING AND BIO–RETENTION CELL



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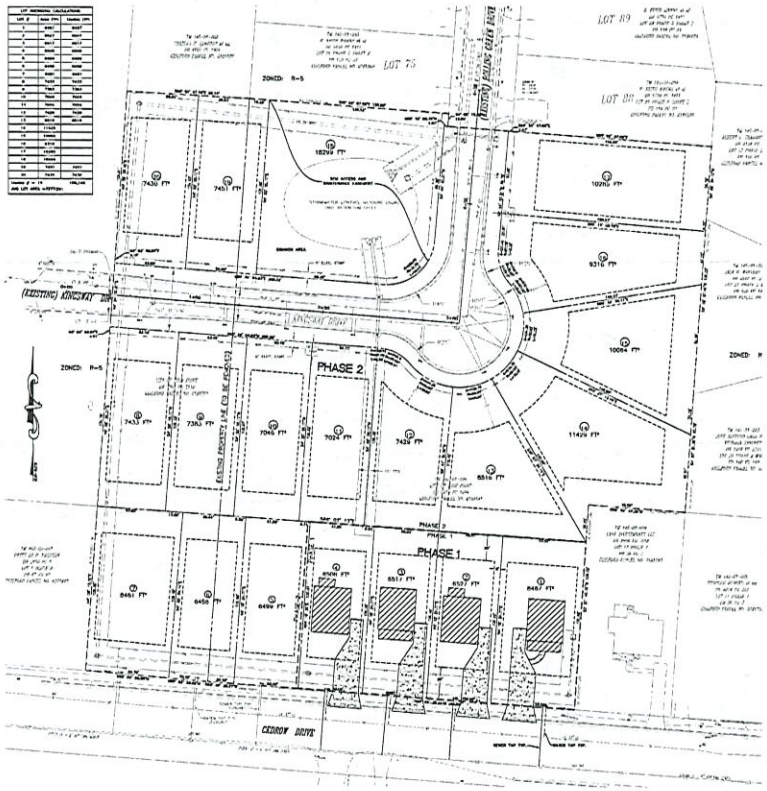
HIGH POINT, N.C. 27261



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HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY

CITY OF HIGH POINT
PROJECT DESIGN ENGINEER

SIGNATURE Terry A Kraft DATE 02-05-2020

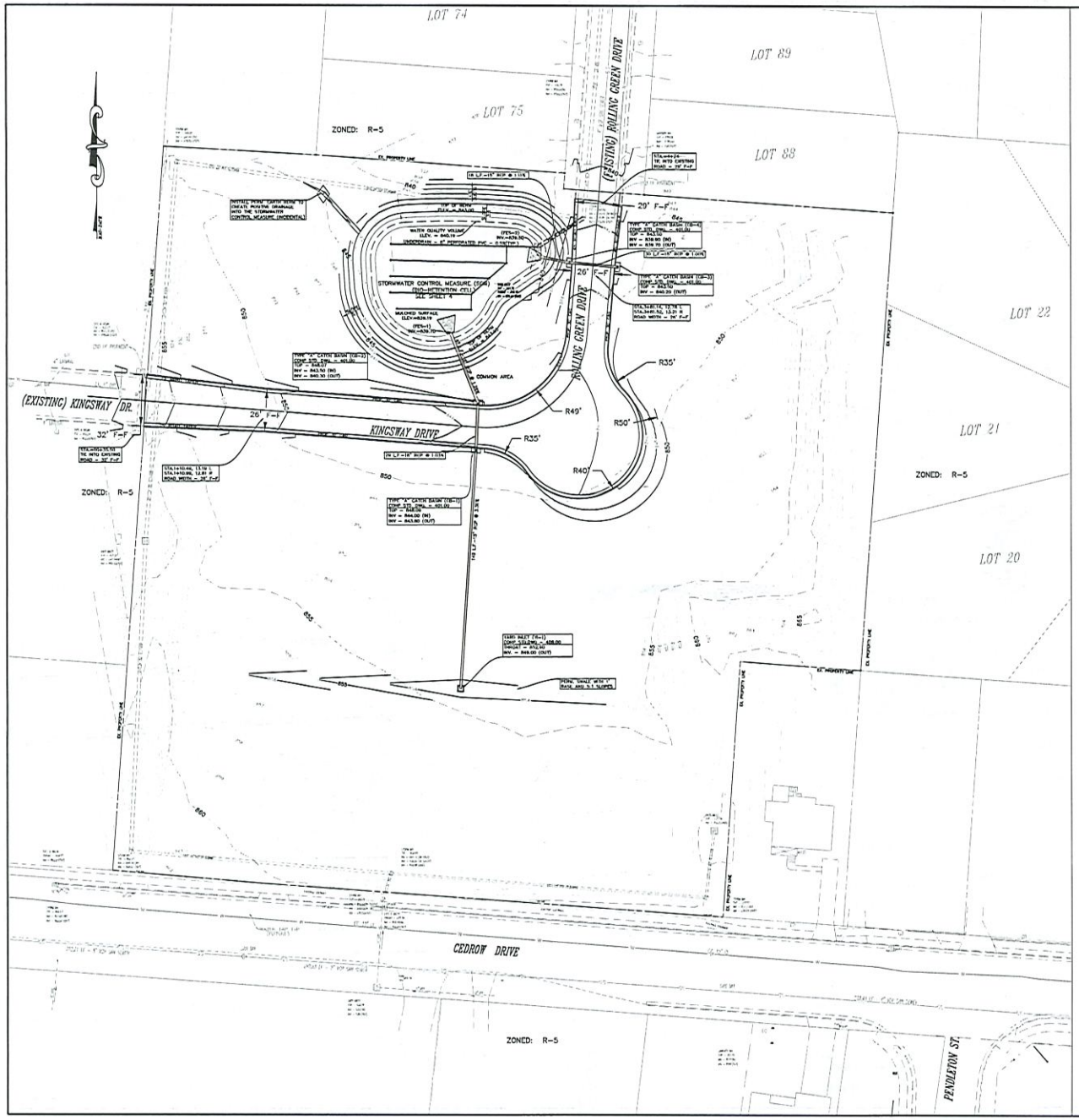
NORTH CAROLINA PROFESSIONAL SEAL 29950 ENGINEER TERRY A. KRAFT

CONTACT CITY ENGINEER
(336) 883-3194

CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949
EXPECT DELAYS / 7 A.M. TO 7 P.M.
(EXCLUDING WEEKENDS AND HOLIDAYS)

TITLE SHEET

CITY OF HIGH POINT PROJECT P00446



SITE DATA
- ZONING: R-5 (RESIDENTIAL SINGLE FAMILY-5)
- TAX ID: 181881 & 181787
- PIN# 7811318247 & 7811316310
- D.B. 8018 PG. 1094 & D.B. 7943 PG. 2110

- TOTAL AREA = 4.43 AC. +/-
- TOTAL NUMBER OF LOTS PROPOSED = 20
- AVERAGE LOT AREA = 7,277 SF

- LINEAR FEET IN STREETS = 390 L.F.

WATERSHED DATA
- WATERSHED: OAKDALE RESERVOIR, GWA
- PROPOSED DISTURBED AREA = 4.00 AC.
- TOTAL SITE AREA = 4.43 AC
- EXISTING ISA (PRIOR TO JULY 1, 1993) = 0.04 ACRES (1,762 SQFT)
- NET EFFECTIVE AREA = 4.39 ACRES
- PROPOSED ISA
  (PHASE I) PARCEL 1-4: 0.257 ACRES
  (PHASE II) PARCEL 5-19: 0.964 ACRES
  ROAD: 0.337 ACRES
  TOTAL: 1.56 ACRES = 35.5%

- SOIL TYPE: MhD2, EnB, EnC and MhC2 (ALL SOILS ARE HSG "C")
- DISTANCE TO FLOODWAY: 1,330 LF +/-

ZONING STANDARDS
- R-5 RESIDENTIAL SINGLE FAMILY-5 (OUTSIDE CORE CITY)
- SINGLE FAMILY DETACHED:

MIN. LOT AREA	=7,000 SF(AVG) +/-25% MAX/MIN
MIN. LOT WIDTH INTERIOR	=60 FEET
MIN. LOT WIDTH CORNER	=80 FEET
FRONT STREET SETBACK	=25 FEET
SIDE STREET SETBACK	=15 FEET
SIDE SETBACKS	=5 FEET
REAR SETBACKS	=20 FEET

LOT AVERAGING CALCULATIONS

LOT #	Area (SF)	Usable (SF)
1	8487	8487
2	8527	8527
3	8517	8517
4	8508	8508
5	8499	8499
6	8456	8456
7	8481	8481
8	7433	7433
9	7383	7383
10	7048	7048
11	7024	7024
12	7429	7429
13	8518	8518
14	11429	
15	10084	
16	8316	
17	10285	
18	10290	
19	7451	7451
20	7430	7430
Usable # = 15		109,149
AVG LOT AREA =7277(SF)		

Stormwater Control Measures:
The City of High Point Stormwater Division requires that a stormwater control device, i.e. bioretention cell, must function as designed and certified prior to plat recordation. It is required that the final plat be submitted to the Planning and Development Department for review and approval prior to recordation with the Register of Deeds. The final plat will not be approved until a final inspection is performed, the engineer's certification of completion and as-built drawings are submitted, the ownership and maintenance agreement is signed and recorded, and the stormwater control device is turned over to the homeowner's association.

The City of High Point Development Ordinance requires the establishment of a financial surety or completion of any stormwater control device per approved site plans prior to approval of a final plat or issuance of a certificate of occupancy. Additionally, a maintenance warranty will be required on the stormwater control device for one year from date of certification. (See City of High Point Development Ordinance Chapter 7: Subdivision Standards, Section 7.2.2. Performance Guarantee and 7.2.3. Maintenance Warranty).

(EE) **Endorsement Block on all Plan and Profile Sheets:**
Approved by the Technical Review Committee for 12 months, subject to the approval of a separate land-disturbing permit and/or erosion control plan, and may be extended in accordance with the provisions of Section 7.1.3.F of the High Point Development Ordinance.

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

I CERTIFY THAT THIS PLAN WILL CONTROL RUNOFF IN COMPLIANCE WITH THE CITY OF HIGH POINT STORMWATER GUIDELINES FOR WATER QUALITY AND FLOOD CONTROL, AND THAT THE RUNOFF CONTROL MEASURES SHOWN ON THIS PLAN MEET OR EXCEED THE GUIDELINES OF THE SAME STORMWATER GUIDELINES FOR WATER QUALITY AND FLOOD CONTROL.

DATE: _____
SIGNATURE: _____

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29950 03-05-2020 TERRY A. HUNEFF

30 0 30 60 90
Scale 1" = 30'

CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
211 S. HAMILTON STREET
P.O. BOX 230
HIGH POINT, NC 27260
Telephone (336) 883-3194

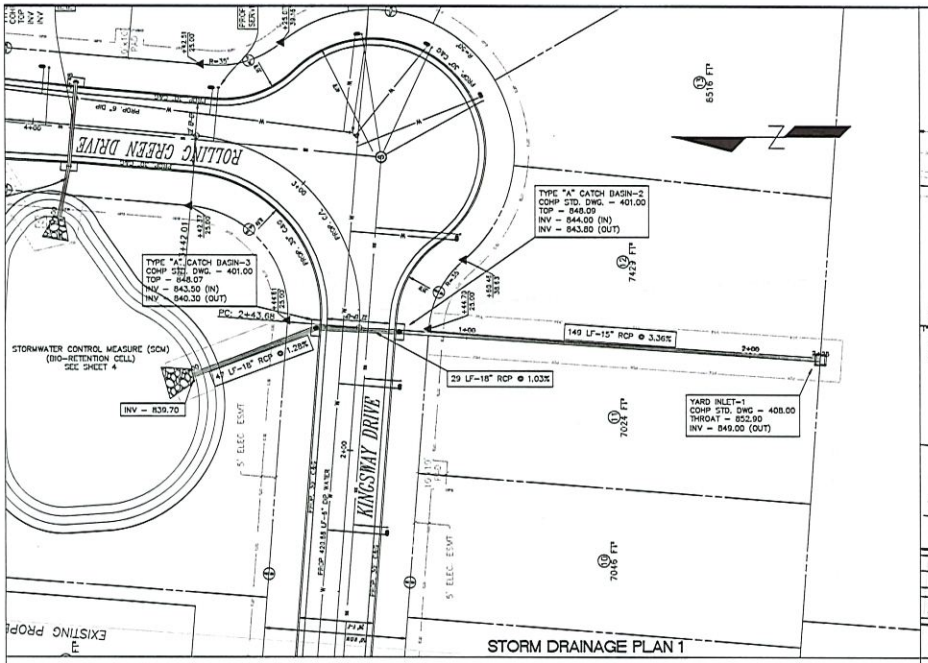
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29950 03-05-2020 TERRY A. HUNEFF

JOB NUMBER:	P00446
DATE	12-20-19
DESIGNED	JKF
DRAWN	JKF
CHECKED	TAX
SCALE	1" = 30' HORIZONTAL

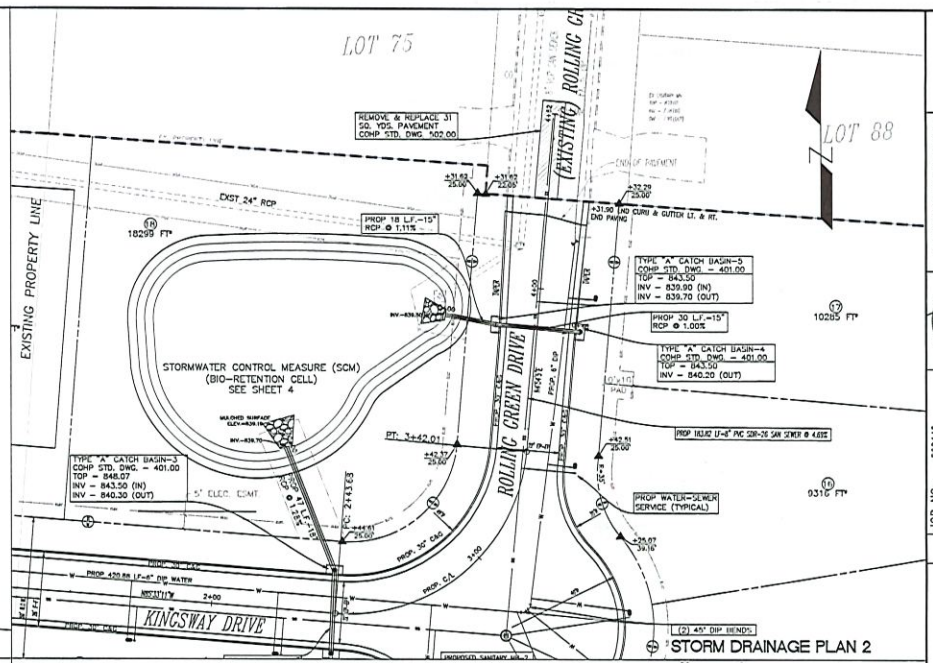
REV	DATE	DESCRIPTION	BY
			JKF

WATERSHED, GRADING, AND STORM DRAINAGE PLANS
CITY OF HIGH POINT
CEDROW SUBDIVISION
1501 CEDROW DRIVE
HIGH POINT – GUILFORD COUNTY – N.C.

SHEET NO.
3

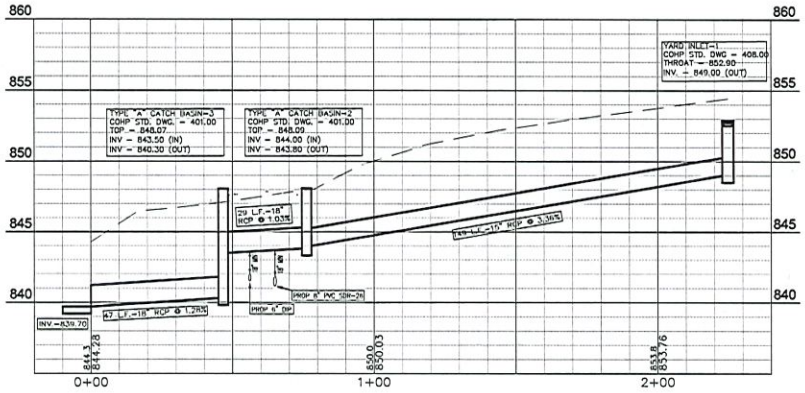


STORM DRAINAGE PLAN 1

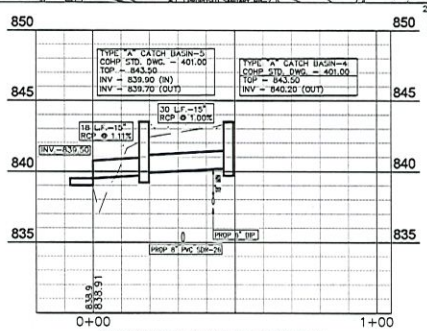


STORM DRAINAGE PLAN 2

Scale 1" = 20'

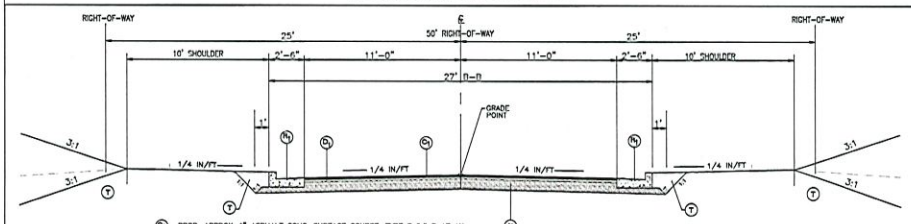


STORM DRAINAGE PROFILE 1



STORM DRAINAGE PROFILE 2

Scale 1" = 20'



(D1) - PROP. APPROX. 1" ASPHALT CONC. SURFACE COURSE, TYPE S 9.5 B AT AN AVERAGE RATE OF 138 LBS. PER SQ. YD. IN ONE LAYER.
(D2) - PROP. APPROX. 2" ASPHALT CONC. SURFACE COURSE, TYPE S 9.5 C AT AN AVERAGE RATE OF 257 LBS. PER SQ. YD.
(B) - PROP. 8" AGGREGATE BASE COURSE
(N) - PROP. 2'-6" CONCRETE CURB AND GUTTER.
(T) - EARTH MATERIAL

TYPICAL SECTION NO. 1
NEW STREET PAVEMENT
STA. 0+00 TO STA. 4+62
(PAVEMENT WIDTH VARIES IN CUL-DE-SAC)

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
211 S. WASHINGTON STREET
P.O. BOX 230
HIGH POINT, N.C. 27261
TELEPHONE (336) 883-3314
FAX (336) 883-4118

NORTH CAROLINA PROFESSIONAL SEAL 025360 ENGINEER TERRY A. KLINEFE

JOB NO:	F02445
DATE	DECEMBER 2019
DESIGNED	JAF, CEB
DRAWN	JAF, CEB
CHECKED	TAK
SCALE	1" = 20' HORZ., 1"=4' VERT.

REV.	DATE	DESCRIPTION	BY

PLAN AND PROFILE DRAWINGS FOR
CEDROW SUBDIVISION
STORM DRAINAGE PLAN & PROFILE
STORM DRAIN PROFILES
HIGH POINT - GUILFORD COUNTY - N.C.

SHEET NO. 5

EROSION CONTROL NOTES

EROSION CONTROL NOTES

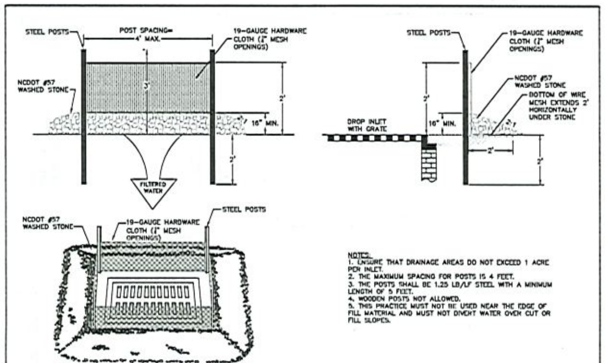
1. This Revised Erosion Control Plan is Phase 2 of the current Erosion Control Plan (GUILF-2018-042) that was approved June 29, 2018.
2. The Project Disturbed area in Phase 2 will consist of:
   a. Proposed Kingsway and Rolling Green Drive
   b. Proposed Storm Drainage to the Bio-Cell
   c. Proposed Bio-Cell
   d. Construction Entrance
   e. House Construction
3. The Disturbed Area (4.43 Acres) that was approved June 29, 2018 has been seeded and stabilized.
4. Site Disturbed Area: (Phase 2 = 4.00 Acres)
5. The Project is located within the Oakdale General Watershed. Therefore, the "Oakdale General Watershed Protection Rules" apply.
6. Contractor shall be responsible for all erosion control practices required to minimize effects on adjacent properties during construction. Erosion Control practices shall be continued in accordance with the plans and shall be maintained until contributing areas are stable.
7. Contractor shall be responsible for following the various construction and erosion control sequences listed in the plans.
8. Stabilized construction entrances shall be provided at all points of ingress and egress from disturbed areas onto paved streets. These shall be built and maintained according to the standard shown in the plans.
9. The de-watering of structures with sediment-laden water directly to streams is strictly prohibited. The Contractor shall provide whatever means (e.g. silt bags, distilling basins, etc.) to comply with this stipulation. This will not be paid for separately but shall be included in the unit prices for the other various erosion and sedimentation control pay items.
10. If the Contractor chooses to utilize a staging area outside the project limits, which involves the disturbance of any land, adequate erosion control measures and a Reclamation Plan will be required, and prior notice to the City and State will be required along with a revised Erosion Control Plan if necessary.
11. If an addendum to the Erosion and Sediment Control Plan is necessary, it must be submitted and approved prior to the initiation of any land disturbing activity which has not been previously approved.
12. All finished slopes are to be in accordance with the grading shown on the plan. Under no circumstances are finished slopes to be steeper than 3:1.
13. Contractor shall comply with all requirements set forth under the NPDES permit conditions and in accordance with the project provisions.

BORROW, WASTE, AND TOPSOIL REQUIREMENTS

1. Construct and maintain all erosion and sedimentation control practices and measures in accordance with the approved plan and construction schedule. All construction is to be in accordance with 2018 NCDOT Standard Specifications for Roads and Structures.
2. Remove good topsoil from areas to be graded and filled, and preserve it for use in finishing the grading of all critical areas.
3. Scarify areas to be topsoiled to a minimum depth of 2 inches before placing topsoil.
4. Clear and grub areas to be filled. Remove trees, vegetation, roots, or other objectionable material that would affect the planned stability of the fill.
5. Ensure that fill material is free of brush, rubbish, rocks, logs, stumps, building debris, and other materials inappropriate for constructing stable fills.
6. Place all fill in layers not to exceed 9 inches in thickness, and compact the layers as required in the North Carolina Standard Specifications for compaction requirements.
7. Do not incorporate frozen material or soft, mucky, or highly compressible materials into fill slopes.
8. Do not place fill on a frozen foundation, due to possible subsidence and slippage.
9. Keep diversions and other water conveyance measures free of sediment during all phases of development.
10. Handle seeps or springs encountered during construction in accordance with approved methods.
11. Temporary stabilization (i.e. temporary seeding) shall be completed on exposed slopes within 14 days following completion of any phase of grading. Permanent stabilization (i.e. permanent seeding) shall be completed for all disturbed areas within 14 days following completion of construction. See Stabilization Timeframes table below on this sheet.
12. All borrow or waste activity is regulated under the mining act of 1971, and all landfills must be regulated by the Division of Solid Waste Management. All Borrow hauled into the site for the construction must come from a regulated mine and all Waste must be taken to a regulated landfill. Ultimately, from the perspective of the North Carolina Division of Land Quality, the City of High Point is the Responsible Party for any Borrow or Waste activities associated with this project. Therefore, the City of High Point holds the Contractor accountable for adhering to all federal, state and local laws. This shall apply to any borrow or waste site and any site where topsoil is stockpiled. The work listed in this section consists of the disposal of waste and debris in accordance with the requirements of these specifications. Waste will be considered to be all excavated materials that are not utilized in the construction of the project, including overburden from borrow sources and soil type base course sources. Debris will be considered to be all undesirable material encountered on the project. Waste and debris shall be disposed of in areas that are outside of the right-of-way and provided by the Contractor, unless otherwise provided for by the plans or special provisions or unless disposal within the right-of-way is permitted by the Engineer. Where the Engineer has granted permission to dispose of waste and debris within the right-of-way, the Engineer will have the authority to establish whatever additional requirements may be necessary to ensure the satisfactory appearance of the completed project. The Contractor shall dispose of waste or debris in Active Public Waste or Disposal Sites in accordance with the North Carolina Standard Specifications for Roads and Structures; he shall provide evidence satisfactory to the Engineer that the proposed area or site has been permitted by the Solid Waste Management Division of the North Carolina Department of Environment, Health and Natural Resources.
13. Topsoil stockpiles, borrow areas, and spoil areas shall be adequately protected from erosion at all times. After construction is complete, these areas shall be final stabilized in accordance with the Stabilization Timeframe table on this sheet.
14. A revised plan must be submitted & accepted by NCDENR prior to removal of any waste material not already included in the approved plan.

CONSTRUCTION SEQUENCE

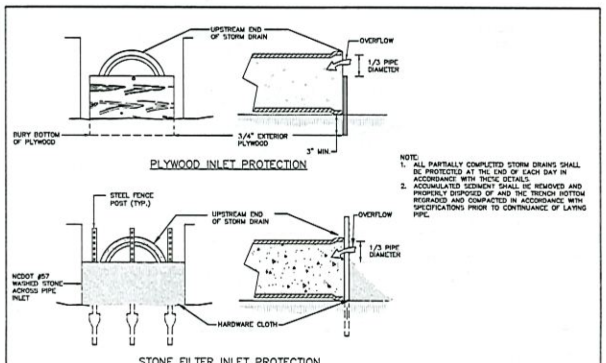
1. The City of High Point will obtain a Land Disturbing Permit from North Carolina Division of Land Quality.
2. The site has been cleared and graded in Phase One Construction of this Project. The site has been seeded and is currently stabilized with groundcover. The Contractor is to stay within the limits of construction for Phase 2. Any need to cross this limit line will need to be brought to the attention of the engineer prior to any cross over.
3. A pre-construction meeting shall be conducted with the City of High Point, all contractors involved with land disturbance, and the North Carolina Division of Land Quality Erosion Control Inspector on site prior to any clearing or grading.
   The following must be performed prior to the Pre-Construction Meeting:
   a. The Street Construction Stakeout for the roadway and the Bio-Retention Cell shall be staked out prior to the pre-construction meeting. The Contractor is to stay within the limits of construction. Any need to cross this limit line will need to be brought to the attention of the engineer prior to any cross over.
      Initial ____________ Date ____________
   b. Post the Letter of Approval on site. Initial ____________ Date ____________
   c. Provide a rain-gauge on site. Initial ____________ Date ____________
   d. Obtain Self-inspection forms. Initial ____________ Date ____________
   e. A copy of the approved Revised Erosion and Sedimentation Plan, the Letter of Approval and the Land Disturbing Permit must be provided and maintained on the site.
4. Install the stone construction entrances as shown on the plans.
5. General Note: Install all Temporary Silt Fence, Diversion Berms and the Existing Basin as shown on the plans. All Temporary Diversion Berms, swales and other areas shall be seeded and mulched with straw or equivalent within seven days. All perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3 horizontal to 1 vertical (2:1) shall be provided temporary or permanent stabilization with ground cover as soon as practical but in any event within 7 calendar days from the last land-disturbing activity.
6. Record date(s) of providing groundcover. Initial ____________ Date ____________.
7. Fine Grade the street.
8. Install the proposed temporary structure (see sheet EC-1) and new coir baffles in the existing Temporary Sediment Basin. The Temporary Sediment Basin and Skimmer Device are to remain in place until the bio-retention cell is installed.
9. After the sub-grade fine grading for the street is complete, install the proposed storm drainage system for the proposed street, the proposed waterlines and the proposed sanitary sewer lines and services
10. Finish the the Fine Grading for all of the remaining roadways shoulders, swales and all that is required to complete Phase 2.
11. The Erosion Control devices shall be diligently maintained throughout construction. Devices shall be inspected and repaired after each significant rainfall in accordance with NPDES requirements.
12. Stone outlets in silt fence are to be checked and cleaned out on a regular maintenance schedule.
13. Seed all denuded areas within fourteen (14) days of completion of any phase of grading in accordance with the Stabilization Time frames table on sheet 3 of this plan.
14. Any slope graded steeper than 3:1 shall be covered with excelsior matting to prevent erosion after seeding.
15. Erosion control devices are to remain in place until the project is completed or the site is properly stabilized with ground cover. All upstream areas must be stabilized prior to removal of erosion control devices, and the disturbed area must be adequately stabilized prior to removal of the erosion control devices. Once this occurs, remove sediment, grade to final elevations and stabilize.
16. Remove erosion control devices only upon receipt of approval from erosion control inspector and when the disturbed areas have been adequately stabilized.
17. The permittee-contractor shall be responsible for all site erosion control maintenance during construction. In addition, the permitee-contractor shall be responsible for keeping all items/records required by the National Pollutant Discharge Elimination System (NPDES) Permit.
18. The contractor shall have on site the means to remove any sediment tracked onto the street. If conditions require, equipment must be on site to wash tires of vehicles prior to entering the pavement areas.
19. All construction sites one (1) acre or more, requires a NPDES Permit.
20. Written documentation of a deviation from approved plan must be noted on the approved plans.
21. Written documentation of an emergency situation where sediment has been discharged off site must be recorded. Also, contractor's actions to repair and return area to prestorm condition must be recorded.
22. The permittee shall inspect all erosion and sedimentation control facilities every seven days and within 24 hours of a .5 inch of rain. Findings shall be recorded and presented upon inspector's request.
23. Any failures that cause visible sedimentation to leave the approved disturbed limits shall be corrected immediately and documented.
24. A Self-Inspection Program for all land-disturbing activities larger than one (1) acre is required per GS 113A-54.1(e). This General Statue directs all persons conducting land-disturbing activities larger than one (1) acre to inspect their project after completing each phase of the project, and document the inspection in writing. A detailed explanation may be viewed at North Carolina Department of Environmental Quality's Web-site. The Division of Energy, Mineral and Land Resources is responsible for administrating both the SPCA and the NPDES Stormwater Permit for Construction activities. NCG 0100000.
25. Retention Ponds and Bio-retention Cells may be used until the end of all grading phases and construction of houses/buildings for collection of sediment. If retention ponds and bio-retention cells are used for erosion control measures, then the structure shall be cleaned of collected sediment prior to certification by engineer.
26. Weather forecast shall be monitored. The contractor shall prepare for rain events by re-examining all erosion control measures prior to start of precipitation. Any re-enforcement or corrections should be performed and documented.
27. If fill materials are to be brought onto this project or waste materials are to be taken from this project, this information must be disclosed and shown on the erosion control and grading plan. Borrow areas and dump sites are part of this project and the permittee is responsible for stabilization and erosion control measures at these sites. These sites must be permitted.
28. The erosion control inspector can require, in addition to any other civil or criminal penalty or injunctive relief, that any person(s) who is engaged in a land-disturbing activity and fails to retain sediment generated by the land-disturbing activity, to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.



CITY OF HIGH POINT
NORTH CAROLINA
ENGINEERING SERVICES DEPARTMENT
APPROVED FEBRUARY 17, 2012
DIRECTOR

STANDARD DRAWING FOR
WIRE AND STONE INLET PROTECTION
FOR STORM DRAIN INLETS

INLPRO WS.DWG
608.00
SHEET 1 OF 1



CITY OF HIGH POINT
NORTH CAROLINA
ENGINEERING SERVICES DEPARTMENT
APPROVED FEBRUARY 17, 2012
DIRECTOR

STANDARD DRAWING FOR
PIPE INLET PROTECTION
FOR EROSION CONTROL

INLPROT.DWG
617.00
SHEET 1 OF 1

EROSION CONTROL LEGEND

- WIRE AND STONE INLET PROTECTION COHP STD. DWG. 608.00
- TEMPORARY SILT FENCE NCDOT 1605.01
- EX PIPE — ROCK PIPE INLET SEDIMENT TRAP TYPE A, NCDOT 1635.01
- STRAW WATTLE
- TEMPORARY DIVERSION BERM, NCDOT 1630.05
- STONE OUTLET FOR SILT FENCE

*STONE OUTLETS FOR PROPOSED SILT FENCE SHALL BE PLACED AT ALL LOW SPOTS.

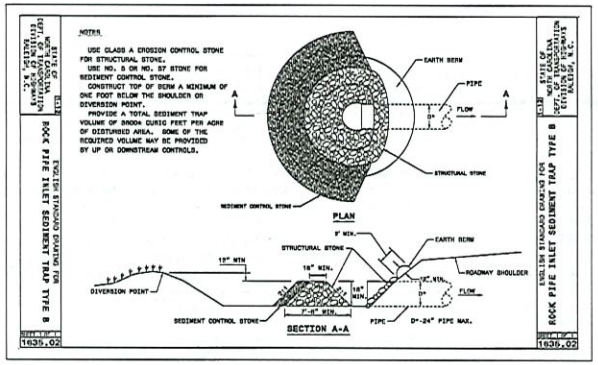
CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
211 S. HAMILTON STREET
P.O. BOX 230
HIGH POINT, N.C. 27261
TELEPHONE (336) 883-3194
FAX (336) 883-4118

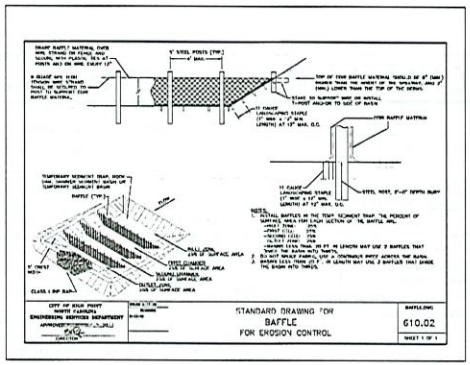
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29950 12-20-2019 TERRY A. KUNEFF

JOB NO:	P00446	PLOT DATE	6-28-18
DATE	12-06-2019		
DESIGNED	JSD		
DRAWN	JSD		
CHECKED	TAK, JKF	1	6-27-18	REVISED THE CONSTRUCTION SEQUENCE	JSD
SCALE	1" = 20' HOR.	REV.	DATE	DESCRIPTION	BY

EROSION CONTROL PLAN
CEDROW SUBDIVISION PHASE 2
EROSION CONTROL PLAN
HIGH POINT – GUILFORD COUNTY – N.C.

SHEET NO.
EC-2
OF 6





-THERE IS CURRENTLY A FUNCTIONING SKIMMER DEVICE IN THE TEMPORARY SEDIMENT BASIN FROM PHASE ONE. THESE DETAILS ARE PROVIDED AS A REFERENCE AND IN CASE REPLACEMENT IS NEEDED.
-MAINTENANCE OF THIS BASIN WILL CONTINUE UNTIL THE SITE IS STABILIZED AND THE BASIN IS CONVERTED TO A BIO-RETENTION DEVICE.
-WHEN PHASE TWO IS COMPLETED AND THE SITE IS STABILIZED, THE TEMPORARY SEDIMENT BASIN SHALL BE CONVERTED TO BIO-RETENTION CELL. (SEE THE WATERSHED PLAN)

FAIRCLOTH SKIMMER DEVICE DETAILS AND SPECIFICATIONS

FAIRCLOTH SKIMMER DEVICE

Construction Specifications Practice Standards and Specifications:

1. Clear, grub, and strip the area under the embankment of all vegetation and root mat. Remove all surface soil containing high amounts of organic matter and stockpile or dispose of it properly. Haul all objectionable material to the designated disposal area. Place temporary sediment control measures below basin as needed.
2. Ensure that fill material for the embankment is free of roots, woody vegetation, organic matter, and other objectionable material. Place the fill in lifts not to exceed 9 inches, and machine compact it. Overfill the embankment 6 inches to allow for settlement.
3. Shape the basin to the specified dimensions. Prevent the skimming device from settling into the mud by excavating a shallow pit under the skimmer or providing a low support for under the skimmer of stone or timber
4. Place the barrel (typically 4-inch Schedule 40 PVC pipe) on a firm, smooth foundation of impervious soil. Do not use pervious material such as sand, gravel, or crushed stone as backfill around the pipe. Place the fill material around the pipe spillway in 6-inch layers and compact it under and around the pipe to at least the same density as the adjacent embankment. Care must be taken not to move the pipe from the firm contact with its foundation when compacting under the pipe haunches. Place a minimum depth of 2 feet of compacted backfill over the pipe spillway before crossing it with construction equipment. In no case should the pipe conduit be installed by cutting a trench through the dam after the embankment is complete.
5. Assemble the skimmer following the manufacturer's instructions, or as designed.
6. Lay the assembled skimmer on the bottom of the basin with the flexible joint at the inlet of the barrel pipe. Attach the flexible joint to the barrel pipe and position the skimmer over the excavated pit or support. Be sure to attach a rope to the skimmer and anchor it to the side of the basin. This will be used to pull the skimmer to the side for maintenance.
7. Earthen spillways – Install the spillway in undisturbed soil to the greatest extent possible. The achievement of planned elevations, grade, design width, and entrance and exit channel slopes are critical to successful operation of the spillway. The spillway should be lined with laminated plastic or impermeable geotextile fabric. The fabric must be wide and long enough to cover the bottom and sides and extend onto the top of the dam for anchoring in a trench. The edges may be secured with 80 inch staples or pins. The fabric must be long enough to extend down the slope and rest onto stable ground. The width of the fabric must be one piece, not joined or spliced, otherwise entire length of the spillway, multiple sections, spanning the complete width, may be used. The upper section(s) should overlap the lower section(s) so that water cannot flow under the fabric. Secure the upper edge and sides of the fabric in a trench with staples or pins. (adapted from "A Manual for Designing, Installing and Maintaining Skimmer Sediment Basins." February, 1999 J.W. Faircloth & Son).

Maintenance Schedule:

Inspect skimmer sediment basins at least weekly and after each significant (one-half inch or greater) rainfall event and repair immediately. Remove sediment and restore the basin to its original dimensions when sediment accumulates to one-half the height of the first baffle. Pull the skimmer to one side so that the sediment underneath it can be excavated. Excavate the sediment from the entire basin, not just around the skimmer or the first cell. Make sure vegetation growing in the bottom of the basin does not hold down the skimmer.

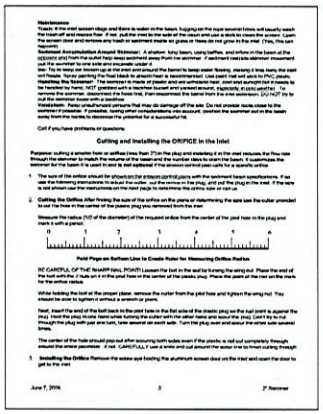
Repair the baffles if they are damaged. Re-anchor the baffles if water is flowing underneath or around them.

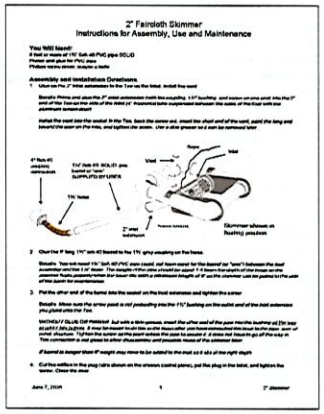
If the skimmer is clogged with trash and there is water in the basin, usually jerking on the rope will make the skimmer bob up and down and dislodge the debris and restore flow. If this does not work, pull the skimmer over to the side of the basin and remove the debris

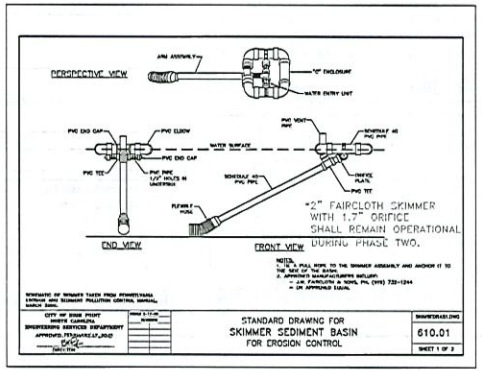
If the skimmer arm or barrel pipe is clogged, the orifice can be removed and the obstruction cleared with a plumber's snake or by flushing with water. Be sure and replace the orifice before repositioning the skimmer.

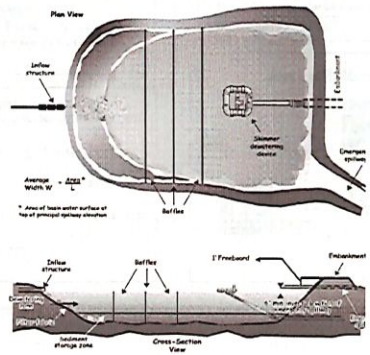
Check the fabric lined spillway for damage and make any required repairs with fabric that spans the full width of the spillway. Check the embankment, spillways, and outlet for erosion damage, and inspect the embankment for piping and settlement. Make all necessary repairs immediately. Remove all trash and other debris from the skimmer and pool area.

Freezing weather can result in ice forming in the basin. Some special precautions should be taken in the winter to prevent the skimmer from plugging with ice.









CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
211 S. HAMILTON STREET
P.O. BOX 2219
HIGH POINT, N.C. 27261
TELEPHONE (336) 883-3194
FAX (336) 883-4118

NORTH CAROLINA PROFESSIONAL SEAL 29950 12-20-2019 ENGINEER TERRY A. KLINEFTER

JOB NO.	P00446		
DATE	12-06-2019		
DESIGNED	JSD		
DRAWN	JSD		
CHECKED	TAK, JKF		
SCALE	1" = 20' HOR.		

REV.	DATE	DESCRIPTION	BY
1	6-27-18	REVISED THE SKIMMER EARTHEN SOIL	JSD
FIG01	DATE	6-28-18	

EROSION CONTROL PLAN

CEDROW SUBDIVISION PHASE 2
EROSION CONTROL PLAN

HIGH POINT - GUILFORD COUNTY - N.C.

SHEET NO.
EC-4
OF 6

PLOT DATE AND FILE: 12-20-2019 Y:\DRAWINGS\projects\P00446\Erosion Control Plan\EC-2 THRU EC-4 PHASE 2.dwg

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those un-attended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating properly, 5. Description of maintenance needs for the measure, 6. Description, evidence, and date of corrective actions taken.
(3) Stormwater discharge outfalls (SDOs)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5. Indication of visible sediment leaving the site, 6. Description, evidence, and date of corrective actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If visible sedimentation is found outside site limits, then a record of the following shall be made: 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 2. Description, evidence, and date of corrective actions taken, and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made: 1. Description, evidence and date of corrective actions taken, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit.
(6) Ground stabilization measures	After each phase of grading	1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.

Item to Document	Documentation Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures or if the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

(a) This General Permit as well as the Certificate of Coverage, after it is received.

(b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.

3. Documentation to be Retained for Three Years

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION C: REPORTING

1. Occurrences that Must be Reported

Permittees shall report the following occurrences:

(a) Visible sediment deposition in a stream or wetland.

(b) Oil spills if:
- They are 25 gallons or more,
- They are less than 25 gallons but cannot be cleaned up within 24 hours,
- They cause sheen on surface waters (regardless of volume), or
- They are within 100 feet of surface waters (regardless of volume).

(c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.

(d) Anticipated bypasses and unanticipated bypasses.

(e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. • If the stream is named on the NC 303(d) list as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	• ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	• ***A report at least ten days before the date of the bypass, if possible.*** The report shall include an evaluation of the anticipated quality and effect of the bypass.
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(l)(7)]	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6). • Division staff may waive the requirement for a written report on a case-by-case basis.

PART II, SECTION G, ITEM (4)
DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

(a) The E&SC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items,
(b) The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit,
(c) Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems,
(d) Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item (c) above,
(e) Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
(f) Sediment removed from the dewatering treatment devices described in Item (c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

NORTH CAROLINA
Environmental Quality

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

EFFECTIVE: 04/01/19

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
211 S. HAMILTON STREET
P.O. BOX 230
HIGH POINT, N.C. 27261
TELEPHONE (336) 883-3194
FAX (336) 883-4118

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 29950 02-05-2020 TERRY A. KUNEFF

JOB NO:	P00446
DATE	NOVEMBER 2019
DESIGNED	JSD
DRAWN	JSD
CHECKED	TAK, JKF
SCALE:	NOT TO SCALE

REV.	DATE	DESCRIPTION	BY

EROSION CONTROL NCG01 SHEET FOR
CEDROW SUBDIVISION
KINGSWAYS DR TO ROLLING GREEN DR
ROADWAY AND SITE IMPROVEMENTS
HIGH POINT – GUILFORD COUNTY – N.C.

SHEET NO.
EC-6
OF 6

PLOT DATE AND FILE: 12-20-2019 Y:\DRAWINGS\projects\P00446\Erosion Control Plan\EC SHEET NCG01.dwg

HIGH POINT

NORTH CAROLINA'S INTERNATIONAL CITY™

I, Lisa B. Vierling, MMC, City Clerk of the City of the City of High Point, North Carolina, do hereby certify that the attached excerpt of minutes is a true copy as contained in the Official Minutes located in Minute Book # 95 and constitutes official action by the City Council of the City of High Point during an official meeting held on Monday, May 18, 2020 in the 3rd Floor Lobby Conference Room #302 of the Municipal Office Building, 211 South Hamilton Street, High Point, NC.

As of this date, action taken by the High Point City Council relative to this particular action, has not been amended, rescinded or repealed, and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this the 19th day of May, 2020.

Lisa B. Vierling

Lisa B. Vierling, MMC
City Clerk

City of High Point North Carolina

NORTH CAROLINA
GUILFORD COUNTY

I, Mary S. Brooks, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that by authority duly given and as an act of said City, she personally appeared before me this date and executed the foregoing Certification.

WITNESS my hand and Notarial Seal,
This 19th day of May, 2020.

Mary S Brooks

Mary S. Brooks, Notary Public
My commission expires: 7/26/2023

MARY S BROOKS
NOTARY PUBLIC
GUILFORD COUNTY, NC
My Commission Expires 7-26-2023

Note: Although one motion was made to approve/adopt these matters under the Finance Committee Consent Agenda, action on all of these matters will be reflected throughout the Consent Agenda portion of these minutes as being made and seconded by the same persons.

2020-155 **Ordinance- NCMPA1 - Waiver Agreement - Project and Supplemental Power Sales Agreement 2020**

City Council is requested by NCMPA1 to approve a request to send the monthly wholesale power bill electronically through email. To do this NCMPA1 is requesting a Waiver Agreement from each Participant that waives the US mail requirement outlined in the Project and Supplemental Power Sales Agreements. This item was discussed at the NCMPA1 Rate Committee meeting on March 19 and the NCMPA1 Board of Commissioners meeting on April 21. The ElectriCities Board of Directors approved at its meeting on April 24, authorization of such Waiver Agreement in the attached resolution BDR-6-20.
NCMPA1 is requesting High Point City Council to approve the following:

1. Waiver Agreement NCMPA1 Project and Supplemental Power Sales Agreement 2020
2. Ordinance Approving Waiver Agreement NCMPA1 PSPS Agreements 2020

The following actions were taken:

1. ADOPTED AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGH POINT DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 (NCMPA1) AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT, and

2. APPROVED THE WAIVER AGREEMENT THAT WAIVES THE US MAIL REQUIREMENT OUTLINED IN THE PROJECT AND SUPPLEMENTAL POWER SALES AGREEMENTS, and

A motion was made by Council Member Moore, seconded by Council Member Holmes, that this matter be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7608/20-24
Ordinance Book, Volume XXI, Page 24

2020-156 **Tax Collection Orders- Forsyth County Tax Administration- for Collection of Fiscal Year 2020 Taxes and Collection of 2019 and Prior Years' Taxes**

City Council is requested to approve the Tax Collection Orders as requested by the Forsyth County Tax Administration for collection of Fiscal Year 2020 Taxes and collection of 2019 and prior years' taxes by the Forsyth County Tax Administration office for areas of High Point located in Forsyth County, and to authorize the appropriate City Official to execute the Tax Collection Orders.

WAIVER AGREEMENT

This WAIVER AGREEMENT is dated as of May 4, 2020, by and between North Carolina Municipal Power Agency Number 1, a joint agency of the State of North Carolina ("Power Agency"), and the municipality of the State of North Carolina that has executed this Waiver Agreement (the "Participant").

WHEREAS, Power Agency and the Participant, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "PPSA") pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant's Share of Project Output; and

WHEREAS, Power Agency and the Participant, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "SPSA" and, together with the PPSA, the "Agreements") pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant's All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply, and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill") and

WHEREAS, since the date of the Agreements, (i) Power Agency's and the Participant's accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements

requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement be submitted to each of the Participants for approval and execution; and

WHEREAS, the Participant has determined that the Waiver is in the best interest of the Participant and has authorized and directed that this Waiver Agreement be executed for and on behalf of the Participant.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are acknowledged hereby, the parties hereto mutually agree as follows:

Section 1. Unless the context clearly indicates to the contrary, all capitalized terms used in this Waiver Agreement shall have the meanings given them in the Agreements.

Section 2. For and during the remainder of the term of each of the Agreements, and any extensions thereto, the Participant hereby waives and forever relieves Power Agency of the obligation to mail Annual Budget Information and Monthly Bills to the Participant, as required by Section 5(a) and 5(b) of each of the Agreements, respectively, so long as Power Agency provides Annual Budget Information and Monthly Bills to the Participant by electronic means to such address as the Participant shall specify in writing to Power Agency (as such address may be changed similarly from time to time).

Section 3. This Waiver Agreement shall become effective upon the execution and delivery of similar waiver agreements by Power Agency and each Participant, and shall otherwise become effective upon execution and delivery hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Waiver Agreement all by the authority of their respective governing bodies duly given.

Executed the 18th day of May, 2020.

City of High Point

By:_____
Jay W. Wagner, Mayor

ATTEST:

_____
Lisa B. Vierling, City Clerk

(SEAL)

Executed this 19th day of May, 2020.

NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1

By:_____

ATTEST:

_____
(Ass't) Secretary-Treasurer

(SEAL)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICPAL POWER AGENCY NUMBER 1 AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT

WHEREAS, the City of High Point, North Carolina (the "Municipality") and North Carolina Municipal Power Agency Number 1 ("Power Agency") entered into a Project Power Sales Agreement dated as of the first day of May, 1978, (as amended in 1984 and as may be further amended or supplemented, the "Project Power Sales Agreement"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, the Municipality's Participant's Share (as defined in the Project Power Sales Agreement) of Project Output (as defined in the Project Power Sales Agreement); and

WHEREAS, the Municipality and Power Agency entered into a Supplemental Power Sales Agreement also dated as of the first day of May, 1978 (as amended in 1984 and as may be further amended or supplemented, the "Supplemental Power Sales Agreement" and, together with the Project Power Sales Agreement, the "Agreements"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, All Requirements Bulk Power Supply (as defined in the Supplemental Power Sales Agreement), which consists of Project Output (as defined in the Supplemental Power Sales Agreement) and Supplemental Bulk Power Supply (as defined in the Supplemental Power Sales Agreement); and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill"); and

WHEREAS, as a result of changes to Power Agency's and the Participant's accounting systems due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication since the date of the Agreements, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement (the "Waiver Agreement") be submitted to each of the Participants for approval and execution; and

WHEREAS, Power Agency has caused to be furnished to this governing body a copy of the Waiver Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of High Point, North Carolina:

1. After due consideration to the contents of each of the preambles set forth above and of the Waiver Agreement, it is hereby found and determined that it is in the best interest of the Municipality to approve and authorize the execution and delivery of the Waiver Agreement.

2. The Municipality hereby approves the form, terms and provisions of the Waiver Agreement in the form presented to the meeting at which this Ordinance is adopted, with such changes therein as shall be approved by the officials of the Municipality executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all such changes. The Mayor and the Clerk of the Municipality are hereby authorized and directed to execute, acknowledge and deliver the Waiver Agreement in the name of and on behalf of the Municipality and thereupon to cause the aforesaid Waiver Agreement to be delivered to Power Agency.

3. The officers and officials of the Municipality are hereby authorized and directed to execute such further documents and to take any and all further action as, upon the advice of the Attorney of the Municipality, shall be deemed necessary or desirable in order to effectuate the execution and delivery of the Waiver Agreement.

4. The Clerk of the Municipality is hereby directed to file with the minutes of the meeting at which this Ordinance is adopted the copy of the Waiver Agreement.

5. This Ordinance shall become effective from and after its adoption.

ADOPTED this 18th day of May, 2020.

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

(Impress SEAL here)

CLERK'S CERTIFICATE

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, (the "Municipality"), DO HEREBY CERTIFY as follows:

1. As of the date of this Certificate and the date of the introduction and adoption of the Ordinance hereinafter described, the City Council of the Municipality ("the Governing Body") consisted of nine (9) members, all of whom have been duly elected and qualified.

2. **Jay W. Wagner** was the duly elected and qualified Mayor of the Municipality at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the document hereinafter described. **Bobby Fitzjohn** was the finance officer of the Municipality duly appointed by the City Manager and confirmed by the Governing Body, and acting in that capacity at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the documents hereinafter described.

3. The undersigned has been duly appointed by the High Point City Council and such appointment was confirmed by the Governing Body as Clerk of the Municipality, to hold office at the pleasure of the city Council, and the appointment as Clerk predated the introduction and adoption of the Ordinance hereinafter described and remains in full force and effect as of the date of this Certificate.

4. The seal, an impression of which appears below, is the corporate seal duly adopted by the Municipality.

5. The undersigned, as Clerk, is charged with the duty of keeping custody of the minutes and official records of the proceedings of the Governing Body.

6. At a regular meeting of the Governing Body conducted on the 18th day of May, 2020, the ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 AND APPROVING AND

AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT, a copy of which is attached hereto and made a part of this Certificate (the "Ordinance"), was introduced.

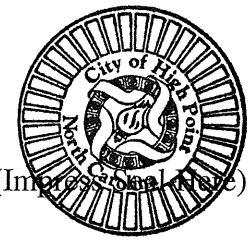
7. After consideration by the Governing Body, the Ordinance was duly adopted by the Governing Body at a regular meeting of the Governing Body conducted on the 18th day of May, 2020, by a vote of **9** yeas and **0** nays. The Ordinance was thereafter duly recorded in the ordinance book of the Municipality and the municipal journal, if any. A copy of an excerpt of the pertinent minutes of said meeting is attached hereto.

8. The meeting referred to in this Certificate was a duly called and held regular meeting of the Governing Body, open to the public, and a quorum of the Governing Body was present and acting throughout; the excerpt of the minutes attached hereto has been compared by the undersigned with the original thereof that is on file and of record in the office of the undersigned and it is a full, true and complete copy of said original; the copy of the Ordinance attached hereto has been compared by the undersigned with the original thereof that is on file in the ordinance book (and municipal journal, if any) and it is a full, true and complete copy of said original. The Ordinance has not been amended, modified, superseded or repealed and is in full force and effect as of the date hereof.

9. A copy of the Waiver Agreement has been filed in the Clerk's office with the minutes of the proceedings at which the Ordinance was adopted.

10. The copy of the Waiver Agreement furnished to North Carolina Municipal Power Agency Number 1 by the undersigned, together with this Certificate, has been duly executed by the Mayor of the Municipality and duly attested by the undersigned as Clerk of the Municipality, and the corporate seal of the Municipality has been impressed thereon or affixed thereto, all pursuant to authority granted by the Ordinance. In addition, the execution copy of the Waiver Agreement has been endorsed by the appropriate representative of the Municipality to the extent such endorsement is required to be affixed thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of High Point this the 18th day of May, 2020.



(Impress Seal Here)

Lisa B. Vierling, City Clerk

Attachments:
Ordinance
Minutes

140111-00038000/8091413v7

NORTH CAROLINA

FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE CITY OF HIGH POINT
IN ACCORDANCE WITH G.S.105-321, G.S. 153A-156 AND G.S. 160A-215.2
FOR THE COLLECTION OF 2020 TAXES

TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE,
TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING,
TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2020 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2020 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District, West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156 and gross receipts derived from short-term lease or rental of heavy equipment as set forth under G.S. 160A–215.2. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions at the discretion of the Tax Collector.

WITNESS my hand and official seal, this the 18th day of MAY, 2020.

MAYOR, CITY OF HIGH POINT

ATTEST:

CLERK

City of High Point North Carolina

NORTH CAROLINA

FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE CITY OF HIGH POINT
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321, G.S.105-330.3 and G.S. 153A-156
FOR THE COLLECTION OF 2019 AND PRIOR YEARS' TAXES

TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM, VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2011 through 2019 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2011 through 2019 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions in the discretion of the Tax Collector.

Taxes on registered classified Motor Vehicles for 2016 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on registered classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2016 and prior years.

WITNESS my hand and official seal, this the 18th day of May, 2020.

MAYOR, CITY OF HIGH POINT

ATTEST:

CLERK

Greensboro, Winston Salem). People move to High Point and stay: "We had five kids in, next thing you know, 42 or 43. We enjoyed being a safe haven for the community." Similarly, there are many immigrants who like High Point: "the immigrant community likes High Point. It feels like home. They move into High Point more than they move out."

Demographic Summary

According to the American Community Survey (ACS) conducted annually by the Census Bureau, the population has grown 30.9% since the 2000 (ACS 2019). Most of the growth has been in the non-White population. High Point has high concentrations of wealth and poverty correlated with race/ethnicity. The foreign-born population living in High Point is 13.9%. About 10,000 residents are non-English speaking. Approximately 15.1 % of the population is over the age of 65, while 61.8% are of working age (18-64), 23.1% are under 18, and 7.6% are 5 years old or less. Just over a tenth (13.6%) of the population has one or more types of disabilities. About 7.2% of the population (5,964 total) of High Point are Veterans. More than one-fifth of family households (22.7%) were single parents with children (19.1% were female headed with children), while just over a quarter were married with children (27.4%). Few (4.0%) households had both grandparents and grandchildren living in the household. Only 1.5% households had grandparents caring for grandchildren.

High Point's median household income was $44,642 (ACS 2013-2017). Importantly, a quarter (26.5%) of

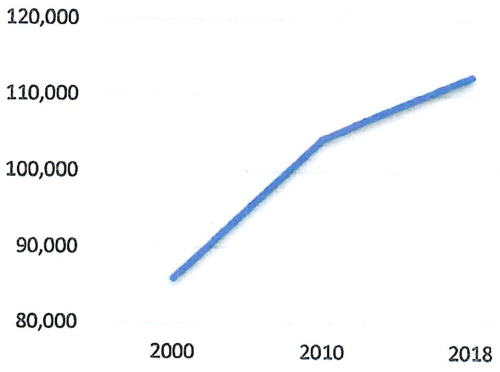


FIGURE 2 - POPULATION INCREASE HIGH POINT, NC 2000-2018

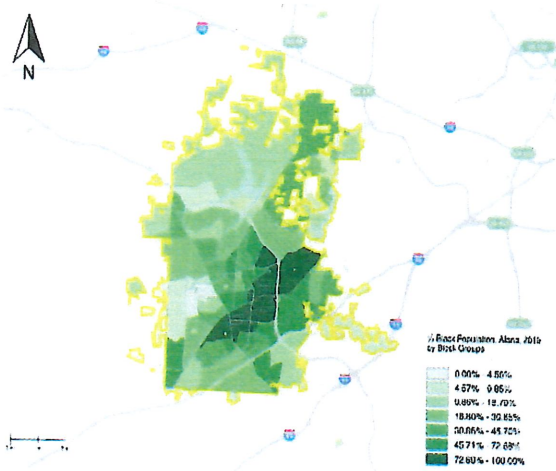


FIGURE 1 – AFRICAN AMERICAN POPULATION HIGH POINT NC (ACS 2019)

the households in High Point had an income below $25,000. According to the Census (ACS 2019), there are about 22,365 individuals in poverty in High Point, or about 19.7% of the total population. About three out of ten (29.6%) children under the age of 18 in live in households under the poverty line (7,939 children in all). The unemployment rate citywide is low at 4.5%; but disproportionately effect neighborhoods in the south of the city. More than a quarter (27.6%) of residents are unbanked and 21.9% of High Point residents are uncomfortable trusting money to a bank.

Family Structure

Most respondents to the CHCS survey lived in households with two adults (37.7%) followed by living alone (27.5%), and three adult households (13.8%). Only 32.8% lived with minor children in the home; the majority with only 1-2 children. Most households with children had two parents (48.7%), followed by single-female head of household with children (22.7%). Only three households (2.5%) were intergenerational.

According to the Census, nearly half of households were females headed (47.2%) while 52.8% were male headed (ACS 2019). More than one-fifth of family households (22.7%) were single parents with

children, while just over a quarter were married with children (27.4%). Few family households were male headed with children (3.6%) while 19.1% were female headed with children. While about 4.0% of households had both grandparents and grandchildren, only 1.5% were households where grandparents were responsible for grandchildren under age 18 (ACS 2013-2017). Responsibility indicates that the grandparent is financially responsible for food, shelter, clothing, day care, etc., for any and all grandchildren living in the household.

TABLE 1 – FAMILY COMPOSITION (CHCS SURVEY)

Responses	N	Percent
Two parents	58	48.7%
Single mom	27	22.7%
Other (explain)	9	7.6%
Single dad	5	4.2%
Raising own children and children of others	5	4.2%
Shared custody	5	4.2%
Raising children of other family members	3	2.5%
Intergenerational Household	3	2.5%
Raising someone else's children (not family)	2	1.7%
No children, other dependents	2	1.7%
Total	119	100.0%

Disabilities, Veterans, Retirees

In High Point, 14,778 (roughly 13.6%) of the civilian noninstitutionalized population has one or more types of disabilities (ACS 2013-2017). CHCS survey respondents for High Point included 26% (n=81) persons with disabilities; nearly twice the rate of the general population. Some families (12.1%) report caring for adult children or adult dependents including seniors due to mental or physical disability. Most provide care themselves (49.1%) or other family members care for them (15.1%). Nearly 20% are left home alone either because they can stay home alone (13.2%) or by necessity (7.5%).

Nearly two in five (37.2% or 5,501) of people with a disability are unemployed. In fact, 21.0% of the unemployed population has one or more types of disability. About 18.6% of residents in High Point (13,515) were retired in 2017, and a third (32.3%) of those with a disability are individuals over the age of 64. More than a quarter of those with a disability (27.1% or 3,963) are living in poverty. About 7.2% of the population (5,964 total) of High Point are Veterans. Roughly 10.1% of veterans in High Point are living in poverty. Of 32 veterans who respondent to the CHCS Survey, 18 (56.3%) said they were receiving veteran's benefits and services. The remaining 14 (43.8%) were not.

Educational Attainment

According to the Census Bureau, most High Point residents (84.7%) had a high school diploma or higher while 30.1% of residents 25 years and older had a bachelor's degree, graduate, or degree (ACS 2013-2017). Only 6.5% had less than a 9th grade education. There is also a racial achievement gap in educational attainment with 82.1% of the African American population 25 years and older having a high school diploma or greater level of education compared to 89.3% of the white population (ACS 2013-2017). The gap is even more apparent with the percentage of the population having attained at least a bachelor's degree: 18.4% for African Americans and 36.7% for whites. Educational attainment is highest in the more affluent communities of north and west High Point. As indicated with Census results, most CHCS survey respondents had a high school education or more (87.9%). On average respondents had "Some College." Only 33.3% of CHCS survey respondents had a four-year degree or greater.

Preschool and Childcare

Of those with children in the home, 32.1% of CHCS survey respondents indicated needing assistance with before and after school care, 17.9% needed a daycare center, and 14.1% need evening childcare due to work shift schedules. Notable were those who needed assistance for a child with special needs (6.4%). One parent wrote in, "Daughter is a teenager with autism, she feels very alone with no friends so depression and anxiety."

Employment Issues

According to respondents to the CHCS Survey, the top three reasons for having lost a job include: Personal health/injury (23.4% of respondents), their position was abolished (22.5%), and transportation issues (21.1%). The most common help with employment seeking requested was career and job training (15.8% of respondents), more education (11.8%), computer help (11.1%), and work clothing (10.1%). In focus groups, interviews, and on the CHCS survey write-in boxes, community members noted the need for better wages, more job skills, more tutors, better ways to increase educational attainment, and improved social mobility.

Concentrated Poverty

High Point's per capita income is $25,013 while the median household income was $44,642 (ACS 2013-2017). Importantly, a quarter (26.5%) of the households in High Point (10,862 households in total) had an income below $25,000 and more than half (55.2%) of households had an annual income of less than $50,000. Median household incomes are highest in west and north High Point. Incomes in High Point among survey respondents were bifurcated - meaning they were very poor or had higher incomes - few were in the middle. A majority CHCS survey respondents (68.6%) reported their household income fell below the median income for High Point

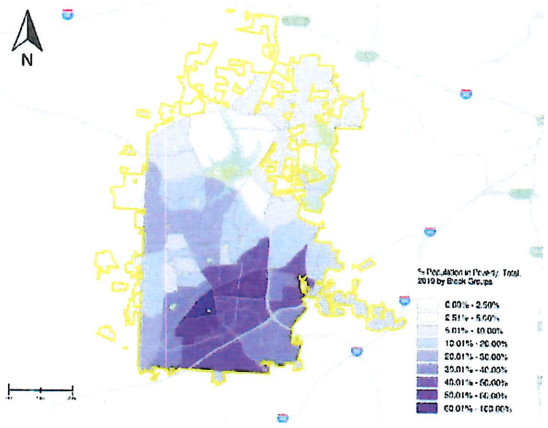


FIGURE 4 - POPULATION IN POVERTY IN HIGH POINT (ACS 2019)

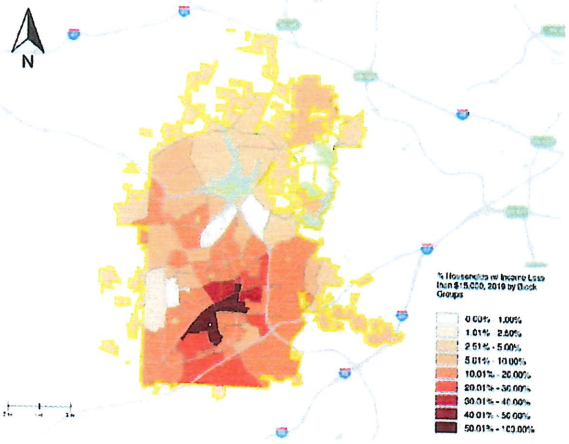


FIGURE 3 - MEDIAN HOUSEHOLD INCOME LESS THAN $15,000 HIGH POINT NC (ACS 2019)

($44,642, ACS 2017). Nearly a third (30.1%) were lower than the poverty threshold for a single person ($12,490) while almost a quarter (23.4%) earned $61,110 or more. About 75.7% of households earned income from wages or salary while 30.3% received Social Security Income, 9.4% earned income from self-employment, and 16.3% received retirements income (ACS 2019). One-fifth of High Point households (19.9%) also received public assistance and/or food stamps/SNAP. It is noted that many households receive multiple sources of income.

According to the Census (ACS 2019), there are about 22,365 individuals in poverty in High Point, about 19.7% of the total population. Slightly more females are in poverty than males. While only 4.1% non-Hispanic White population is in poverty, 10.4% of African Americans are in poverty. Of those over 65, 10.1% are living in poverty (ACS 2013-2017). Recent population estimates for High Point suggest that there are approximately 4,023 families in poverty. About three out of ten (29.6%) children under the age of 18 in live in households under the poverty line (7,939 children in all). 39.7% of households that are headed by a single householder (female householder, no husband present; male householder, no wife present) with own children were below poverty level (ACS 2013-2017). About 6.1% of High Point's families meet the definition of "deep poverty" or living on less than 50% of the poverty level. Poverty is concentrated in the Core

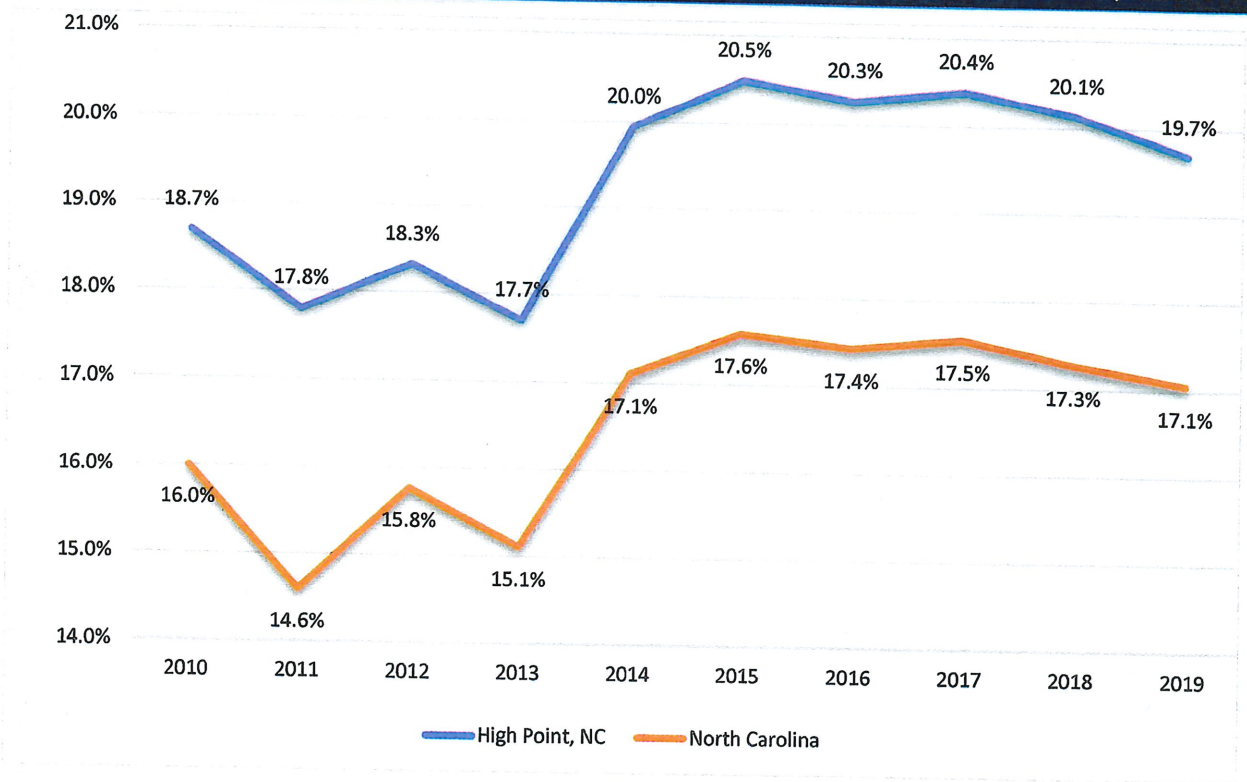


FIGURE 5 - PERCENT POPULATION IN POVERTY 2010-2019

City. These same areas (Census Tracts 144.08, 143, and 138) have been designated as concentrations of "persistent poverty" where 20 percent or more of the population has been living in poverty over the past 30 years (Brown University Longitudinal Tract Database, Policy Map, Census). Poverty rose sharply in 2014 from about 17% to 20% and has held consistent for the last five year.

While affordability and congeniality were factors attracting residents to High Point, the problems of concentrated poverty and race were affecting the everyday quality of life for many. There are several neighborhoods in the Core City where 50% or more of households earn less than $25,000 annually. CHCS survey respondents, focus group participants, and key informants recognized the segregation by race and income in High Point as a root cause of some of the problems discussed in the community. One respondent noted that "most in north High Point live in a cocoon. Consciously or unconsciously, they ignore the issues that plague other citizens of the city. " A resident of south High Point describes the feeling of being left out of decisions says that in her areas there is a "diverse community of seniors and young families that are praying someone, anyone, will speak to us about the inequities, we experience daily." Race/Ethnic concentrations of poverty are accompanied by factors that have negative consequences for the health of individuals and families, crime and safety concerns, food and job access, and disproportionate educational opportunities. The concentration of poverty in the Core City and south High Point have resulted in low home ownership rates, vacant homes, homelessness, food deserts, and concentrations of health issues and lower life expectancy. Substance use was recognized as a contributing issue to crime and violence outbreaks in the Core City and south High Point.

Moreover, residents perceive the poor economic conditions in some parts of the city to be contributing to the crime and violence: "If you take everything from me, I might be willing to steal, to kill." They link this violence to youth in particular saying that there a few things for young people to do and a lack of job readiness. Moreover, high crime

rates have influenced young members of the community to accept deviant behavior as the social norm, according to the older generation. Concentrated poverty itself becomes a significant impediment to upward social mobility as residents spend far more time and money in order to purchase groceries or medicine, find opportunities for entertainment, or place their children in daycare while working. Since employment opportunities are also limited in such areas, residents must commute outside their residential communities for virtually all of their daily needs. Yet, a large percentage of affordable housing for lower-income households is found only in such concentrated areas of poverty. People in these communities *feel* like the City and residents in the north end do not understand their plight.

Education

According to the Census Bureau, most High Point residents (84.7%) had a high school diploma or higher while 30.1% of residents 25 years and older had a bachelor's degree, graduate, or degree (ACS 2013-2017). Only 6.5% had less than a 9th grade education. There is a seven percentage point gap in educational attainment by race: 82.1% of the African American population 25 years and older have a high school diploma or greater as compared to 89.3% of the white population (ACS 2013-2017). The gap is even more apparent with the percentage of the population having attained at least a bachelor's degree: 18.4% for African Americans and 36.7% for whites. Educational attainment is highest in the more affluent communities of north and west High Point. As indicated with Census results, most CHCS survey respondents had a high school education or more (87.9%). On average respondents had "Some College." Only 33.3% of CHCS survey respondents had a four-year degree or greater.

> "I am appalled that the citizens on my end of city only has jobs that pay the bare minimum, while areas starting at HPU are developing and bringing in new business and pouring money into those areas. Our children are attending that are less than efficient and we don't equally embrace the educational value that should be given to all kids. In my neighborhood we allow large 18 wheelers trucks to rumble through, even though signs are clearly posted stating no truck traffic. My neighbors and I have complained constantly and was told what do you expect us to do? The total disregard for this community is a shame and the City of Highpoint really doesn't care about this part of town. However, we are. Diverse community of seniors and young families that are praying someone, anyone, will speak to us about the inequities, we experience daily."
>
> Survey Participant

Housing

The terms "home" and "neighborhood" indicate the geographic locations where many Americans live out their daily existence. Home is the essential foundation for everything else in a person's life, one of three most basic human needs. To be without a safe and dependable home makes every aspect of daily living more complicated. The availability of fair, affordable, and safe housing plays a critical role in the economy and in communities by creating jobs, attracting new industry, reducing the incidence of foreclosures, increasing local tax revenues, and allowing working families to spend more on health, education, food, and other needs.

More than two-thirds (69%) of the housing stock in High Point are single family homes. Units in small apartment buildings make up about a quarter (24.6%) of the housing stock. Large apartment buildings account for only 2.9%. Vacancy is a recognized issue in High Point as an estimated 12.0% of housing units are vacant (ACS 2013-2017).

Nearly half of the residents in High Point (45.5% or 24,253 households) rented their home. Typical (median) gross rent for rental units with cash rent in

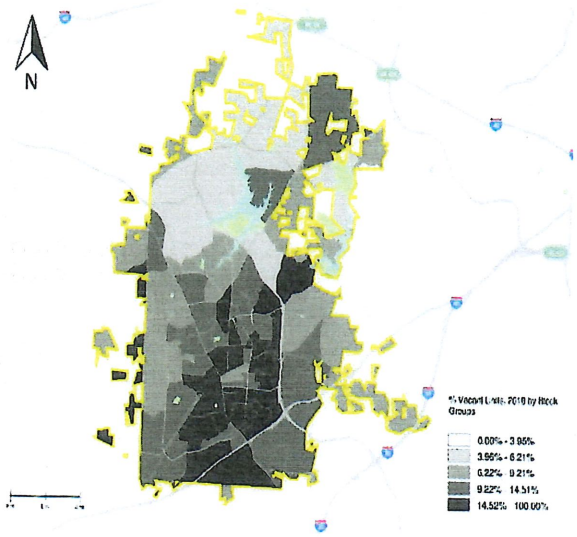


FIGURE 6 - PERCENT VACANT HIGH POINT NC

this area was $821 (ACS 2013-2017). According to RentCafe (Oct 2019), average rent for an apartment in High Point is $856. A little more than a half (54.5% or 22,297 households) owned their home. The median value in 2019 is $150,706. Home values have increased about 6.9% in the last nine years. Home values were highest in the north and westernmost neighborhoods.

Affordable housing in High Point continues to be a struggle for working families. More than half of renters (52.3% or 9,761 renters) and 23.8% of homeowners were cost burdened (paying more than 30% of their income towards rent). A worker making minimum wage would need to work about 82 hours weekly to afford a two-bedroom unit. According to the *Out of Reach* 2019 report by the National Low-Income Housing Coalition, the housing wage is defined as the amount people need to earn per hour to afford the rent for a modest, 2-bedroom apartment at fair market value, without paying more than 30% of their income for that housing. The housing wage in the Greensboro-High Point is $14.79 per hour.

For every 100 rental households in High Point, 6 experienced an eviction. On any given day, around 3families were evicted from their homes. The rate of evictions for High Point is 2% higher than NC with 1,182 completed evictions (resulting in writs of possession) and over 3,500 summary ejectment filings (the initial legal process to begin an eviction in the courts). Unfortunately, these numbers for 2016 underestimate the number of evictions in High Point. All of the evictions tracked in Eviction Lab are formal evictions - all going through the long process of legally removing a tenant.

> "The community that has the resources is investing resources in development of the inner city, which is important, but they're ignoring a large percentage of the population that doesn't have a way to advocate or a way to get out from under the burdens of not having anything, no resources, no advocates, no opportunities. So there's a lot of, I'm sure you know that, hundreds of thousands of dollars like millions of dollars went into the baseball stadium, this year and it was not, you know, let's sit down and talk to you people who live in High Point to see if you would rather see us spend these millions of dollars on a baseball stadium or if you would like for us to come clean up some communities and bulldoze some houses and build some more affordable housing."
>
> Interviewee

Housing needs included issues with repairs (23.0% of respondents), neighborhoods that were not safe (19.4%), Unhealthy conditions in the home (15.5%) and assistance with furnishings (12.0%). Housing cost issues such as affordability (7.8%), and utility assistance (7.8%) were low. In focus groups, interviews, and on the CHCS survey write-in boxes, community members noted issues with housing ranging from evictions, poor quality housing, lack of investment in housing, and inequality in housing policy.

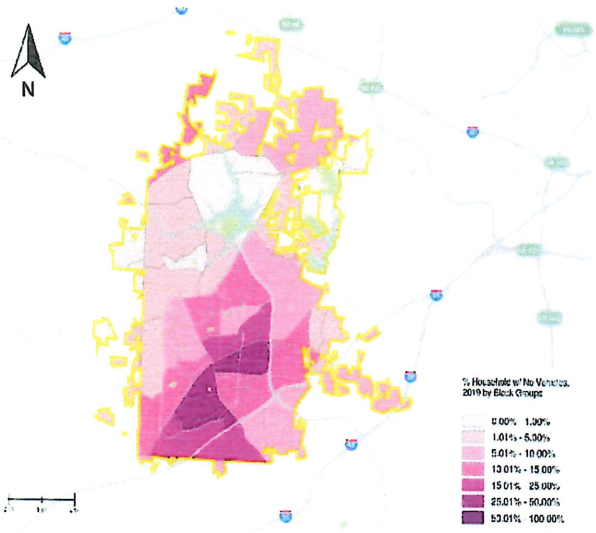


FIGURE 7 - NO VEHICLE OWNERSHIP IN HIGH POINT, NC (ACS 2019)

Transportation

According to the Census Bureau, High Point residents are heavily dependent upon automobiles. Most people in High Point commute to work by personal automobile (92.3%) with an average commute time of 19.5 minutes. Few commuters (1.34% of the workforce) in High Point have "super commutes" in excess of 90 minutes. Only 12.1% of residents carpool and 4.4% work from home. The average car ownership in High Point, NC is 2.1 cars per household while 8.4% of households do not have a vehicle. Average transportation costs per household are $5,800. As with the Census data, most respondents indicate their primary means of transportation was a personal car or truck (70.7% of respondents). Others walk (11.3%) or depend on a bus (8.4%).

> "I think that the food is available, I think it's more a problem of being able to get the food to the people who need it. So, I think that you know probably, if you ask Mobile Meals they will tell you they have a lot of people on their waiting list because they don't have enough drivers to deliver the food. Those kinds of things, those are problems."
>
> Focus Group

Neighborhoods in the Core City are dependent upon public transportation with low vehicle ownership and high transit utilization. In focus groups, interviews, and on the survey write-in boxes, community members noted issues with public transit and transportation availability in general: "We have very few families that own their own vehicles. So to get to appointments other than medical appointments is usually through the bus but a lot of them will use the transit system.....But if you're trying to get to a job interview, grocery store, you name it, it's usually difficult."

Food Access

While only 11.1% of adults reported eating less than 1 serving of fruit/vegetables per day in High Point (CDC) that rate is 17.5% in Southwest High Point in part due to a lack of access. Seven Census Block Groups in southeast High Point have been designated as Limited Supermarket Access (LSA) areas. Residents of LSA areas travel farther to reach supermarkets than residents of non-LSA areas within the same population density and car ownership class. Among retail food outlets, there are 11 full service conventional supermarkets, 14 limited selection dollar stores, 3 full service limited assortment stores, 3 supercenters, and 11 limited selection neighborhood groceries. Notably, most of the supermarkets in the southern part of High Point are limited selection stores. Most CHCS survey respondents get their food from Food Lion, Walmart, Save-a-lot, Harris Teeter, Aldis, and Family Dollar. Other food resources included Caring Services and various Food Pantries. Less than a quarter (23.8%) of respondents are within a mile of a supermarket. Thus, most meet the USDA definition of having low

access to food. A third more (34.0%) are within 2 miles of a supermarket. Attempts to address food security and food hardship include backpack programs for children, food pantries and meal programs, Food Finder, and community gardens. The Greater High Point Food Alliance is working with the Second Harvest Food Bank to provide a food pantry program with healthy foods. High Point Medical Center also provides a farmer's market. In focus groups, interviews, and on the CHCS survey write-in boxes, community members noted issues with food access.

Physical and Behavioral Health

There are a number of health concerns facing High Point residents. Average life expectancy in High Point is 78.1 years, the range is over 17 years depending on the neighborhood. Life expectancy in High Point is .8 years lower than the mean for Guilford County (78.9 year), though it is .4 years higher than the mean for North Carolina (77.7). The life expectancy by Census Block Group varies from a low of 70.1 to a high of 87.04. There was a total of 70,813 responses from Guilford County Emergency Services in High Point during the five-year period (2014-2018); about 14,163 responses per year on average. The annualized rate for High Point was about 120 EMS responses per 1000 population.

According to CDC Surveys, 21.4% of adults reported fair or poor health in the past 30 days (CDC Behavioral Risk Factor Surveillance System). The leading self-identified adult health issues for High Point include High Blood Pressure, High Cholesterol, and Obesity (County Health Assessment). According to the CDC 500 Cities report, 36.3% reported being obese (body mass index of 30 or greater). Self-reported health care issues on the CHCS survey included needing dental care (31.0% of respondents), needing vision care (21.3%), needing Prescription medication/ money for prescription (14.4%), and needing general medical care (13.0%). Only 61.8% of households self-reported having full coverage for everyone on the CHCS survey. One-in-five households had someone not covered under health insurance, while 17.6% said no one in their household was covered.

According to the CDC, 20.8% of adults reported seven or more days of poor mental health in the past 30 days. Self-reported behavioral health care issues on the CHCS survey included depression (20.9%), planning for the future/ goal setting (13.1%), personal problems (11.6%), Post Traumatic Stress Disorder (10.4%), issues with self-esteem (10.1%), anger issues (9.0%), and alcohol use (8.6%). In focus groups, interviews, and on the CHCS survey write-in boxes, community members noted behavioral health needs ranging from more substance use treatment, better services for children, and more resources for people with special needs.

Safety and Crime

A majority of High Point residents (60.9%) worry about crime (Simmons Local Consumer Insights). Respondents to the CHCS survey were also concerned over unsafe living conditions (38.2%), bad housing conditions (21.8%), and poor public transit (20.1%). Safety and crime in the neighborhood were reflected in the write-in responses, interviews, and focus groups. Discussion ranged from fear of crime, increasing violence, gangs, and need for more policing.

While the number of violent crimes declined from 832 in 2007 to 505 in 2014, it has begun to rise again. Murders per 100,000 persons, as reported by the

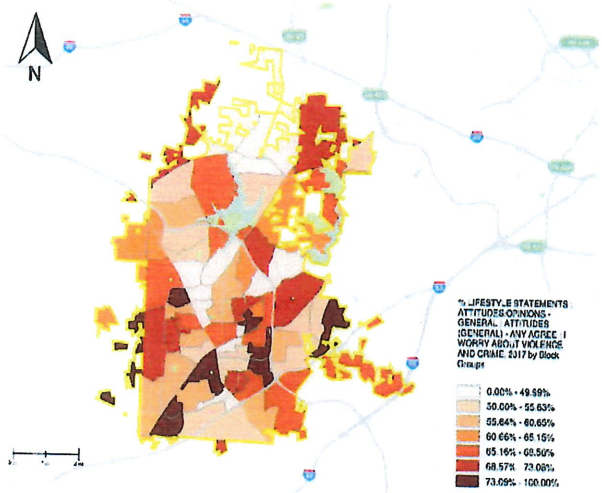


FIGURE 8 - FEAR OF VIOLENCE AND CRIME

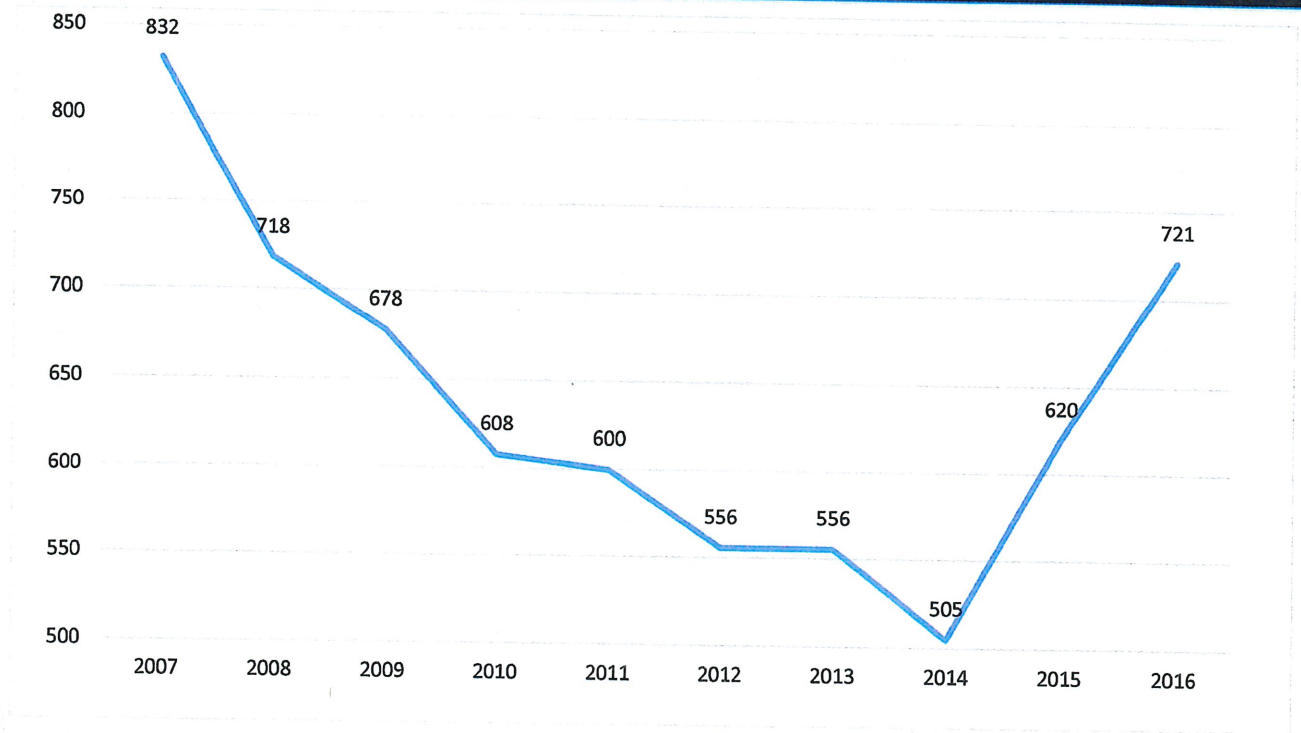


FIGURE 9 - VIOLENT CRIMES IN HIGH POINT 2007-2016 (FBI)

FBI's Uniform Crime Reports, had risen to 17.8 by 2017 from a low of 1.86 in 2013. According to the High Point Police and Guilford County Sheriff's data, there were 7,841 violent crime incidents over 5 years from the High Point Police Department, the Greensboro Police Department, and the Guilford County Sherriff combined, or about 1,568 violent crime responses annually. The average rate of violent crime responses is 13.3 incidents per 1000 people annually. Community members expressed specific fears about violence in the focus groups and in write-in questions on the CHCS survey.

> "Crime is out of control. The mayor and city council only do what is in the best interest of Nido Quebin & the furniture market. They don't care about the crime that the rest of the city deals with."
>
> Survey Respondent

Substance Use

High Point is intersected by several interstate and major highways. It is near a major airport and a railroad depot with daily passenger traffic within NC and along the east coast. This centrality has contributed to the illicit trade of opiates; especially where social determinants such as high poverty and high unemployment also contribute.

In 2015, the monthly average for Heroin Overdose calls for service, as reported by the High Point Police Department, was 6.4. By 2017, there were 27 calls a month on average and over 300 calls overall. In addition, there were 1,569 hospital visits to High Point Regional in 2016 for opiate addiction. There were 109 opioid deaths in High Point between 2014 - 2018; or about 22 opioid deaths annually. The highest rate of opioid deaths of 1.2 per 1000 population is in the Burns Hills neighborhood.

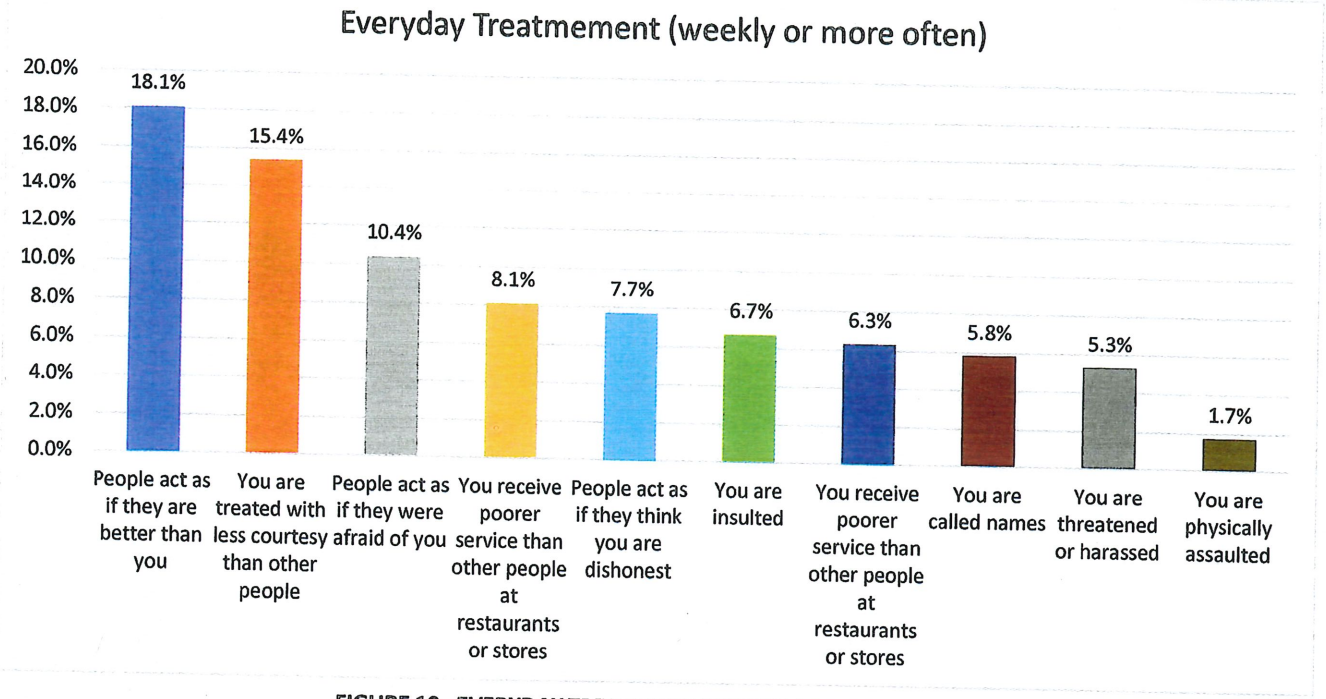


FIGURE 10 - EVERYDAY TREATMENT (WEEKLY OR MORE OFTEN)

Communications & Internet

Of CHCS survey respondents, 95.1% of responded had reliable telephone access and only 5.7% had changed their number in the last three months. Most (72.3%) access the internet from home, while 68.5% use their cell phones to connect and 32.4% connect at work. One in five (21.7%) connect to the internet at the library and 9.8% do not have access to the internet. Non-whites were less likely to have internet access than white respondents. White respondents are more likely to access the internet at home. CHCS survey respondents were also asked about the frequency and type of media they used. The most frequent type of media was an internet search using a search engine such as Google or Bing (52% of respondents performing this media search daily). About half (49.5%) followed local television broadcasts daily, and 39.8% followed a local radio broadcast daily. Websites from local TV new (30.8%) and work of month (30.0%) were also frequently used to get news.

Everyday Treatment

Respondents were asked about their perception of treatment by others in their community. While most people never or rarely perceived being discriminated against, 18.1% felt that others acted as if they were better than them, 15.4% felt they were treated with less courtesy than others, and 10.4% felt people acted as if they were afraid of them on a weekly basis or more often. African American respondents were more likely to feel like people act as if they think they are not smart (38.9%), people act as if they were afraid of them (33.3%), and people act as if they are better than them (55.6%). Hispanic respondents were more likely to feel like people act as if they are better than them (75.0%), to be called names (37.5%), or to report more frequent physical assaults (12.5%).

Recommendations

ISSUE #1: Address Community Violence

Community violence and issues with safety and fear were pervasive in all conversations with residents in High Point. The sudden surge in violence around 2014 parallels the uptick in poverty in 2013 and substance use (especially opioids) during the same time frame. Community level risk factors for violence include increased levels of unemployment, poverty and transiency; decreased levels of economic opportunity and community participation; poor housing conditions; gang activity, emotional distress and a lack of access to services.

RECOMMENDATION: ***Provide more social/recreational options specifically targeted to young men in southwest and southern neighborhoods. Link these services with mentorship, GED, job training, and paying apprenticeship programs (housing construction, skilled trades, electronics, and manufacturing industries). Create workforce development and entrepreneurship programs that link k-12, community college, and economic development together to create a pipeline to employment rather than prisons. Addressing unemployment, under employment, and low wage part-time employment as economic issues are a must. So too is recognizing addiction as a work-force readiness issue.***

ISSUE #2: Safe Affordable Housing

More half of renters (52.3%) were cost burdened (paying more than 30% of their income towards rent). This means that around 10,000 households are one car-repair, one hospitalization, or one high-utility bill away from being evicted from their homes. The rate of evictions for High Point is 2% higher than NC with 1,182 completed evictions. Eviction, or even the threat of eviction, has been shown to affect mental and physical health. Eviction touches the lives of High Point's youngest residents. School performance tends to decrease when students are in unstable housing situations. Eviction and housing affordability are contributing factors in homelessness. The lack of affordable choices in neighborhoods with goods schools, nearby employment, full-service supermarkets, and low crime rates is an underlying issue causing those with low incomes to be further segregated and concentrated in precarious communities with few assets.

RECOMMENDATIONS: ***Promote and encourage the development of affordable rental housing units especially for households whose incomes are less than 30% of the Area Median Income in high opportunity areas by means of expansion of public housing, voucher programs, and affordable units in the $400 or less range for those with fixed incomes, disability, social security, or other limited means. Developing more affordable rental housing options requires a cooperative approach between private developers, non-profits, county and municipal governments, and social impact investors helping to make low-interest funds available to for-profit developers helping to off-set the high cost of building affordable units in high market value neighborhoods. Simultaneously, pushing for local inclusionary ordinances and revising single-family zoning preferences may open new opportunities for development outside of the Core City. Aligning land-use policy, significant funding, political will, and public support will take a coordinated effort.***

ISSUE #3: Access to Food, Healthcare, and Jobs

Transportation issues emerged in all contexts: food access and insecurity, better employment opportunities, access to educational offerings at GTCC and other locations, and access to preventative health care are as much a transit issue as an issue of living in medical, food, or educational 'deserts.' While not a long-term solution to addressing medically underserved and low food access areas, the approach of increasing transportation choices and decreasing transportation costs may lead to better immediate outcomes especially when paired with SNAP/EBT or other benefits.

RECOMMENDATIONS: ***Promote and encourage the use of Hi Tran among all social service agencies,***

government services, medical and health facilities, and even retail establishments by providing subsidized or free unlimited ride 30-day passes to families in target neighborhoods. Encourage Medicare recipients, senior citizens (age 60 and over) and disabled persons to take advantage of the High Point Transit System's half-fare program. By increased ridership, institutional partnerships, and through increased public petitioning to Hi Tran for more frequent service, later evening service, and more routes. Discounted rides to large employers or retail centers may also encourage more ridership.

ISSUE #4: Availability and Cost of Childcare

Parent's told us, "if I don't have childcare I can't work." Likewise, key informants at social service agencies explained: "We're really grateful for the programs that do allow families to attend at no cost or at low cost, but there doesn't seem to be enough of the childcare slots because there's always a waiting list with Head Start." Childcare must be embedded in all services in order to remove the barriers for participation and to increase the opportunities for positive early childhood interventions.

RECOMMENDATION*: Create proactive approaches for serving children in poverty impacted communities. Early brain development research clearly demonstrates that birth to five is a critical period in the development of language, executive functioning, and emotional regulation. These are the greatest factors leading to early school success and critical third grade reading performance -- impacting success in school and in life. Extra efforts should be made to provide programs for low cost or free childcare in target neighborhoods and at key service providers. Provide parent and staff education on the role of trauma and chronic stress in children's compromised development and training to encourage the development of protective factors to buffer stress. Consider a "Resilience" approach which addresses both adverse childhood events (ACEs) and trauma-informed practice.*

ISSUE #5: Substance Use Treatment

Like many places across the U.S., High Point is trying to determine how to best address the opioid epidemic and stop the illicit use of prescription opioids and heroin. The social and human costs of intravenous opioid use (IOU) on individuals, families and communities is significant. These include loss of housing, employment, long term illnesses, and decreased quality of life. Another significant impact of the misuse of opioids involves users who are parents and their (in)ability to parent and be responsible for children. There is also a clear connection with criminal activity.

RECOMMENDATIONS*: Particular focus should be given to social determinants of health and behavioral health disparities. Addiction and substance use should be treated as public health issue rather than criminal justice issue. Public health intervention must be multipart and include: Prevention, Diversion, Deterrence, Harm Reduction, Detox/Rehab, and Long-term Recovery. Harm Reduction intervention teams providing needle exchange and rapid response to overdoses should be coordinated and include a broad-based community coalition of healthcare, first responders, and social workers. Attempts must be made to address the local need for detox facilities, recovery programs, and of long-term recovery support. Mental health services should be greatly expanded.*

RECOMMENDED Next Steps: Vision of

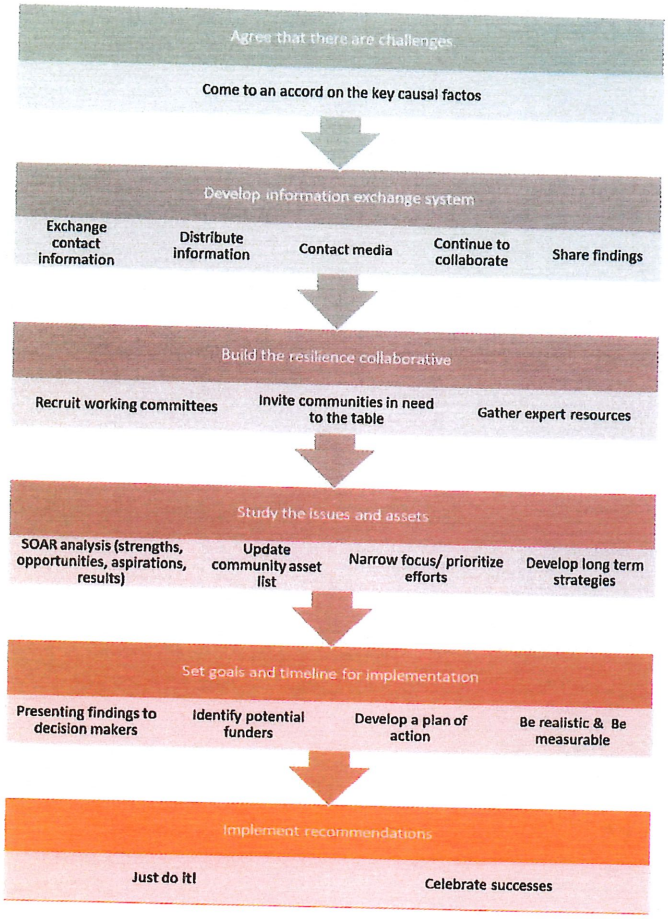


FIGURE 11 - COMMUNITY ACTION PLANNING

Success & Community Action Plan

The next steps for the project should be careful digesting of the contents of this report and a series of meetings with stake holders to discuss ways to disseminate the information. Using this information, the community should set a goal or vision of what success looks like in a 5-year period. Visioning should be innovative and aspirational.

Stakeholders should then be enlisted in the development of a Community Action Plan (CAP). A CAP is a stakeholder-based approach used to address a variety of social issues. The CAP is the roadmap to achieving the vision set forth by the community. The guiding principle of CAP lies in the acknowledgement of the importance of the local community in informing and understanding complex social issues, identifying community resources, exposing deficiencies and concerns, and developing processes for long-term solutions. Following common practices in CAPs, meetings are scheduled over the course of several months to: 1) Listen to families and community partners identifying successes and obstacles to address trauma in the community; 2) collect and use additional data to best understand and identify the underlying causes of problems; 3) identify potential strategies and options for addressing the problems in a later implementation phase; 4) create a plan to implement proposed solutions at the end of the data gathering and analysis; and 5) determine how results will be evaluated and monitored.

Asset Based Community Development (ABCD) should be considered as an approach to building on the CAP. ABCS is a community-driven, empowering, participatory and inclusive, comprehensive approach that focuses on coalition development and capacity-building. It recognizes that documenting "need" can be an asset as much as a liability. Used properly, ABCD enables a community to see its strengths and weaknesses and create the programs and services needed to help those who need them while highlighting the programs and services the community already offers. Asset-based community development brings the lack of certain programs and services to the attention of a community. However, it also highlights the services and programs that a community does provide, shedding a positive light on a community. In this way, a community knows where it has room for improvement, while also seeing what it does have to offer its people that may make it stand out from other communities. Because of the success that numerous communities have had with using community based asset development, the literature suggests that this would be a very good tool for mapping assets and needs among specific groups and/or within communities in general, taking into consideration the nuanced differences of context in a given community project.

CITY OF HIGH POINT
AGENDA ITEM

Title: **NCMPA1 - Waiver Agreement - Project and Supplemental Power Sales Agreement 2020**

From: Randy McCaslin

Meeting Date: May 18, 2020

Public Hearing: No

Advertising Date / Advertised By: N/A

Attachments:
1) Waiver Agreement NCMPA1 Project and Supplemental Power Sales Agreement 2020
2) Ordinance Waiver Agreement NCMPA1 PSPS Agreements 2020
3) Clerks Certificate - Waiver Agreement NCMPA1 PSPS Agreements 2020
4) 2020 04 24 NCMPA1 Waiver Agreement Resolution BDR-6-20

PURPOSE:
NCMPA1 request to send the monthly wholesale power bill electronically through email. To do this NCMPA1 is requesting a Waiver Agreement from each Participant that waives the US mail requirement outlined in the Project and Supplemental Power Sales Agreements.

BACKGROUND:
This item was discussed at the NCMPA1 Rate Committee meeting on March 19 and the NCMPA1 Board of Commissioners meeting on April 21. The ElectriCities Board of Directors approved at its meeting on April 24, authorization of such Waiver Agreement in the attached resolution BDR-6-20.

BUDGET IMPACT:
None

RECOMMENDATION / ACTION REQUESTED:
City Council is requested by NCMPA1 to approve a request to send the monthly wholesale power bill electronically through email.

WAIVER AGREEMENT

This WAIVER AGREEMENT is dated as of May 4, 2020, by and between North Carolina Municipal Power Agency Number 1, a joint agency of the State of North Carolina ("Power Agency"), and the municipality of the State of North Carolina that has executed this Waiver Agreement (the "Participant").

WHEREAS, Power Agency and the Participant, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "PPSA") pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant's Share of Project Output; and

WHEREAS, Power Agency and the Participant, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "SPSA" and, together with the PPSA, the "Agreements") pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant's All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply, and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill") and

WHEREAS, since the date of the Agreements, (i) Power Agency's and the Participant's accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement be submitted to each of the Participants for approval and execution; and

WHEREAS, the Participant has determined that the Waiver is in the best interest of the Participant and has authorized and directed that this Waiver Agreement be executed for and on behalf of the Participant.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are acknowledged hereby, the parties hereto mutually agree as follows:

Section 1. Unless the context clearly indicates to the contrary, all capitalized terms used in this Waiver Agreement shall have the meanings given them in the Agreements.

Section 2. For and during the remainder of the term of each of the Agreements, and any extensions thereto, the Participant hereby waives and forever relieves Power Agency of the obligation to mail Annual Budget Information and Monthly Bills to the Participant, as required by Section 5(a) and 5(b) of each of the Agreements, respectively, so long as Power Agency provides Annual Budget Information and Monthly Bills to the Participant by electronic means to such address as the Participant shall specify in writing to Power Agency (as such address may be changed similarly from time to time).

Section 3. This Waiver Agreement shall become effective upon the execution and delivery of similar waiver agreements by Power Agency and each Participant, and shall otherwise become effective upon execution and delivery hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Waiver Agreement all by the authority of their respective governing bodies duly given.

Executed the 18th day of May, 2020.

City of High Point

By:_____
Jay W. Wagner, Mayor

ATTEST:

_____
Lisa B. Vierling, City Clerk

(SEAL)

Executed this ____ day of _____, 2020.

NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1

By:_____

ATTEST:

_____
(Ass't) Secretary-Treasurer

(SEAL)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICPAL POWER AGENCY NUMBER 1 AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT

WHEREAS, the City of High Point, North Carolina (the "Municipality") and North Carolina Municipal Power Agency Number 1 ("Power Agency") entered into a Project Power Sales Agreement dated as of the first day of May, 1978, (as amended in 1984 and as may be further amended or supplemented, the "Project Power Sales Agreement"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, the Municipality's Participant's Share (as defined in the Project Power Sales Agreement) of Project Output (as defined in the Project Power Sales Agreement); and

WHEREAS, the Municipality and Power Agency entered into a Supplemental Power Sales Agreement also dated as of the first day of May, 1978 (as amended in 1984 and as may be further amended or supplemented, the "Supplemental Power Sales Agreement" and, together with the Project Power Sales Agreement, the "Agreements"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, All Requirements Bulk Power Supply (as defined in the Supplemental Power Sales Agreement), which consists of Project Output (as defined in the Supplemental Power Sales Agreement) and Supplemental Bulk Power Supply (as defined in the Supplemental Power Sales Agreement); and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill"); and

WHEREAS, as a result of changes to Power Agency's and the Participant's accounting systems due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication since the date of the Agreements, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement (the "Waiver Agreement") be submitted to each of the Participants for approval and execution; and

WHEREAS, Power Agency has caused to be furnished to this governing body a copy of the Waiver Agreement.

NOW, THEREFORE, **BE IT ORDAINED** by the City Council of the City of High Point, North Carolina:

1. After due consideration to the contents of each of the preambles set forth above and of the Waiver Agreement, it is hereby found and determined that it is in the best interest of the Municipality to approve and authorize the execution and delivery of the Waiver Agreement.

2. The Municipality hereby approves the form, terms and provisions of the Waiver Agreement in the form presented to the meeting at which this Ordinance is adopted, with such changes therein as shall be approved by the officials of the Municipality executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all such changes. The Mayor and the Clerk of the Municipality are hereby authorized and directed to execute, acknowledge and deliver the Waiver Agreement in the name of and on behalf of the Municipality and thereupon to cause the aforesaid Waiver Agreement to be delivered to Power Agency.

3. The officers and officials of the Municipality are hereby authorized and directed to execute such further documents and to take any and all further action as, upon the advice of the Attorney of the Municipality, shall be deemed necessary or desirable in order to effectuate the execution and delivery of the Waiver Agreement.

4. The Clerk of the Municipality is hereby directed to file with the minutes of the meeting at which this Ordinance is adopted the copy of the Waiver Agreement.

5. This Ordinance shall become effective from and after its adoption.

ADOPTED this 18th day of May, 2020.

_____

Jay W. Wagner, Mayor

ATTEST:

_____

Lisa B. Vierling, City Clerk

(Impress SEAL here)

CLERK'S CERTIFICATE

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, (the "Municipality"), DO HEREBY CERTIFY as follows:

1. As of the date of this Certificate and the date of the introduction and adoption of the Ordinance hereinafter described, the City Council of the Municipality ("the Governing Body") consisted of nine (9) members, all of whom have been duly elected and qualified.

2. **Jay W. Wagner** was the duly elected and qualified Mayor of the Municipality at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the document hereinafter described. **Bobby Fitzjohn** was the finance officer of the Municipality duly appointed by the City Manager and confirmed by the Governing Body, and acting in that capacity at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the documents hereinafter described.

3. The undersigned has been duly appointed by the High Point City Council and such appointment was confirmed by the Governing Body as Clerk of the Municipality, to hold office at the pleasure of the City Council, and the appointment as Clerk predated the introduction and adoption of the Ordinance hereinafter described and remains in full force and effect as of the date of this Certificate.

4. The seal, an impression of which appears below, is the corporate seal duly adopted by the Municipality.

5. The undersigned, as Clerk, is charged with the duty of keeping custody of the minutes and official records of the proceedings of the Governing Body.

6. At a regular meeting of the Governing Body conducted on the 18th day of May, 2020, the ordinance entitled "AN ORDINANCE OF THE CITY/TOWN COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 AND APPROVING AND

AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT, a copy of which is attached hereto and made a part of this Certificate (the "Ordinance"), was introduced.

7. After consideration by the Governing Body, the Ordinance was duly adopted by the Governing Body at a regular meeting of the Governing Body conducted on the 18th day of May, 2020, by a vote of ___yeas and ___nays. The Ordinance was thereafter duly recorded in the ordinance book of the Municipality and the municipal journal, if any. A copy of an excerpt of the pertinent minutes of said meeting is attached hereto.

8. The meeting referred to in this Certificate was a duly called and held regular meeting of the Governing Body, open to the public, and a quorum of the Governing Body was present and acting throughout; the excerpt of the minutes attached hereto has been compared by the undersigned with the original thereof that is on file and of record in the office of the undersigned and it is a full, true and complete copy of said original; the copy of the Ordinance attached hereto has been compared by the undersigned with the original thereof that is on file in the ordinance book (and municipal journal, if any) and it is a full, true and complete copy of said original. The Ordinance has not been amended, modified, superseded or repealed and is in full force and effect as of the date hereof.

9. A copy of the Waiver Agreement has been filed in the Clerk's office with the minutes of the proceedings at which the Ordinance was adopted.

10. The copy of the Waiver Agreement furnished to North Carolina Municipal Power Agency Number 1 by the undersigned, together with this Certificate, has been duly executed by the Mayor of the Municipality and duly attested by the undersigned as Clerk of the Municipality, and the corporate seal of the Municipality has been impressed thereon or affixed thereto, all pursuant to authority granted by the Ordinance. In addition, the execution copy of the Waiver Agreement has been endorsed by the appropriate representative of the Municipality to the extent such endorsement is required to be affixed thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of High Point this the 18th day of May, 2020.

_____
Lisa B. Vierling, City Clerk

(Impress Seal Here)

Attachments:
Ordinance
Minutes

NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1
BOARD OF DIRECTORS
RESOLUTION NO. BDR-6-20

A RESOLUTION APPROVING AND AUTORIZING THE EXECUTION OF A WAIVER AGREEMENT BETWEEN NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 AND EACH OF ITS PARTICIPANTS

WHEREAS, North Carolina Municipal Power Agency Number 1 ("Power Agency") and each of its Participants, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "PPSA") pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant's Share of Project Output; and

WHEREAS, Power Agency and each of its Participants, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "SPSA" and, together with the PPSA, the "Agreements") pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant's All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply; and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill"); and

WHEREAS, since the date of the Agreements, (i) Power Agency's and the Participants' accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements, and have agreed to execute a waiver agreement giving effect thereto.

NOW, THEREFORE, BE IT RESOVLVED BY THE BOARD OF DIRECTORS OF NORTH CAROLIA MUNICIPLA POWER AGENCY NUMBER 1:

Section 1: Waiver Agreement. The Board of Directors of Power Agency hereby determines that it is in the best interest of Power Agency to execute an agreement waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver"), approves and authorizes the execution of a waiver agreement (the "Waiver Agreement") giving effect to the Waiver and directs that a copy of the Waiver Agreement be delivered to each of the Participants for the Participant's approval and execution.

Section 2. Effective Date. This resolution shall take effect immediately upon adoption.

Adopted this 24th day of April, 2020.

CITY OF HIGH POINT
AGENDA ITEM

Title: Ward Water Treatment Plant
Replacement Flash Mix Pump (Sulzer/ABS Model XFP 400M-CH2)

From: Terry Houk – Public Services Director
Derrick Boone – Asst. Director Public Services
Wendell Pickett- Ward WTP Superintendent

Meeting Date: May 18, 2020

Public Hearing: No

Advertising Date: N/A
Advertised By: N/A

Attachments: Attachment A – Quote
Attachment B- Sole Source Letter

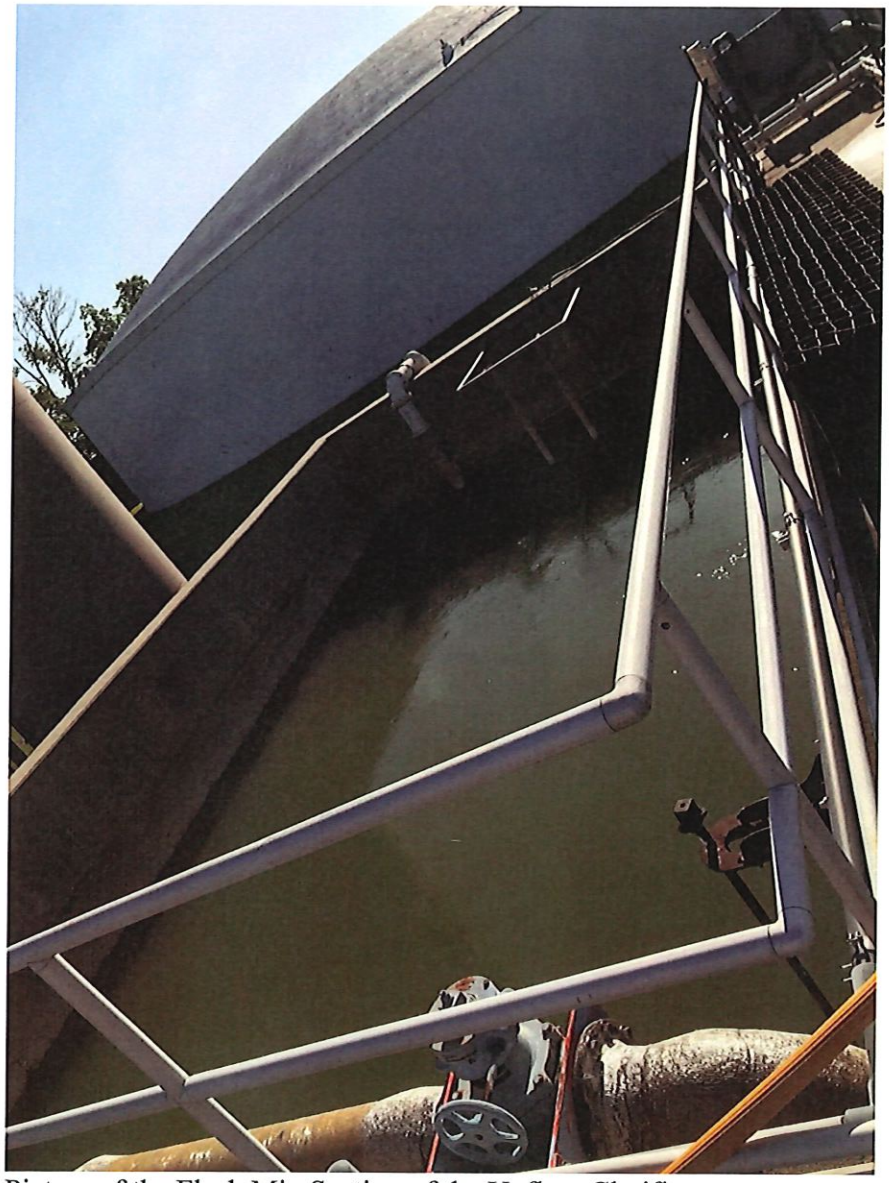
PURPOSE:
Sole source purchase of a replacement flash mix pump (Sulzer/ABS Model XFP 400M-CH2) at the Ward Water Treatment Plant (WTP).

BACKGROUND:
The Ward WTP utilizes an upflow clarifier (Superpulsator) as part of the water treatment process. The upflow clarifier provides coagulation, flocculation, and sedimentation in a single concrete tank. The upflow clarifier utilizes two flash mix pumps (Sulzer). It is necessary to replace one of the flash mix pumps that is 12-years old and in poor condition. The Ward Water Plant always keeps a spare flash mix pump for back-up due to the long delivery time (20 to 21 weeks).

BUDGET IMPACT:
Funds for this project are available in the FY 2019-2020 budget.

RECOMMENDATION / ACTION REQUESTED:
City Council is requested to approve the sole source purchase of a Sulzer/ABS Model XFP 400M-CH2 pump for $44,396.00 to Pete Duty and Associates, Inc.

Example of a Sulzer Submersible Pump


Picture of the Flash Mix Section of the Upflow Clarifier

Financial Services

Purchasing Division

NORTH CAROLINA'S INTERNATIONAL CITY™

Requisition # 25975

CITY OF HIGH POINT
SOLE SOURCE JUSTIFICATION FORM
(For Items Costing **$10,000.00 or More**)
Statutory Reference N.C.G.S. 143-129(e)6

Vendor: Pete Duty and Associates

Item(s): Replace pump WTP Pulsator

Justification:

The authorized distributor for Sulzer products in these segments/territories has the expertise, knowledge, training and access to the latest product developments and upgrades, along with genuine OEM parts. Pete Duty and Associate's is trained in the latest methods in care and start-up of our equipment and has the ability to execute warranty claims.

Estimated expenditure for the above item(s): $44,396.00

Accounting Unit and Account(s): 621758-533101

CHECK ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE.
ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.

1. ☑ Performance or price competition for a product are not available.
2. ☑ A needed product is available from only one source of supply.
3. ☑ Standardization or compatibility is the overriding consideration.
4. ☐ The parts/equipment are required from this source to permit standardization.
5. ☐ None of the above applies. A detailed explanation and justification for this sole source request is contained in attached memo and support documentation.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the material or service described in this sole source justification be authorized as a sole source for the material or service.

Department Head/Authorized Personnel: Terry Houk — Digitally signed by Terry Houk Date: 2020.05.07 12:23:27 -04'00'

Department/Division: Ward Plant Date: 5/7/2020

APPROVAL PROCESS

Purchasing Manager: Erik S. Conti — Digitally signed by Erik S. Conti Date: 2020.05.07 12:46:21 -04'00'

Financial Services Director: Bobby Fitzjohn — Digitally signed by Bobby Fitzjohn Date: 2020.05.07 14:10:32 -04'00'

City Council ($30,000 – Up): Greg Demko — Digitally signed by Greg Demko Date: 2020.05.11 09:51:54 -04'00'

PETE DUTY & ASSOCIATES, INC.
2219 Leah Drive • Hillsborough, North Carolina • (919) 245-5070 • Fax (919) 245-5071

May 5, 2020

Tony Dalton, Jr.
W/S Assistant Maintenance Superintendent
Public Services Department - City of High Point
121 N. Pendleton St.
High Point, NC 27260

Tony,

The following updated quote is for a replacement pump, for your WTP Pulsator Recirculation. Please note that I have held the price quoted from last year, even though Sulzer Pumps had a price increase effective January 1st.

The replacement pump is our Sulzer/ABS Pumps model XFP 400M-CH2 (416mm) PE430/8 , as you have purchased previously. This new pump uses a Premium Efficiency Explosion Proof Motor with a 1.3 Service Factor, it has 49' cables, and weighs approximately 3,230 lbs.

The current published delivery is 20-21 weeks. Once the order is placed, we will get an actual projected delivery with the order confirmation. Then we can request and work on trying to get the delivery improved if possible.

Your cost for this pump is $44,396.00 plus freight and tax.

Thank you for this opportunity to help you with this project.
Please call me if you have any questions, or to place an order for this pump.

Regards,

David W. Holt / Vice President
Pete Duty & Associates, Inc.
336-689-4588 cell
dholt@peteduty.com

Cc: File

SULZER

Sulzer Pumps Solutions Inc.
140 Pond View Drive
Meriden, CT 06450
Phone (203) 238 2700
Fax (203) 514 4364
www.sulzer.com

April,17 2020

Subject: Pete Duty and Associates as Contracted Sulzer Distributor for Sulzer (ABS) type products

To Whom It May Concern:

The purpose of this letter is to confirm that **Pete Duty and Associates** is the contracted Sulzer sole distributor for Sulzer wastewater (formerly ABS) products for the Municipal Waste water and DCWW market. **Pete Duty and Associate's** territory includes the entire state of North Carolina.

Nationally we utilize a network of independent distributors/service centers to serve Municipal, Industrial, Building Trades and Dewatering market segments in specific territories. The authorized distributor for Sulzer products in these segments/territories has the expertise, knowledge, training and access to the latest product developments and upgrades, along with genuine OEM parts. **Pete Duty and Associate's** is trained in the latest methods in care and start-up of our equipment and has the ability to execute warranty claims.

Please do not hesitate to contact me if I can provide any additional information.

Sincerely,

Dan Davis

Dan Davis
Regional Manager
Sulzer Pumps
203-427-3120
Daniel.davis@sulzer.com

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE CITY OF HIGH POINT TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICPAL POWER AGENCY NUMBER 1 AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT

WHEREAS, the City of High Point, North Carolina (the "Municipality") and North Carolina Municipal Power Agency Number 1 ("Power Agency") entered into a Project Power Sales Agreement dated as of the first day of May, 1978, (as amended in 1984 and as may be further amended or supplemented, the "Project Power Sales Agreement"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, the Municipality's Participant's Share (as defined in the Project Power Sales Agreement) of Project Output (as defined in the Project Power Sales Agreement); and

WHEREAS, the Municipality and Power Agency entered into a Supplemental Power Sales Agreement also dated as of the first day of May, 1978 (as amended in 1984 and as may be further amended or supplemented, the "Supplemental Power Sales Agreement" and, together with the Project Power Sales Agreement, the "Agreements"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, All Requirements Bulk Power Supply (as defined in the Supplemental Power Sales Agreement), which consists of Project Output (as defined in the Supplemental Power Sales Agreement) and Supplemental Bulk Power Supply (as defined in the Supplemental Power Sales Agreement); and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill"); and

WHEREAS, as a result of changes to Power Agency's and the Participant's accounting systems due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication since the date of the Agreements, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement (the "Waiver Agreement") be submitted to each of the Participants for approval and execution; and

WHEREAS, Power Agency has caused to be furnished to this governing body a copy of the Waiver Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of High Point, North Carolina:

1. After due consideration to the contents of each of the preambles set forth above and of the Waiver Agreement, it is hereby found and determined that it is in the best interest of the Municipality to approve and authorize the execution and delivery of the Waiver Agreement.

2. The Municipality hereby approves the form, terms and provisions of the Waiver Agreement in the form presented to the meeting at which this Ordinance is adopted, with such changes therein as shall be approved by the officials of the Municipality executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all such changes. The Mayor and the Clerk of the Municipality are hereby authorized and directed to execute, acknowledge and deliver the Waiver Agreement in the name of and on behalf of the Municipality and thereupon to cause the aforesaid Waiver Agreement to be delivered to Power Agency.

3. The officers and officials of the Municipality are hereby authorized and directed to execute such further documents and to take any and all further action as, upon the advice of the Attorney of the Municipality, shall be deemed necessary or desirable in order to effectuate the execution and delivery of the Waiver Agreement.

4. The Clerk of the Municipality is hereby directed to file with the minutes of the meeting at which this Ordinance is adopted the copy of the Waiver Agreement.

5. This Ordinance shall become effective from and after its adoption.

ADOPTED this 18th day of May, 2020.

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

(Impress SEAL here)

CITY OF HIGH POINT
AGENDA ITEM

Title: Eastside Primary Sludge Pumps
6 -Inch Penn Valley Double Disc Pumps

From: Terry Houk – Public Services Director
Derrick Boone – Asst. Director Public Services
Dawn Molnar- Eastside WWTP Superintendent

Meeting Date: May 18, 2020

Public Hearing: No

Advertising Date: N/A
Advertised By: N/A

Attachments: Attachment A – Quote
Attachment B- Sole Source Letter

PURPOSE:
Sole source purchase of two 6-inch Penn Valley Double Disc Pumps for the Eastside Wastewater Treatment Plant (WWTP).

BACKGROUND:
The Eastside WWTP has five Peristaltic Primary Sludge Pumps (PSPs). The peristaltic pumps are costly to maintain (approximately $8000.00 dollars per pump per year) and can no longer handle the increased solids loading coming into the plant. The Eastside WWTP has researched various types of pumps for handling high solids concentrations and have determined that the double disc pump would be most beneficial in pumping the sludge from the primary clarifiers. The double disc pump design requires minimal maintenance and is less expensive to maintain than the peristaltic pump. The Eastside WWTP is currently using the pump on a 60-day trial basis and the pump has performed to all criteria specified by the City, including pumping 5% solids. The current plan is to replace the remaining peristaltic pumps over the next couple of years.

BUDGET IMPACT:
Funds for this project are available in the FY 2019-2020 budget.

RECOMMENDATION / ACTION REQUESTED:
City Council is requested to approve the sole source purchase of two 6-inch Penn Valley Double Disc Pumps for $64,283.00 to Penn Valley Pump, Co Inc.

Existing Primary Sludge Peristaltic Pumps

6” Penn Valley Double Disc Pump- Installed for trial testing in the Primary Clarifier Building

Penn Valley Pump Co., Inc.
998 Easton Road • Warrington, PA 18976
Ph: 215-343-8750 • Fax: 215-343-8753
www.pennvalleypump.com

April 23, 2020

Dawn Molnar
City of High Point
P.O. Box 230
High Point, NC 27261

Subject: Sole Source Letter

Dear Ms. Molnar.

We confirm that Penn Valley Pump Co. Inc., located at 998 Easton Road, Warrington, PA is the sole manufacturer for the patented Double Disc Pump technology. The pump is a reciprocating positive displacement pump design based on a non-captive, free-disc technology.

We are the only source provider for new equipment, factory authorized spare parts and repairs for such equipment.

The product is manufactured at our facility in Warrington, PA and all spare parts are kept on the shelf for immediate shipment.

We appreciate your consideration of the above. Please feel free to contact me should there be any questions or additional information be required.

Sincerely,
PENN VALLEY PUMP CO., INC.

Preston Campbell
Vice President – Sales

Cc: File

The World Leader in Free-Disc
Pumping Technology

To: Dawn Molnar - Plant Supt City of High Point 5898 Riverdale Drive Jamestown, NC 27282	Date: 04/23/2020	Quote No: 13123 Rev 3
	Project: Eastside WWTP	
	Quoted by: Preston Campbell	

Qty	Description	Unit Price	Total Price
	Application: Primary Sludge Transfer, up to 5% solids		
	Duty: 225GPM @ 50ft TDH		
	Suction: Assumed flooded (suction line conditions to be verified)		
2	6" Model 6DDSX107CNU-MK1 Penn Valley Double Disc Pump™ unit: • 6" ASA/ANSI 150# flanged suction and discharge connections • Cast iron housing and neoprene elastomers • Maintain-in-place hinged housing design for ease of maintenance • Two-piece swan neck design with full port rigid clack valve • 10HP, 1160RPM 230-460/3/60 Severe duty, inverter ready motor • 225RPM Max pump speed achieved with V-belt and pulley drive • Suction and Discharge pulsation dampeners • 304SS Welded base with OSHA approved guards and covers • Pump and dampeners coated with industrial primer and topcoat • Per drawing PVD769 Side motor mount	$25,900.00	$51,800.00
2	Custom direct entry suction connection and 6" flanged spool section to match existing piping centerline height.	$550.00	$1,100.00
2	4" flanged spool piece with approximately w/ 2.5" offset. (Length and offset to be confirmed by field measurement once pump in installed)	$475.00	$950.00
2	Model PVP420VSM Suction vacuum switch assembly consisting of: 1" NPT SS316 sensor with EPDM sleeve, NEMA 4X adjustable switch w/ *manual reset*, set at 10"Hg and 4" (30"Hg - 30psi) SS gauge. Mounts to top of dampener to provide indication of high vacuum condtion. (Must be wired back to controls shut pump down upon high pressure)	$1,100.00	$2,200.00
2	Model PVP420PSM Discharge pressure switch assembly consisting of: 1" NPT SS316 sensor with EPDM sleeve, NEMA 4X adjustable switch w/ *manual reset*, set at 30psi and 4" (0-100psi) SS gauge. Mounts to top of dampener to provide protection against over pressurization. (Must be wired back to controls shut pump down upon high pressure)	$1,100.00	$2,200.00
2	GA Ludlow 4" flanged check valves, spring assisted, cast iron body	$1,254.00	$2,508.00
2	Days of start-up and training services (one-trip)	$1,300.00	$2,600.00
1	Estimated transport to site. Estimated weight of shipment is 3,200 lbs.	$925.00	$925.00
		Total:	**$64,283.00**

Commercial Information:

1. Shipment is 6 – 8 weeks after receipt of purchase order or approved submittals.
2. Submittals, if required, are 2 – 3 weeks after receipt of purchase order.
3. Freight terms are F.O.B. Factory, Warrington, PA with freight allowed to jobsite.
4. Terms are Net 30 days after receipt of invoice.
5. Quotation is valid for 120 days from date of issue.
6. Warranty is two (2) years from date of shipment for manufacturer's defects in materials and workmanship.

The following items have not been included:

- Installation
- Foundations, anchor bolts, grouting and foundation design
- Motor starters, Variable Frequency Drives (VFD's) or Controls

Design Notes

- Suction Piping Design: It is imperative that the application has a properly designed suction piping system based on the hydraulic conditions. The importance of a properly sized system cannot be over emphasized. Most pump operational problems and pump failures are created by improper suction line conditions. The length and diameter of the suction line along with the static suction conditions must be provided to ensure pump(s) are properly sized. The system must be designed for the maximum flow if multiple pumps will operate simultaneously through common suction piping. PVP will run the appropriate calculations and verify the application.

- Piping: All piping should be independently supported near the pump so that pipe strain will not be transmitted to the pump. The use of pipe hangers/supports must rigidly support and laterally brace the piping to prevent pipe movement. Adequate support and bracing close the pump is the best method to prevent pipe movement. We do **NOT** recommend the use of flexible connections/expansion joints on the suction and discharge connections of the pump. Our long-term experience has found these items do not reduce vibration, but rather can allow pipe movement since the connections are not rigid. To maximize the pump's "Maintain-in-Place" design the suction flange should be attached rigidly to the suction piping. The use of slip joints and mechanical pipe joining systems (i.e. Victaulic style) is also highly discouraged. These mechanical systems do not provide the same rigid connections as traditional flanged piping systems. These mechanical systems can be difficult to properly brace leading to pipe vibration issues. If mechanical piping joining systems will be used, the engineer, contractor or owner must ensure the manufacturer's installation method for *rigid pipe cutting* and coupling connections is strictly adhered to.

- Check Valves: The use of check valves is required when there are multiple double disc pumps connected to a common discharge line or the pump will be installed on a common discharge line with other styles of pumps. If a check valve is required for the application, we recommend an elastomer "swing-flex" style. The use of spring or weighted styles should be avoided as they can create vibration, create noise and can begin to leak at the shaft protrusion through the housing over time.

- Low or No Discharge Head: Very low or no discharge pressure applications (negative head, downhill flow) may require the introduction of artificial head to ensure proper pump operation and prevent siphoning. The creation of artificial head can be achieved by: 1) elevating discharge piping above suction source high liquid level elevation and installing anti-siphon valve, 2) installing a back-pressure valve as provided by PVP or 3) installing mechanically/pneumatically actuated pinch valves. PVP will verify the requirement for these devices based upon a review of the hydraulic conditions at time of quotation generation.

- Motors: Our standard motor is a Toshiba EQP Severe Duty NEMA Premium efficiency. This motor is inverter rated an exceeds NEMA MG31 Part 31 and suitable for 20:1 constant torque turndown range. Motor is suitable for Cl 1, Div 2 GRP A, B, C, D/Zone. Other motors and accessories are available such as: thermal overload, space heaters and motor shaft grounding rings.

- Controls: The double disc pump can be operated by a motor starter for constant speed applications or a variable frequency drive (VFD) for variable speed applications. If using a motor starter, we recommend a soft-start feature to allow the pump speed to ramp up to maximum operating speed to minimize start-up pressure spikes. This feature is especially important on long suction and/or discharge lines. If using a VFD (recommended option) the unit must be sized as heavy duty for *constant torque* applications. This may mean the horsepower of the VFD has to be one size larger than the motor size. A drive that is undersized may experience DC bus issues requiring the addition of dynamic braking resistors.

- Vacuum and Pressure Switch/Gauge: You will normally find these items are included in our quotation. The vacuum switch provides indication of a potential clogging issue that can be flushed or cleaned before it is too hard to remove. The discharge pressure switch is required (all positive displacement pumps require one) to prevent pump damage due to over pressurization if the pump is operated against a high pressure line, closed valve or clogged line.

CITY OF HIGH POINT
AGENDA ITEM

Title: Riverdale Pump Station Expansion Amendment 2 – Hazen and Sawyer

From: Terry Houk – Public Services Director
Derrick Boone – Public Services Asst. Director

Meeting Date: May 18, 2020

Public Hearing: N/A

Advertising Date: N/A
Advertised By: On-Call

Attachments: Attachment A – Change Order Document

PURPOSE: To approve Amendment 2 to the Hazen and Sawyer contract (purchase order 98765) for providing additional engineering services related to the Riverdale pump station expansion project.

BACKGROUND: The City of High Point transfers wastewater flow to the Eastside WWTP via the Riverdale Pump Station from areas located on the north side of the city. This is the City's largest pump station. During Hurricane Florence, the pump station flooded resulting in damage to three (3) pumps. While still under the emergency bypass, the Public Services is expanding the Riverdale Lift Station. The expansion will include a 10 MGD submersible pump and a second force main that will discharge to the Eastside Wastewater Treatment Plant. Hazen/DMP are performing the following work: Gravity design, coordination between new force and connection to gravity system, interconnection between submersible and existing force main, structural modifications, odor control, construction and administration and inspection services.

BUDGET IMPACT: Funds for this project are available in the FY 2019-2020 Budget.

RECOMMENDATION / ACTION REQUESTED: The Public Services Department recommends approval and asks for the Council to approve Amendment 2 to Hazen and Sawyer for additional design, construction administration and inspection services in the amount of $ 506,727.

Hazen and Sawyer
620 Green Valley Road, Suite 101
Greensboro, NC 27408

May 7, 2020

Mr. Terry Houk
Public Services Director
211 S. Hamilton Street
High Point, NC 27261

Re: PO# - 98765 Riverdale Pump Station Expansion Project
Amendment 2

Dear Mr. Houk:

Please find the enclosed request for an amendment to the Riverdale Pump Station Expansion Project, Purchase Order No. 98765 to provide additional services.

Amendment 1 was submitted to extend time through December 2019. Due to the extended construction schedule and required working hours, additional construction management time is required to complete the project. The construction schedule is expected to last into July 2020. Through the end of April 2020, Hazen field staff have spent nearly 2,500 hours and approximately $30,000 of reimbursable lodging expenses through just over 8 months. We are requesting an extension of $506,727 to the not to exceed amount.

Also included in this amount are costs to compensate for additional design services on the gravity section of sewer line to accommodate the Register's Creek force main and the extension of the force main from the Material Recovery Facility.

The total amendment requested modifies PO No. 98765 from a current budget of $706,070 to a budget of $1,212,797 as shown in the table provided below.

Task No.	Task	Billing Type	Current Fee	Costs Incurred to Date	Additional Fee Requested	Total Fee
110	DMP – GS Design	Lump Sum	$ 64,405.00	$ 68,706.00	$ 10,725.00	$ 75,130.00
120	DMP – Procurement Assistance	Lump Sum	$ 4,400.00	$ -	$ -	$ 4,400.00
130	DMP – Property Acquisition Assistance	Hourly, NTE	$ 8,250.00	$ 6,705.82	$ -	$ 8,250.00
210	Hazen – Pump Station Design	Lump Sum	$ 87,400.00	$ 123,260.29	$ 35,861.00	$ 123,261.00
610	Hazen – Consultant Coordination and Bidding	Hourly, NTE	$ 52,520.00	$ 28,370.00	$ -	$ 52,520.00
710	Hazen – Office CA	Hourly, NTE	$ 77,880.00	$ 170,385.00	$ 142,290.00	$ 220,170.00
720	DMP – Office CA	Hourly, NTE	$ 29,480.00	$ -	$ -	$ 29,480.00
810	Hazen – RPR Services	Hourly, NTE	$ 240,000.00	$ 416,357.50	$ 295,852.00	$ 535,852.00
820	DMP – RPR Services	Hourly, NTE	$ 141,735.00	$ -	$ -	$ 141,735.00
900	Construction Materials Testing - Summit	Hourly, NTE	$ -	$ 16,449.95	$ 22,000.00	$ 22,000.00
	Total		**$ 706,070.00**	**$ 830,234.56**	**$ 506,727.00**	**$ 1,212,797.00**

Job no

Please feel free to call me should you have any questions regarding the amendment request.

Best Regards,

Aaron D. Babson, PE
Senior Associate

Enclosure

cc: Alan Stone

CITY OF HIGH POINT
AGENDA ITEM

Title: Construction Manager at Risk (CMAR) Professional Services
Garney Companies, Inc. DBA Garney Construction
Catalyst Project – Virginia Place Change Order #6

From: Terry Houk – Public Services Director
Derrick Boone – Public Services Asst. Director
Robby Stone – Public Services Asst. Director

Meeting Date: May 18, 2020

Public Hearing: N/A

Advertising Date: N/A
Advertised By: N/A

Attachments: Attachment A – Change Order Documents
Attachment B – Details of Change Order No. 6

PURPOSE:
To approve Change Order No. 6 to the Garney Company, Inc. contract for the replacement of water and sewer utility lines within Virginia Place and additional work and delays that were part of the Appling Way and W. English Road projects.

BACKGROUND:
On February 5, 2018, City Council awarded a contract to Garney Company, Inc. as the Construction Manager at Risk (CMAR) to provide support to the Public Services Department in upgrading and/or replacing infrastructure that would be impacted by the Catalyst Project.

The Public Services Department is now requesting approval of Change Order 6 to replace the existing water and sewer lines in Virginia Place. While replacing the utility lines within W. English Road, it was discovered that the sewer line located within Virginia Place was collapsed and no longer functional. The Virginia Place sewer line was constructed in 1904 and the water line was constructed in 1923. The guaranteed maximum price is $358,047.46 to replace the water and sewer lines in Virginia Place. Change Order 6 also includes additional work and delays on the West English Road and Appling Way projects in the amount of $140,143.10. Total amount of $498,190.56 and an increase of time of 63 days. Substantial completion by September 20, 2020. Currently in the project the City has $1,388,608.86 in savings on this project.

BUDGET IMPACT:
Funds for this change order are available in the budget for Fiscal Year 19-20.

RECOMMENDATION / ACTION REQUESTED:
Public Services is recommending that Council approve Change Order 6 to Garney Companies, Inc. in the amount of $498,190.56 and the appropriate official sign the change order.

211 211-101
211-102
211-103
114
N Elm St
W English Rd - SR1988
400
301
311
315
317
W English Rd - SR1988
W Martin Luther King Jr Dr - SR1970
Virginia Pl
126
N Elm St
401
125
308
121

Attachment B

Additional Work and Delays on English Rd and Appling Way:	
Garney Labor and G&A on Appling Way for Schedule Extension	$79,276.41
Paving of Driveway at 130 Lindsay Place	$21,149.02
Additional Fencing for Appling Way	$3,916.80
Retaining Wall on Appling Way	$12,500.00
Elm/English 6" Water Thrust Collar – Labor	$2,202.00
Abandon 6" Water at Virginia Place – Labor	$734.00
Exploratory Digging at English FH for Service off 12" – Labor	$1,101.00
Abandon 6" Water at Elm/English – Labor	$734.00
Install 12"x6" Plug to Abandon 6" Water (English/Pine) – Labor	$1,101.00
#57 Stone Backfill for Storm Drain on Appling Way	$4,877.47
Storm Drain Labor Delay on Appling Way	$11,266.90
Install Conduit for Future PNG Services	$1,284.50
Additional Work and Delays Subtotal	**$140,143.10**
Virginia Place GMP	
CMAR Labor /Management Fees:	$38,219.50
General Conditions (G&A):	$8,610.46
Subcontractor Cost:	$282,925.00
Subcontractor Markup:	$28,292.50
CMAR Contingency:	$0.00
Virginia Place Guaranteed Maximum Price	**$358,047.46**
Change Order No. 6 Total	**$498,190.56**

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Change Order No. 6

Date of Issuance:	May 6, 2020	Effective Date:	
Owner:	City of High Point, NC	Owner's Contract No.:	29-012418
Contractor:	Garney Companies, Inc., DBA Garney Construction	Contractor's Project No.:	2264
Engineer:	Hazen and Sawyer	Engineer's Project No.:	32140-010
Project:	Downtown Mixed Use Project – Utilities Improvements	Contract Name:	Virginia GMP

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor will provide the services outlined in the attached documents to construct the water, sewer, and storm improvements inside the designated project area per the contract documents for Lindsay Place and English Rd. This change order also captures the additional costs and days required to address additional cost items for Elm St Construction and CMAR management and admin fees to install approximately 650 ft of sanitary sewer on Lindsay St.

Attachments:
Appendix A: Change Order Support Documentation and Terms;
Appendix B: Garney Construction Guaranteed Maximum Price;
Appendix C: Contract Documents;
Appendix D: Payment and Performance Bonds

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 89,131.00	Original Contract Times: Substantial Completion: NA Ready for Final Payment: NA days or dates
Increase from previously approved Change Order No. 1-5: $ 10,441,677.42	Increase from previously approved Change Order No. 1-5: Substantial Completion: 704 days Ready for Final Payment: 704 days days or dates
Contract Price prior to this Change Order: $ 10,530,808.42	Contract Times prior to this Change Order: Substantial Completion: July 19, 2020 Ready for Final Payment: August 1, 2020
Increase of this Change Order: $ 498,190.56	Increase of this Change Order: Substantial Completion: 63 days Ready for Final Payment: 63 days days or dates
Contract Price incorporating this Change Order: $ 11,028,998.98	Contract Times with all approved Change Orders: Substantial Completion: September 20, 2020 Ready for Final Payment: October 3, 2020

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: _____	Title _____	Title _____
Date: _____	Date _____	Date _____

Approved by Funding Agency (if applicable)

By: _____ Date:

Title: _____

Hazen and Sawyer
620 Green Valley Rd., Suite 101
Greensboro, NC 27408 • 336.292.7490

May 6, 2020

Mr. Terry Houk
Public Services Director
City of High Point
211 S. Hamilton Street
High Point, NC 27261

Re: Change Order No. 6
City of High Point Mixed Use Development - CMAR
City of High Point, North Carolina
CHP Contract 29-012418
Hazen No.: 32140-010

Dear Mr. Houk,

Please find a digital copy of Change Order No. 6 for the City of High Point Downtown Mixed Use Project - Utility Improvements enclosed. This change order is to cover the additional work and delays encountered on English Rd and Appling Way to date, along with the additional Guaranteed Maximum Price to complete the replacement of the waterline and sanitary sewer line on Virginia Place.

The total amount for Change Order #6 is $498,190.56. A breakdown of the changes is presented in the table on the next page.

Hazen

Contract Task No.	Amount	Calendar Days
Original Contract Value	**$89,131.00**	**-**
Change Order # 1 (Approved August 28, 2018)	**$3,265,862.13**	**170**
Change Order # 2 (Approved May 14, 2019)	**$3,867,682.18**	**343**
Change Order #3 (Approved August 5, 2019)	**$723,972.91**	**0**
Change Order #4 (Approved September 11, 2019)	**$2,584,160.20**	**0**
Change Order #5 (Approved August 30, 2019)	**$0.00**	**191**
Change Order #6		
Additional Work/Delay on English Rd & Appling Way to Date	$140,143.10	63
Virginia Place GMP	$358,047.46	0
Subtotal for Change Order #6	**$498,190.45**	**63**
Revised Total Contract Amount	**$11,028,998.98**	**767**

The backup to the Engineer's Determinations and Contractor's GMP is attached. Please contact me at (336) 478-3372 if you shall have any questions or require additional information.

Regards,

Christy Tommerdahl

Christy Tommerdahl, PE
Senior Principal Engineer

Enclosures
Cc: Terry Houk, City of High Point, North Carolina
Aaron Babson, P.E., Hazen and Sawyer

CITY OF HIGH POINT
AGENDA ITEM

Title: Authorize Forsyth County Tax Administration and Collection of Fiscal Year 2020 Taxes And Collection of 2019 and Prior Years' Taxes

From: Eric Olmedo, Assistant City Manager

Meeting Date: May 18, 2020
Advertising Date:
Advertised By:
N/A

Public Hearing: No

Attachments: Resolution/Order of City Council for the Collection of 2020 Taxes
Resolution/Order of City Council for the Collection of 2019 and Prior Years' Taxes

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PURPOSE:
The Financial Services Department recommends that City Council authorize the forms of resolution required by the Forsyth County Tax Department for the administration and collection of property taxes for City of High Point parcels located in Forsyth County during the 2020 fiscal year.

BACKGROUND:
The City of High Point is the only municipality in North Carolina which enjoys having taxable property in four different counties – Guilford, Randolph, Davidson, and Forsyth. Each county tax administration office handles their tax administration function differently. The Forsyth County Tax Collector's Office requires an annual affirmation of their authority initially approved by City Council in 2012 to administer and collect High Point's taxes within Forsyth County.

BUDGET IMPACT:
The Annual Budget for FY 2020-2021 includes the tax collection and administration costs for all four counties. The attached affirmation of authority to collect does not increase the basis of costs.

RECOMMENDATION / ACTIONS REQUESTED:
Council is requested to authorize the appropriate City Official to execute an agreement between Forsyth County and the City of High Point for the collection of the 2020 and for the collection of 2019 and prior years' taxes by the Forsyth County Tax Administration office for areas of High Point located in Forsyth County.

NORTH CAROLINA

FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE CITY OF HIGH POINT
IN ACCORDANCE WITH G.S.105-321, G.S. 153A-156 AND G.S. 160A-215.2
FOR THE COLLECTION OF 2020 TAXES

TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE,
TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING,
TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2020 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2020 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District, West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156 and gross receipts derived from short-term lease or rental of heavy equipment as set forth under G.S. 160A–215.2. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions at the discretion of the Tax Collector.

WITNESS my hand and official seal, this the _____ day of _____, 2020.

_____
MAYOR, CITY OF HIGH POINT

ATTEST:

_____
CLERK

NORTH CAROLINA

FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE CITY OF HIGH POINT
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321, G.S.105-330.3 and G.S. 153A-156
FOR THE COLLECTION OF 2019 AND PRIOR YEARS' TAXES

TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM, VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2011 through 2019 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2011 through 2019 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions in the discretion of the Tax Collector.

Taxes on registered classified Motor Vehicles for 2016 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on registered classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2016 and prior years.

WITNESS my hand and official seal, this the _____ day of _____, 2020.

_____
MAYOR, CITY OF HIGH POINT

ATTEST:

_____
CLERK

CITY OF HIGH POINT
AGENDA ITEM

Title: Radio System Microwave Purchase

From: Steve Lingerfelt, Director of Information Technology Services

Public Hearing: No

Attachments: Aviat Networks, Inc. Quote

Meeting Date: May 18, 2020

Advertising Date / Advertised By:

PURPOSE:
The City needs to purchase a Microwave System from Aviat Networks, Inc. for the 800 MhZ Radio System.

BACKGROUND:
Information Technology Services is recommending the City of High Point purchase a microwave system from Aviat Networks, Inc. for the 800 MhZ radio system at a purchase price of $230,576 to replace a system that is nearing end of life.

BUDGET IMPACT:
The City of High Point will use existing funds in the FY 2019-20 budget to purchase the microwave system from Aviat Networks, Inc. The total cost of the contract is $230,576.00. The microwave system is on the NASPO ValuePoint Cooperative Purchasing Agreement (05715).

RECOMMENDATION / ACTION REQUESTED:
The Department of Information Technology Services recommends approval of the contract and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Aviat U.S., Inc.
860 N. McCarthy Blvd., Suite 200
Milpitas, CA 95035

Company **High Point NC**
Attn Lee Stanley
Address lee.stanley@highpointnc.gov
(336) 883-3404

Project Number:	NA181217-45585
Project Date:	4/28/2020
Issue No:	A3
Territory Manager:	Mark Davis
System Engineer:	Reyniero Medina
Sales Engineer:	Gerard Sprinitis
Terms:	NET 30
Delivery:	TBD
Expiration:	90 days
Currency:	USD
Freight:	Prepaid & Add, Destination
Contract:	NASPO ValuePoint Cooperative Purchasing Program Master Agreeme

HIGH POINT NC- 2 HOPS WITH ANTENNAS

Aviat Networks Confidential and Proprietary Information

ITEM	EQUIPMENT LIST DESCRIPTION	PRODUCT CODE PART NUMBER	UNIT PRICE	SYSTEM QTY	SYSTEM PRICE	PRIME QTY	PRIME PRICE	NORTH QTY	NORTH PRICE
1.00	**Eclipse products**								
1.01	IRU600v4 RFSEC ASSY MHSB RX UNEQUAL SPLIT, IF TR SP-HP 5.8-U6 GHz, Filter-non ACCP	EV206-AMT-AM0-410000	$8,964	4	$35,856	2	$17,928	1	$8,964
1.02	ECLIPSE, INTELLIGENT NODE UNIT 2RU, INC IDCE, FAN, NCCV2, HIGH OUTPUT	EXX-000-204	$960	3	$2,880	1	$960	1	$960
1.03	KIT BRACKET 2RU (179-530064-001_R001)	179-530064-001	$7	3	$21	1	$7	1	$7
1.04	NODE PROTECTION CARD, HIGH OUTPUT	EXS-002	$213	3	$639	1	$213	1	$213
1.05	RAC 70, QPSK-4096QAM, NO XPIC, ACM	EXR-700-001	$598	8	$4,784	4	$2,392	2	$1,196
1.06	DAC GE3 GIGABIT ETHERNET SWITCH CARD	EXD-181-002	$675	6	$4,050	2	$1,350	2	$1,350
1.07	CABLE PROT / BRIDGEING GE3, DIRECT FIT, 500mm (VAHS-30-0346 REV X2)	037-579461-500	$32	3	$96	1	$32	1	$32
1.08	CABLE, ETHERNET, CAT 5E, SHIELDED, 26 AWG, INDOOR, BOTH ENDS RJ45 (M) CONNECTORS, 2M (6.56'), BLACK (037-579124-002V_REVA)	037-579124-002	$5	8	$40	4	$20	2	$10
1.09	XCVR ELECTRICAL SFP, GE3 ONLY, W/LOS 3V3 COM (ABCU-5700RZ)	083-845434-001	$69	6	$414	2	$138	2	$138
1.10	GIG ETH SFP, OPT MMF 850nm LC 1000BASE-SX, <550M (LM28-C3S-TC-N)	079-422662-001	$42	6	$252	2	$84	2	$84
1.11	AUX, ALARM I/O CARD	EXA-001	$187	3	$561	1	$187	1	$187
1.12	CABLE, ALARM I/O, 24AWG, HD15 TO WIREWRAP, 15M (037-579470-015V_REVX1)	037-579470-015	$51	3	$153	1	$51	1	$51
1.13	NODE SW LICENSE, 200 Mbps TOTAL RADIO PAYLOAD CAPACITY	EZE-08004	$1,400	2	$2,800			1	$1,400
1.14	NODE SW LICENSE, 400 Mbps TOTAL RADIO PAYLOAD CAPACITY	EZE-08006	$2,800	1	$2,800	1	$2,800		
1.15	ADAPTIVE MODULATION NODAL RAC60/6X/60E/6XE/70	EZF-02	$420	3	$1,260	1	$420	1	$420
2.00	**Rack & accessories**								
2.01	RACK ASSY, NO RACK, NO CRATE, 1 BREAKER PNL W/10 BLANK COVERS AND NO BREAKERS	179-530107-9910	$629	3	$1,887	1	$629	1	$629
2.02	COMMON BREAKERS & BLANKING PLUGS PER RACK PER DRAWING	COMMON-BREAKERS-RACK	$35	3	$105	1	$35	1	$35
2.03	WG EXT KIT IRU600 V3 6GHZ SH1-PO1, 1+0/MHSB 1ANT, RPTR(MAIN)	179-530135-AA101	$304	3	$912	1	$304	1	$304
2.04	WG EXT KIT IRU600 V3 6GHZ SH2-PO2, 1+0/MHSB 1ANT, RPTR(MAIN)	179-530135-BB201	$944	1	$944	1	$944		
2.05	EXT BRKT KIT IRU600 2 SHELF (179-530089-001_REV002)	179-530089-001	$182	1	$182	1	$182		
2.06	Installation Kit, Aluminum Rack, Concrete Floor (AV179-530119-001WA)	179-530119-001	$828	3	$2,484	1	$828	1	$828
2.07	Isolation Kit, 19" Rack (AV179-530121-001WA)	179-530121-001	$492	3	$1,476	1	$492	1	$492
2.08	GROUND BAR,KIT,RACK,R56 COMPLIANT,72 INCHES L X 5/8 INCHES WIDE X 1/4 INCHES DEPTH (TRGBVKIT145872AWA)	LOC-TRGBVKIT145872W	$391	3	$1,173	1	$391	1	$391
2.09	CHANNEL MOUNTING, FORWARD, U-SHAPE, 4 INCHES LONG (FORWARD) X 5/8 INCHES WIDE X 1.75 INCHES HIGH (1 RU) (020-018475-005_REV001)	020-018475-005	$21	9	$189	3	$63	3	$63
3.00	**Antennas & Mounting Hardware**								
3.10	**Antennas**								
3.11	ANTENNA, L6/U6 GHZ, 1.8 M (6FT), COMPACTLINE, UHP, REMOTE MOUNT, PARABOLIC (STD: WHITE), 5.925-7.125 GHZ, RADOME (STD: WHITE), CPR137G SINGLE POL., CLASS III/FCC101A, SINGLE PIECE REFLECTOR, 200 KMPH, 200 KMPH (SB6-W60CC)	RFS-SB6-W60XC	$3,214	4	$12,856	2	$6,428	1	$3,214
			$28						
3.20	**Mounting Hardware**		$28						
3.21	LEG MOUNT,UP TO 6 FEET ANTENNA DIAMETER,UP TO 8 INCHES DEPTHIAMETER LEG (MTC3513LMS)	179-530147-001	$1,115	4	$4,460	2	$2,230	1	$1,115
3.22	ICE SHIELD,12 INCHES X 48 INCHES,FOR WAVEGUIDE/MW EQUIPMENT (MD-IS4) (OPTIONAL)	AND-MD-IS4	$373						
3.23	TWR FACE MNT, 14" STAND-OFF, 4-1/2" X 63", 3-1/2" X 14' PIPES, DBL STIFF ARM 2"-8" RND/ANG MEMBERS (TF-ML3S2-14) (OPTIONAL)	AND-TF-ML3S2-14	$2,848						
3.24	CHAIN MOUNT,KIT,FOR MONOPOLE,UP TO 6 FEET ANTENNA DIAMETER,UP TO 30 INCHES DEPTHIAMETER,20 WAVEGUIDE SUPPORT BRACKETS,WITH SINGLE STRUT (MTC3513S6) (OPTIONAL)	179-530142-001	$1,673						
4.00	**6 GHz Waveguide & Accessories**								
4.01	ELLIPTICAL WAVEGUIDE STANDARD, 5.925-7.125 GHZ, BLACK PE JACKET, PER FOOT (EW63-F)	AND-EW63-F	$8	735	$5,880	305	$2,440	215	$1,720
4.02	HARDWARE-KIT (ONE KIT PER 100FT) (HARDWARE-KIT)	AND-HARDWARE-KIT	$275	9	$2,475	3	$825	3	$825
4.03	EW63INSTALL-KIT (ONE KIT PER WAVEGUIDE RUN) (EW63INSTALL-KIT)	AND-EW63INSTALL-KIT	$983	4	$3,932	2	$1,966	1	$983
4.04	WAVEGUIDE BOOT FOR EW63, 4 IN (WGB4-63)	AND-WGB4-63	$45	4	$180	2	$90	1	$45
4.05	SNAP-IN HANGER KIT FOR EW63, KIT OF 10 (EWSH-63)	018-510001-001	$111	24	$2,664	10	$1,110	7	$777
4.07	GROUNDING KIT (24IN, 2 HOLE, LUG ATTACHED) (241088-4)	AND-241088-4	$24	7	$168	3	$72	2	$48
4.08	ENTRANCE PANEL, 2 PORT, 1 X 2 IN (204673-2A)	AND-204673-2A	$58	3	$174	1	$58	1	$58
5.00	**Dehydrator System**								

This sales quotation and any resulting Customer order ("Order") are subject to Aviat Networks standard terms and conditions of sale ("Conditions"), which are available at the following web site: http://www.aviatnetworks.com/media/files/AVWN_STCS.pdf. However, if an Order is issued under or in connection with an applicable master agreement between Aviat and Customer (an "Existing Agreement"), then the Existing Agreement will govern and control the Order.

	EQUIPMENT LIST	PRODUCT CODE	UNIT	SYSTEM		PRIME		NORTH	
5.01	DEHYDRATOR, AUTOMATIC, LAB4.50, 10-60 KPA, 300 L/H, 120 VAC 50/60 HZ INPUT, 6 AIR OUTLETS 3/8", ETHERNET. INCLUDES SIX HOSE FITTING ADAPTER STRAIGHT + SIX 90 DEGREE ELBOW + 40M HOSE. MOUNTING: WALL, FLOOR AND RACK. 19"W, 5.2"H (3RU), 13.2"D (C15130.602)	CIB-C15130.602	$3,250	3	$9,750	1	$3,250	1	$3,250
5.02	MANIFOLD, 1 PORT INLET, 2 PORTS OUTLET AND SHUT OFF VALVES, 3/8" PUSH-ON FITTING (K15019-007)	CIB-K15019-007	$188	3	$564	1	$188	1	$188
6.00	**DC Power Systems**								
6.10	**DC Rectifier System**								
6.11	EMPTY CHASSIS, FLATPACK S INTREPID POWER SYSTEM, NO CONTROLLER, -48VDC, REAR ACCESS, 80 AMP MAX, LVBD & SHUNT, 1 RU, 19", MID/FLUSH MOUNT, 3 EMPTY RECTIFIER POSITIONS, 2 LOAD BREAKER (NOT INCLUDED) POSITIONS, 2 BATTERY BRKR (NOT INCL) POS (FPSJ60I-ANL-VC)	ELT-FPSJ60I-ANL-VC	$787	3	$2,361	1	$787	1	$787
6.12	RECTIFIER, FOR FLATPACK S INTREPID, 1 RU, 100-250 VAC INPUT, 48 VDC OUTPUT, 1800 WATTS, 37.5 AMP @ 220 VAC INPUT, 20 AMP @ 110 VAC INPUT (241122.125.VC)	ELT-241122.125.VC	$542	7	$3,794	2	$1,084	2	$1,084
6.13	SMARTPACK S CONTROLLER, FOR FLATPACK S INTREPID, -48 VDC, 100 AMP SYSTEM, 1 RU, SNMP, 6 PROGRAMMABLE DIGITAL OR ANALOG SIGNALS INPUTS, 6 PROGRAMMABLE RELAY OUTPUTS (SPS-FPS100-A01-VV)	ELT-SPS-FPS100-A01-VV	$619	4	$2,476	1	$619	1	$619
6.14	LINE CORD, INDIVIDUAL AC INPUT FOR FLATPACK S POWER SYSTEM, AMP SHELF CONNECTOR, NEMA N515P AC SOURCE CONNECTOR, 10 FEET LENGTH, 14 AWG WIRE GAUGE (LA1014-L515P)	ELT-LA1014-L515P	$68	6	$408	2	$136	2	$136
6.15	CIRCUIT BREAKER, 30 AMP PLUG-IN BULLET, ELECTRO-MECHANICAL (CBB030E)	ELT-CBB030E	$29	6	$174	2	$58	2	$58
6.16	CIRCUIT BREAKER, 70 AMP PLUG-IN BULLET, ELECTRO-MECHANICAL (CBB070E)	ELT-CBB070E	$29	6	$174	2	$58	2	$58
6.17	BLIND PANEL, FOR EMPTY FLATPACK S INTREPID RECTIFIER SLOT (331E00116500)	ELT-331E00116500	$27	3	$81	1	$27	1	$27
6.18	PULLER, FOR BULLET BREAKER (BBPULR-01)	ELT-BBPULR-01	$18	3	$54	1	$18	1	$18
6.19	CABLE, ETHERNET, CAT 5E, SHIELDED, 26 AWG, INDOOR, BOTH ENDS RJ45 (M) CONNECTORS, 2M (6.56'), BLACK (037-579124-002V)	037-579124-002	$5	3	$15	1	$5	1	$5
6.20	**Batteries**		$51						
6.21	BATTERY SYSTEM,VRLA,RACK MOUNTING,19 INCHES WIDTH,4 CELLS,TEL,1 TRAY,111-2019-1616,-48VDC OUTPUT,30AH,10 YEARS (H48TEL12-30-19)	CDT-H48TEL12-30-19	$1,273	3	$3,819	1	$1,273	1	$1,273
7.00	**Spares (Optional)**								
7.01	RFU, MP, IRU600v4 IF TR, 5.8-L6-U6 GHz, 5725-7125 MHz	ERM-ATT-400	$4,612						
7.02	NODE PROTECTION CARD, HIGH OUTPUT	EXS-002	$213						
7.03	RAC 70, QPSK-4096QAM, NO XPIC, ACM	EXR-700-001	$598						
7.04	DAC GE3 GIGABIT ETHERNET SWITCH CARD	EXD-181-002	$675						
7.05	AUX, ALARM I/O CARD	EXA-001	$187						
7.06	FAN TRAY KIT, IRU600v4 (2 Fan Trays per Kit)	179-531050-001	$213						
7.07	ECLIPSE, NODE CONTROLLER CARD, SERIAL MGMT V2	EXN-004	$462						
7.08	RF SWITCH IRU600 (SPDT-0D-12A-N-S9-C026)	131-142718-001	$137						
7.09	INUE, 2RU FAN CARD	EXF-101	$67						
8.00	**Provision**								
8.01	ProVision Solution Pack - 10 Nodes	614-225008-002	$3,000	1	$3,000				
8.02	PROVISION GDS PACKAGE, ELTEK SMARTPACK, FLATPACK POWER SYSTEMS, V1.8	614-700070-001	$3,000	1	$3,000				
8.03	PROVISION GDS PACKAGE, CIBRED DEHYDRATOR AIR CONDITIONER V1.0	614-700520-001	$3,000	1	$3,000				
9.00	**Services**								
9.10	**Factory Services**								
9.11	RADIO INTEGRATION	SVCS-IN-SIPQ-RI	$3,492	1	$3,492				
9.12	CUSTOMER ACCEPTANCE TESTING **(OPTIONAL)**	SVCS-IN-SIPQ-AT	$2,527	1	$2,527				
9.20	**Project Administration**								
9.21	Program Management-Day To Day	SVCS-IN-PM-PM	$9,476	1	$9,476				
9.22	Project Engineering-Day to Day	SVCS-IN-SS-PE	$10,326	1	$10,326				
9.30	**Engineering**								
9.31	Network Engineering	SVCS-PN-EN-SE	$5,991	1	$5,991				
9.32	NDE IP Network Planning and Design	SVCS-PN-CO-CO	$1,416	1	$1,416				
9.33	Transmission Engineering-Path Surveys/Design Finalization	SVCS-PN-EN-XE	$8,882	1	$8,882				
9.34	Frequency Coordination & Licensing	SVCS-PN-EN-XE-LA	$5,613	1	$5,613				
9.35	Project Engineering-Site Surveys	SVCS-IN-SS-PE	$7,120	1	$7,120				
9.36	Configuration Engineering	SVCS-IN-SS-CEDFT	$1,899	1	$1,899				
9.37	Drafting	SVCS-IN-SS-CEDFT	$1,245	1	$1,245				
9.40	**Field Services**								
9.41	Field Install (Antenna Systems)	SVCS-IN-IC-AS	$38,118	1	$38,118				
9.42	Field Install and Test (Radios)	SVCS-IN-IC-FI	$16,488	1	$16,488				
9.43	Field Install and Test (DC Power)	SVCS-IN-IC-FI	$8,366	1	$8,366				
9.44	Field Install and Test (ProVision)	SVCS-IN-IC-FI	$1,716	1	$1,716				
9.45	Traffic Cutover	SVCS-IN-IC-FI	$3,260	1	$3,260				
9.46	Equipment Removal - Radio	SVCS-IN-IC-FI	$1,544	1	$1,544				
9.47	Equipment Removal - Antenna	SVCS-IN-IC-AS	$11,154	1	$11,154				
9.48	Tieback - MATERIAL	SVCS-IN-IC-AS	$572	1	$572				
9.49	Rack/Radio installation - MATERIAL	SVCS-IN-IC-FI	$644	1	$644				

This sales quotation and any resulting Customer order ("Order") are subject to Aviat Networks standard terms and conditions of sale ("Conditions"), which are available at the following web site: http://www.aviatnetworks.com/media/files/AVWN_STCS.pdf. However, if an Order is issued under or in connection with an applicable master agreement between Aviat and Customer (an "Existing Agreement"), then the Existing Agreement will govern and control the Order.

WAIVER AGREEMENT

This WAIVER AGREEMENT is dated as of May 4, 2020, by and between North Carolina Municipal Power Agency Number 1, a joint agency of the State of North Carolina ("Power Agency"), and the municipality of the State of North Carolina that has executed this Waiver Agreement (the "Participant").

WHEREAS, Power Agency and the Participant, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "PPSA") pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant's Share of Project Output; and

WHEREAS, Power Agency and the Participant, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the "SPSA" and, together with the PPSA, the "Agreements") pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant's All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply, and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the "Monthly Bill") and

WHEREAS, since the date of the Agreements, (i) Power Agency's and the Participant's accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United Sates mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements

requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the "Waiver "), and directed that a waiver agreement be submitted to each of the Participants for approval and execution; and

WHEREAS, the Participant has determined that the Waiver is in the best interest of the Participant and has authorized and directed that this Waiver Agreement be executed for and on behalf of the Participant.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are acknowledged hereby, the parties hereto mutually agree as follows:

Section 1. Unless the context clearly indicates to the contrary, all capitalized terms used in this Waiver Agreement shall have the meanings given them in the Agreements.

Section 2. For and during the remainder of the term of each of the Agreements, and any extensions thereto, the Participant hereby waives and forever relieves Power Agency of the obligation to mail Annual Budget Information and Monthly Bills to the Participant, as required by Section 5(a) and 5(b) of each of the Agreements, respectively, so long as Power Agency provides Annual Budget Information and Monthly Bills to the Participant by electronic means to such address as the Participant shall specify in writing to Power Agency (as such address may be changed similarly from time to time).

Section 3. This Waiver Agreement shall become effective upon the execution and delivery of similar waiver agreements by Power Agency and each Participant, and shall otherwise become effective upon execution and delivery hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Waiver Agreement all by the authority of their respective governing bodies duly given.

Executed the 18th day of May, 2020.

City of High Point

By:_____
Jay W. Wagner, Mayor

ATTEST:

_____
Lisa B. Vierling, City Clerk

(SEAL)

Executed this 19th day of May, 2020.

NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1

By:_____

ATTEST:

_____
(Ass't) Secretary-Treasurer

(SEAL)

Vision

Resilience High Point is an alliance of public, private, and non-profit organizations collaborating to develop integrated infrastructure that empowers all individuals and families to thrive.

Current Focus Areas

1) Conduct needs assessment, promote findings, and engage the wider community
2) Host quarterly convenings to foster collaboration
3) Facilitate trauma-informed training

Current Members

YWCA
Carl Chavis YMCA
Hayden-Harman Foundation
D-UP
City of High Point Community Development and Housing
Big Brothers/Big Sisters
Change Often, LLC
Reading Connections
Triad Health Project
Operation Xcel
Welfare Reform Liaison Project
Guilford Child Development

Resilience High Point

Community Needs Assessment

Center *for* Housing
& Community Studies

UNC
GREENSBORO

UNC GREENSBORO

Center *for* Housing & Community Studies

In the Fall of 2019, staff from the University of North Carolina at Greensboro Center for Housing and Community Studies :

- **Conducted 4 community 'listening sessions' or focus groups with community members;**
- **Conducted a multi-modal resident survey (online and paper through community partners) with 524 respondents**
- **Completed telephone interviews with 9 key informants**
- **Performed an analysis and mapping of jurisdictional data for the City of High Point; and**
- **Produced a 156 pg report, 15 pg executive summary, 4 pg infographic, and presentation identifying community assets, resident needs, and gaps between need and current resources.**

Affordability & Congeniality

"High Point is a city filled with a whole bunch of country folk. And when I say country folk, they don't get caught up in being pompous, it's a blue-collar mentality I think is here."

"We had five kids in, next thing you know, 42 or 43. We enjoyed being a safe haven for the community."

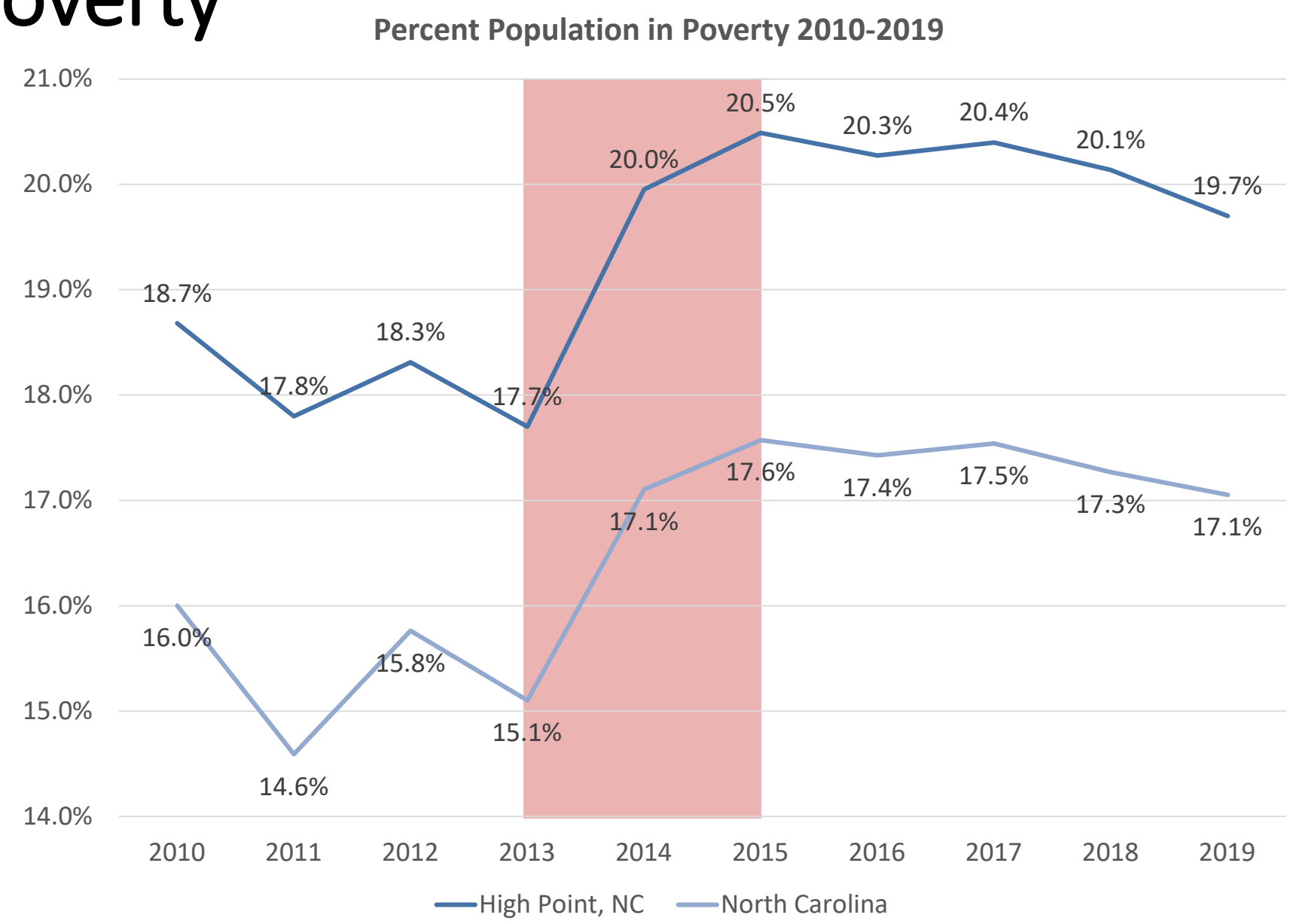
"The immigrant community likes High Point. It feels like home. They move into High Point more than they move out."

"The most comfortable thing about here is the cost of living. The cost is lower compared to other states, such as food, expensive (cheaper) when someone buys a house is lower than other states. "

Responses "What do you like about your neighborhood"	N	%	% of Cases
Affordability/Cost	135	14.4%	39.6%
Convenient location	134	14.3%	39.3%
Safe	102	10.9%	29.9%
Housing condition	91	9.7%	26.7%
Other	81	8.6%	23.8%
Overall feeling	73	7.8%	21.4%
Near my school/work	73	7.8%	21.4%
Diversity (a mix of different races)	53	5.7%	15.5%
Neighbors	43	4.6%	12.6%
Good	35	3.7%	10.3%
Family in the same neighborhood	29	3.1%	8.5%
Good public transportation	25	2.7%	7.3%
I have always lived here	25	2.7%	7.3%
Child friendly	22	2.3%	6.5%
People who are the same race as me	16	1.7%	4.7%
TOTAL RESPONSES	937	100.0%	274.8%

Increase in Poverty

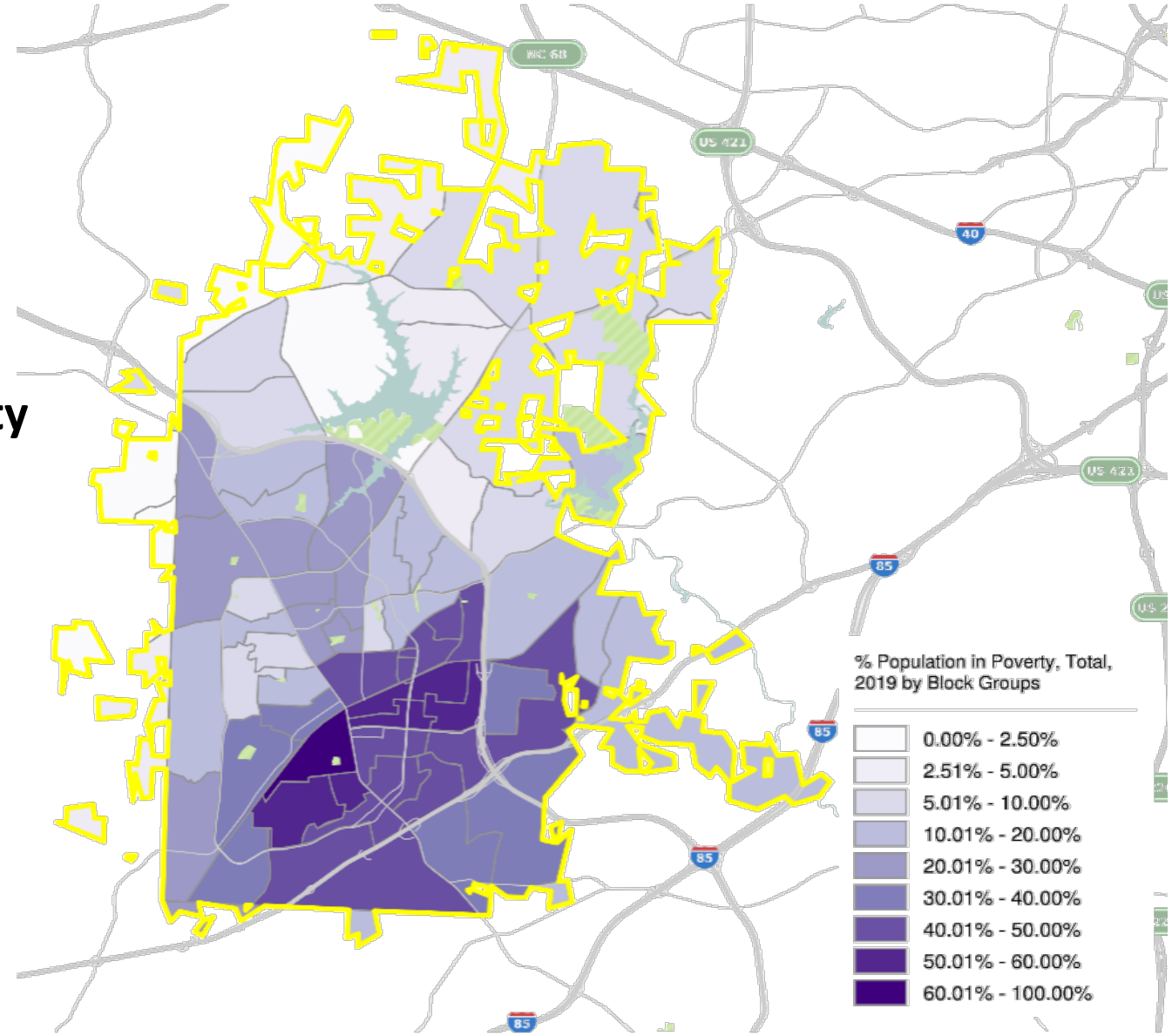
Population in Poverty in High Point 2010-2019



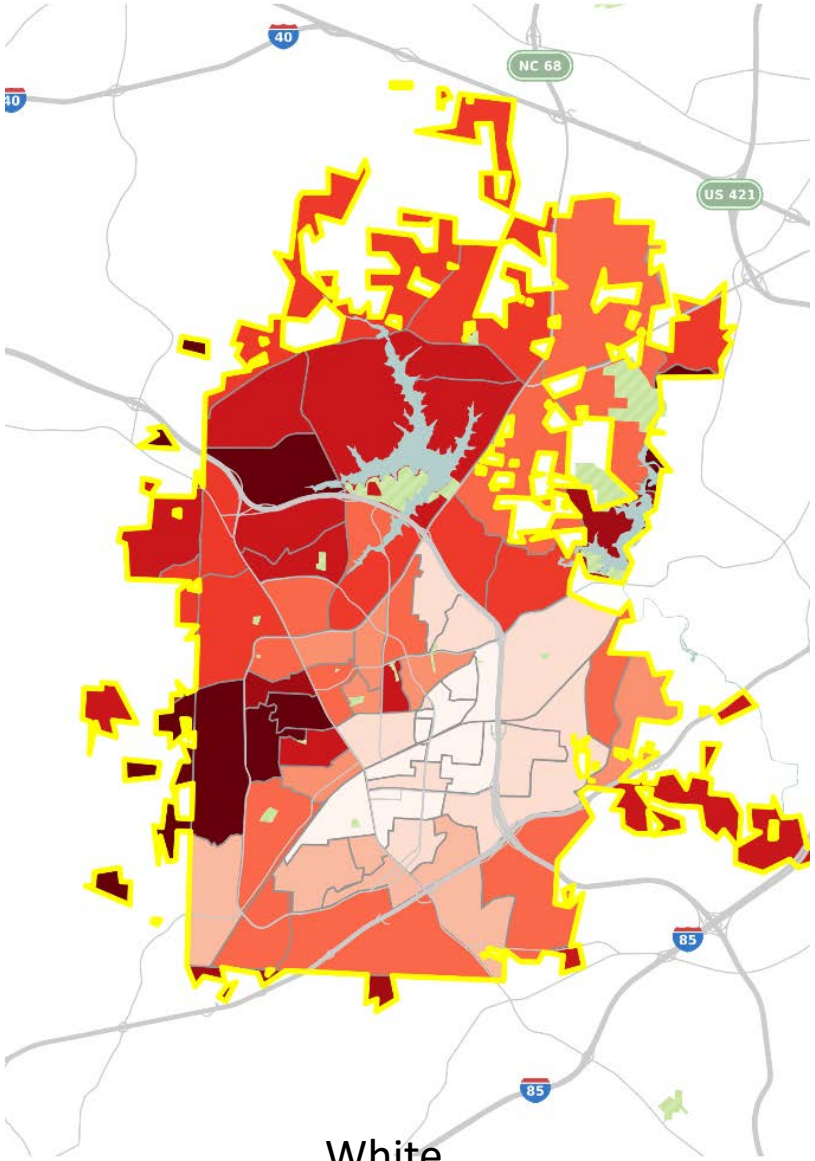
Concentrated Poverty

Incomes in High Point are bifurcated - meaning they were very poor or had higher incomes - few were in the middle…

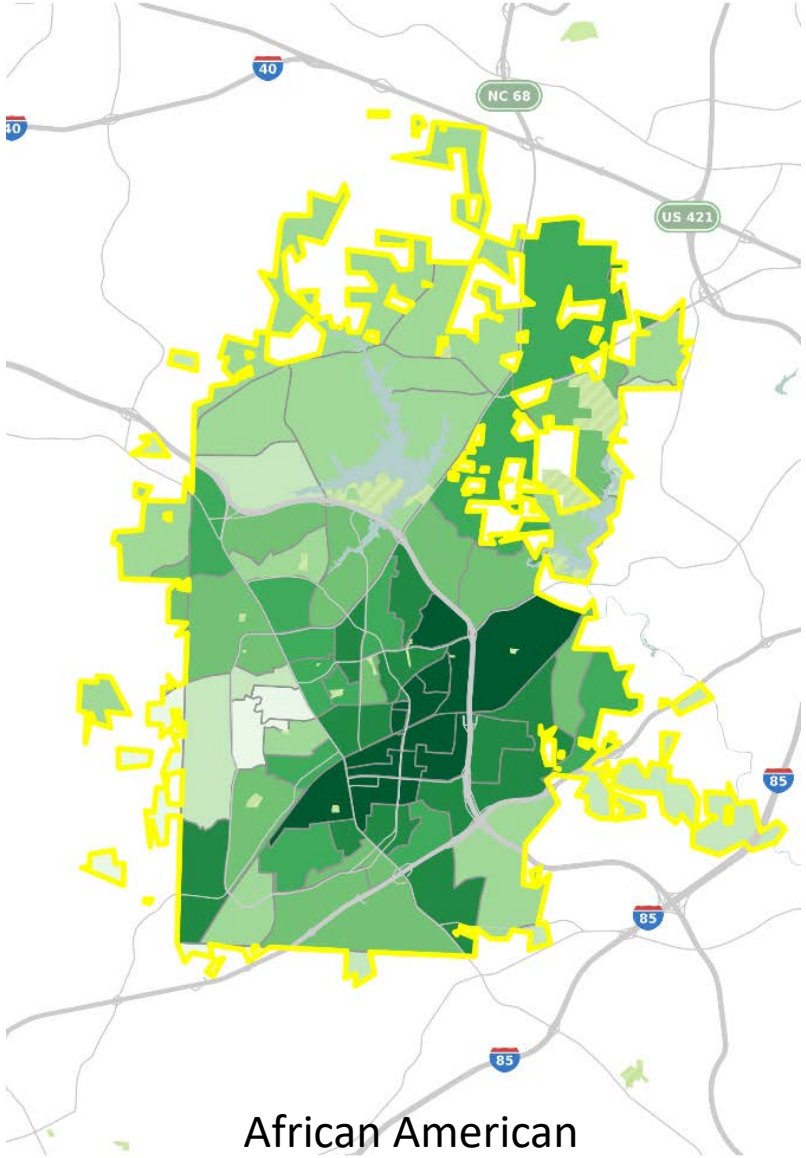
- **One-in-five (19.4%) is living in poverty**
- **22,365 individuals**
- **A quarter (26.5%) of the households have income below $25,000.**
- **7.3% of families meet the definition of "deep poverty" (earning less than 50% of the poverty level)**



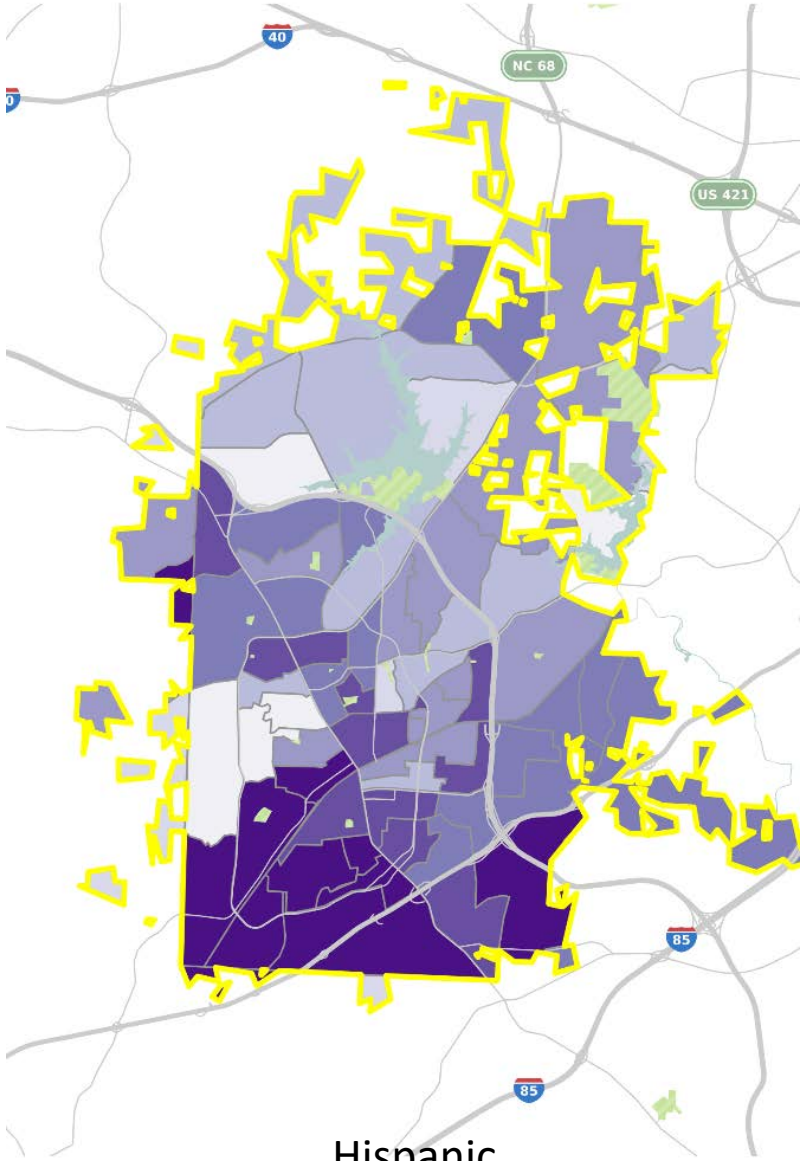
"I feel as though High Point has a very segmented community - there are very few spaces that both the wealthy citizens and the struggling citizens can meet and build relationships." - Focus Group Participant



White

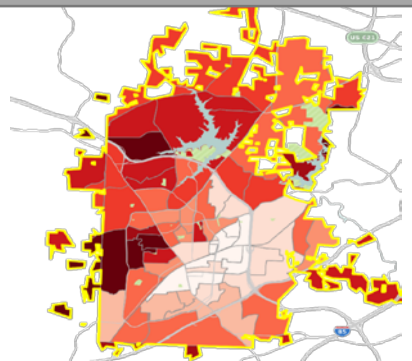


African American

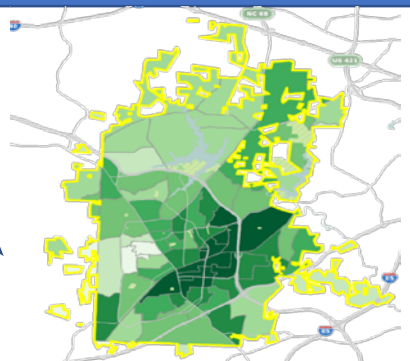


Hispanic

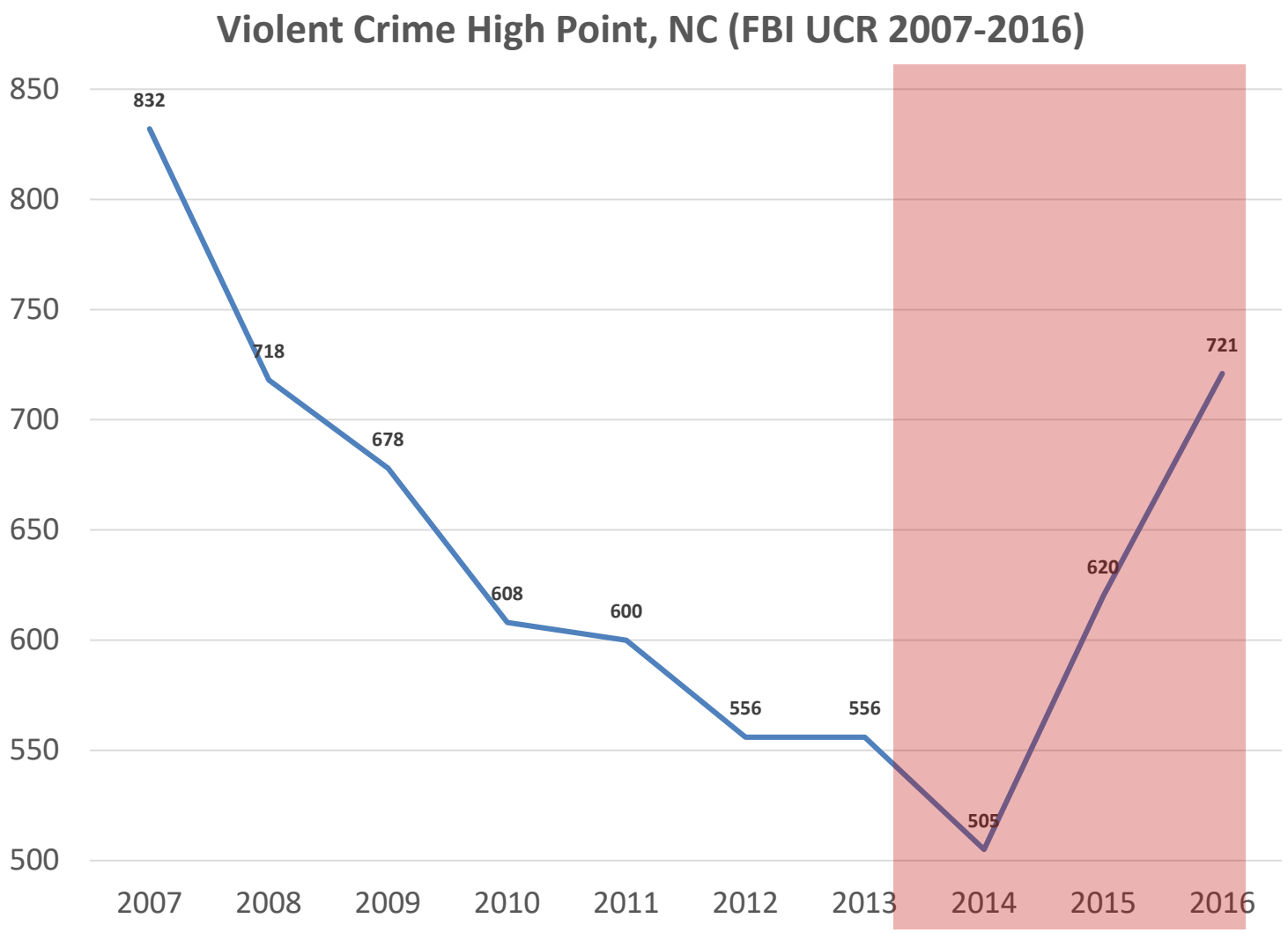
"I live in north High Point. Most of your questions don't apply to me. The real issue is that most in north High Point live in a cocoon. Consciously or unconsciously, they ignore the issues that plague other citizens of the city. To get services and resources to everyone, we need true community spirit. We don't have community spirit. We are a city divided, mostly by race."

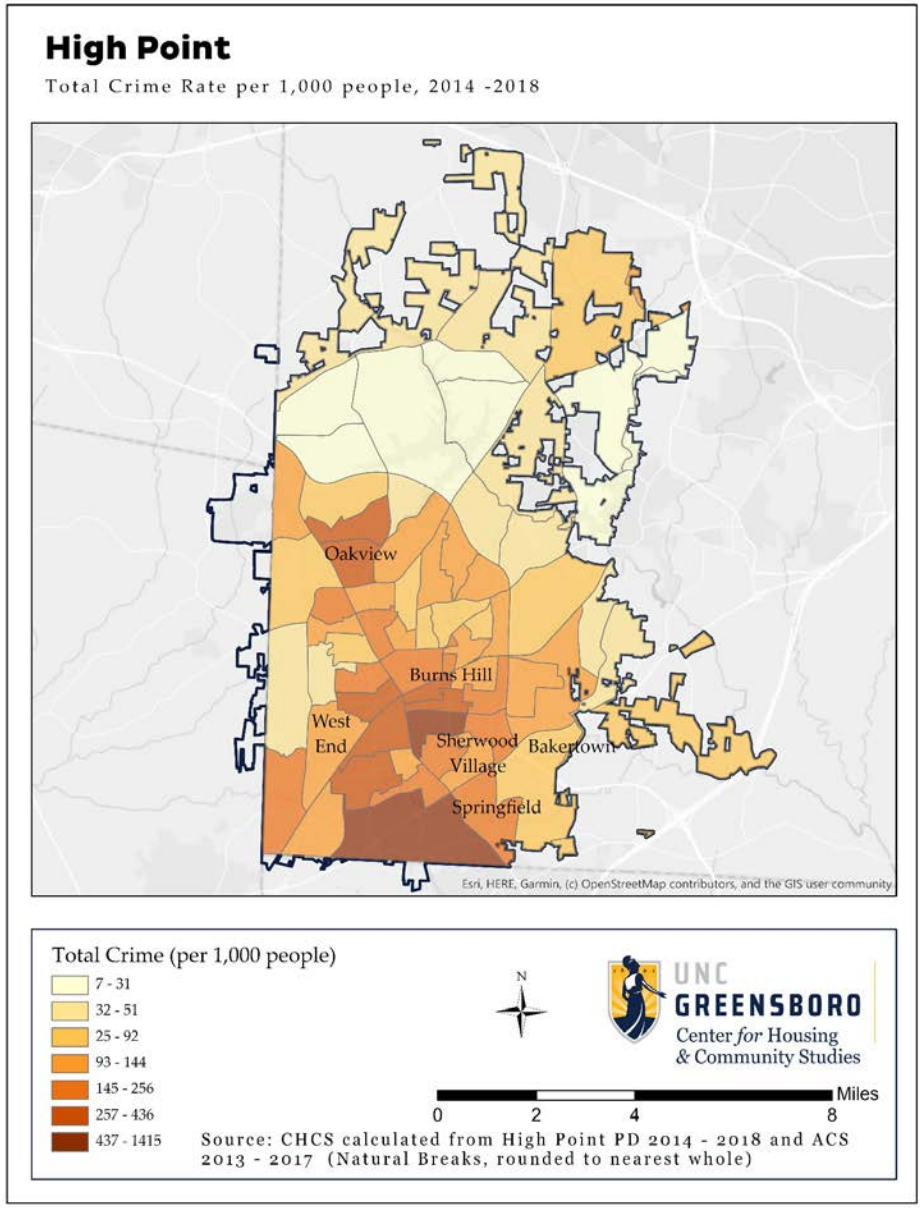


"I am appalled that the citizens on my end of city only has jobs that pay the bare minimum, while areas starting at HPU are developing and bringing in new business and pouring money into those areas. Our children are attending [schools] that are less than efficient, and we don't equally embrace the educational value that should be given to all kids.....The total disregard for this community is a shame and the City of High Point really doesn't care about this part of town. However, we are. Diverse community of seniors and young families that are praying someone, anyone, will speak to us about the inequities, we experience daily."



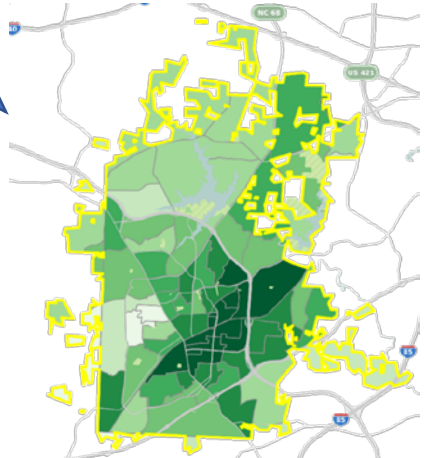
Increase in Violent Crimes





Perception of Crime

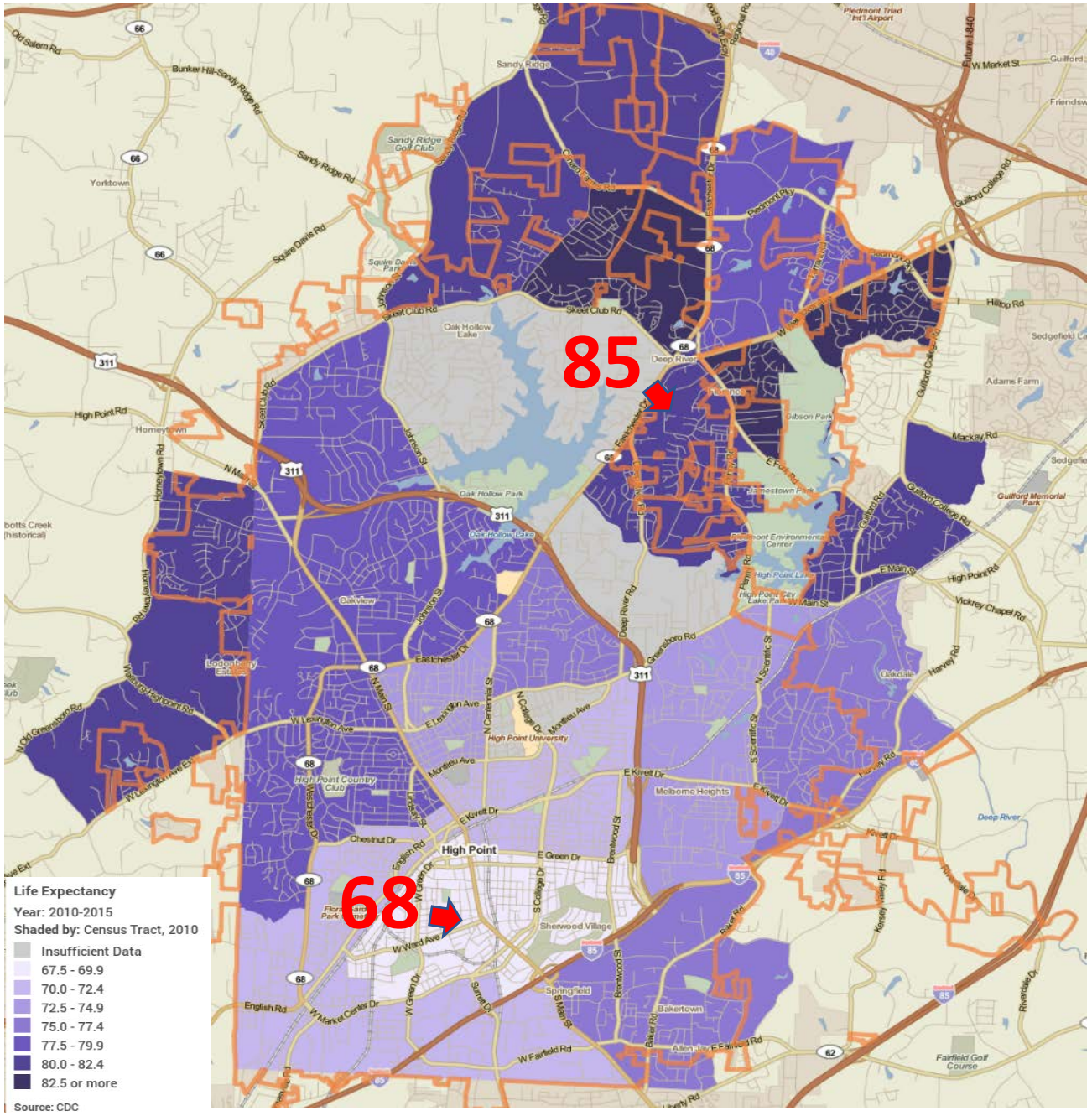
"There's a huge wave of violence that has just kinda flooded over our community. There needs to be a way to try to engage with our young people before they get so deeply orientated into that life. I don't know what that way not sure anyone knows what that way is."



- A majority of High Point residents (60.9%) worry about crime (Simmons Local Consumer Insights).
- Substance use was recognized as a contributing issue to crime and violence outbreaks in the Core City and south High Point.
- Residents perceive the poor economic conditions in some parts of the city to be contributing to the crime and violence:
  - "If you take everything from me, I might be willing to steal, to kill."

Access to Food, Housing, Medical Care, Behavioral Health, Schools, Jobs…

- Concentrated poverty becomes a significant impediment to upward social mobility as residents spend far more time and money in order to purchase groceries or medicine, find opportunities for entertainment, or place their children in daycare while working.
- Concentration of poverty have resulted in **low home ownership rates**, **vacant homes**, **homelessness**, **food deserts**, and **concentrations of health issues** and **lower life expectancy.**



Adverse Childhood Experiences

- *"Adverse childhood experience, biggest contributor … If you had the opportunity to sit in a room with our folks and hear their stories of how they've grown up and what they've been exposed to, it makes it a lot easier to understand why they're here. It's a mess."*

- Service Provider

#1

ADDRESS COMMUNITY VIOLENCE

Treat violence as an symptom of economic issues. Increase social/recreational options specifically targeted to young men in southwest and southern neighborhoods. Link services with mentorship, GED, job training, and paying apprenticeship programs. Create workforce development and entrepreneurship programs that link k-12, community college, and economic development together. Recognizing addiction as a work-force readiness issue.

#2

SAFE AFFORDABLE HOUSING

Develop affordable housing units especially for households whose incomes are less than 30% of the Area Median Income in high opportunity areas. Simultaneously, push for local inclusionary ordinances and revise single-family zoning preferences may open new opportunities for development outside of the Core City. Aligning land-use policy, significant funding, political will, and public support will take a coordinated effort.

ACCESS TO FOOD, HEALTH CARE, JOBS

#3

Promote and encourage the use of Hi Tran among all social service agencies, government services, medical and health facilities, and even retail establishments by providing subsidized or free unlimited ride 30-day passes to families in target neighborhoods. By increased ridership, institutional partnerships, and through increased public petitioning to Hi Tran for more frequent service, later evening service, and more routes.

#4

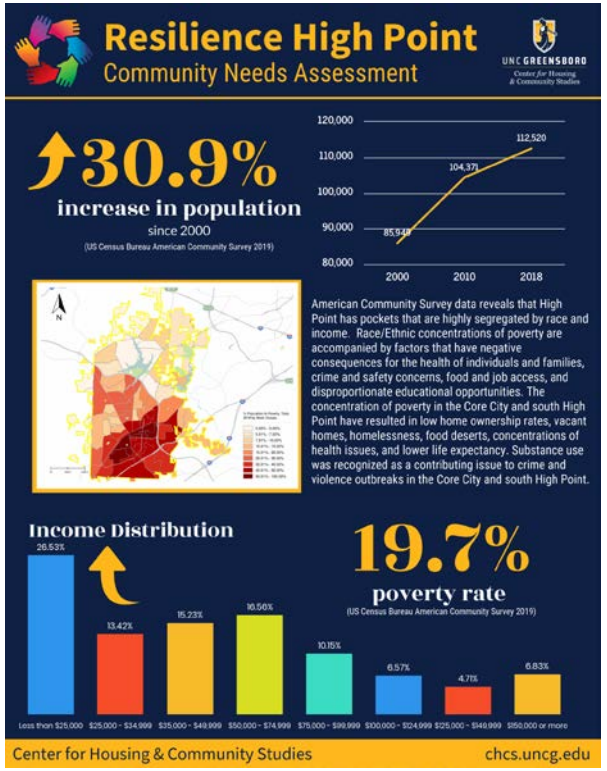
PROVIDE CHILDCARE

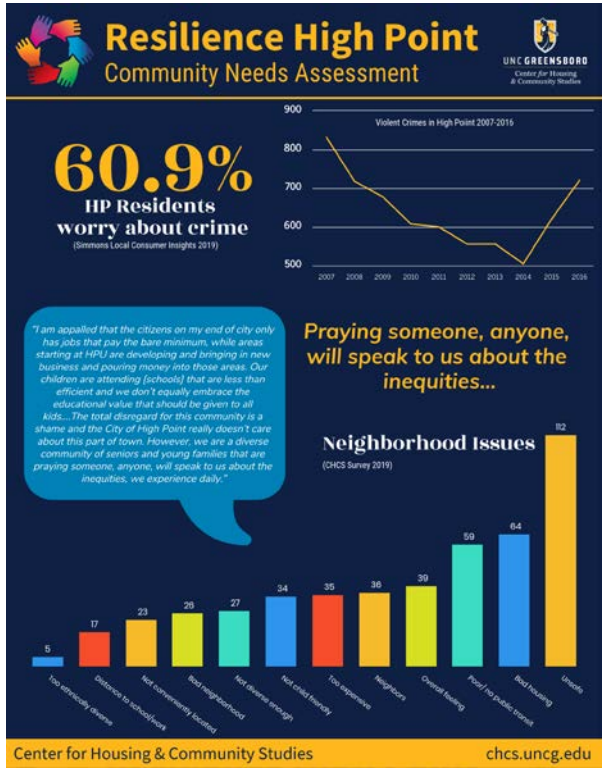
Provide programs for low cost or free childcare in target neighborhoods and at key service providers. Provide parent and staff education on the role of trauma and chronic stress in children's compromised development and training to encourage the development of protective factors to buffer stress. Consider a "Resilience" approach which addresses both adverse childhood events (ACEs) and trauma-informed practice.

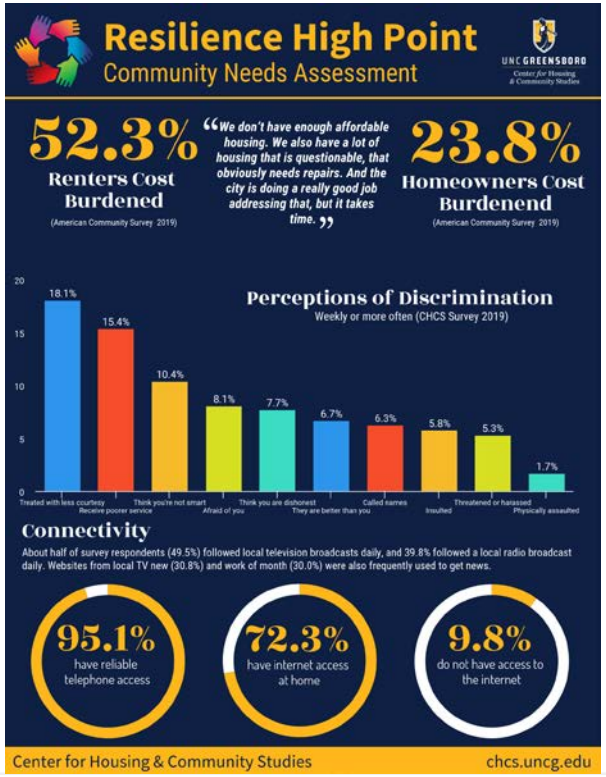
#5

TREAT SUBSTANCE USE

Addiction and substance use should be treated as public health issue rather than criminal justice issue. Public health intervention must be multi-part and include: Prevention, Diversion, Deterrence, Harm Reduction, Detox/Rehab, and Long-term Recovery. Attempts must be made to address the local need for detox facilities, recovery programs, and of long-term recovery support. Mental health services should be greatly expanded.







INFOGRAPHIC

https://chcs.uncg.edu/resilience-high-point/

1-7-2020
CDC

Community Development & Housing Department

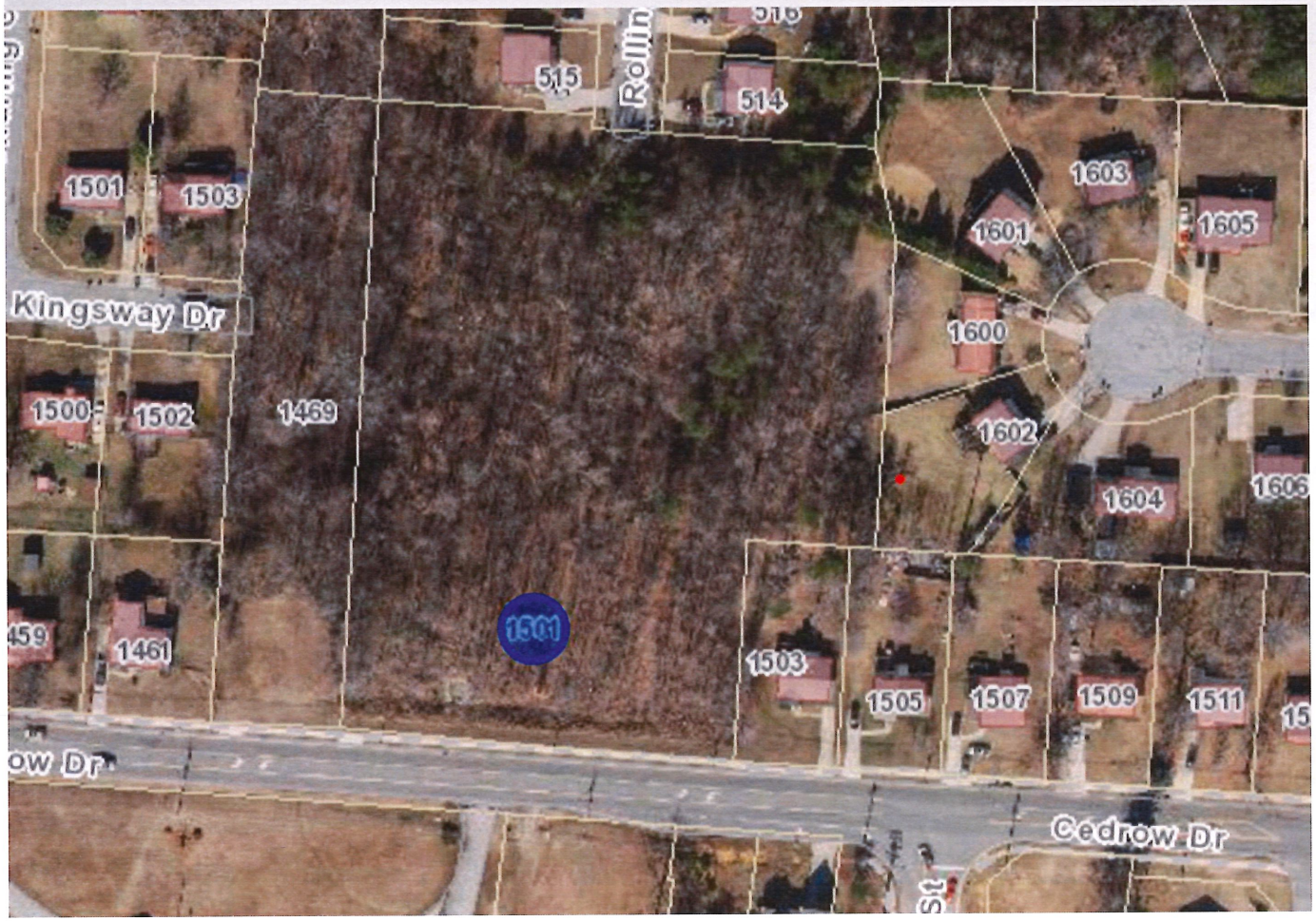
Cedrow Subdivision Update

Community Development Committee

January 7, 2020

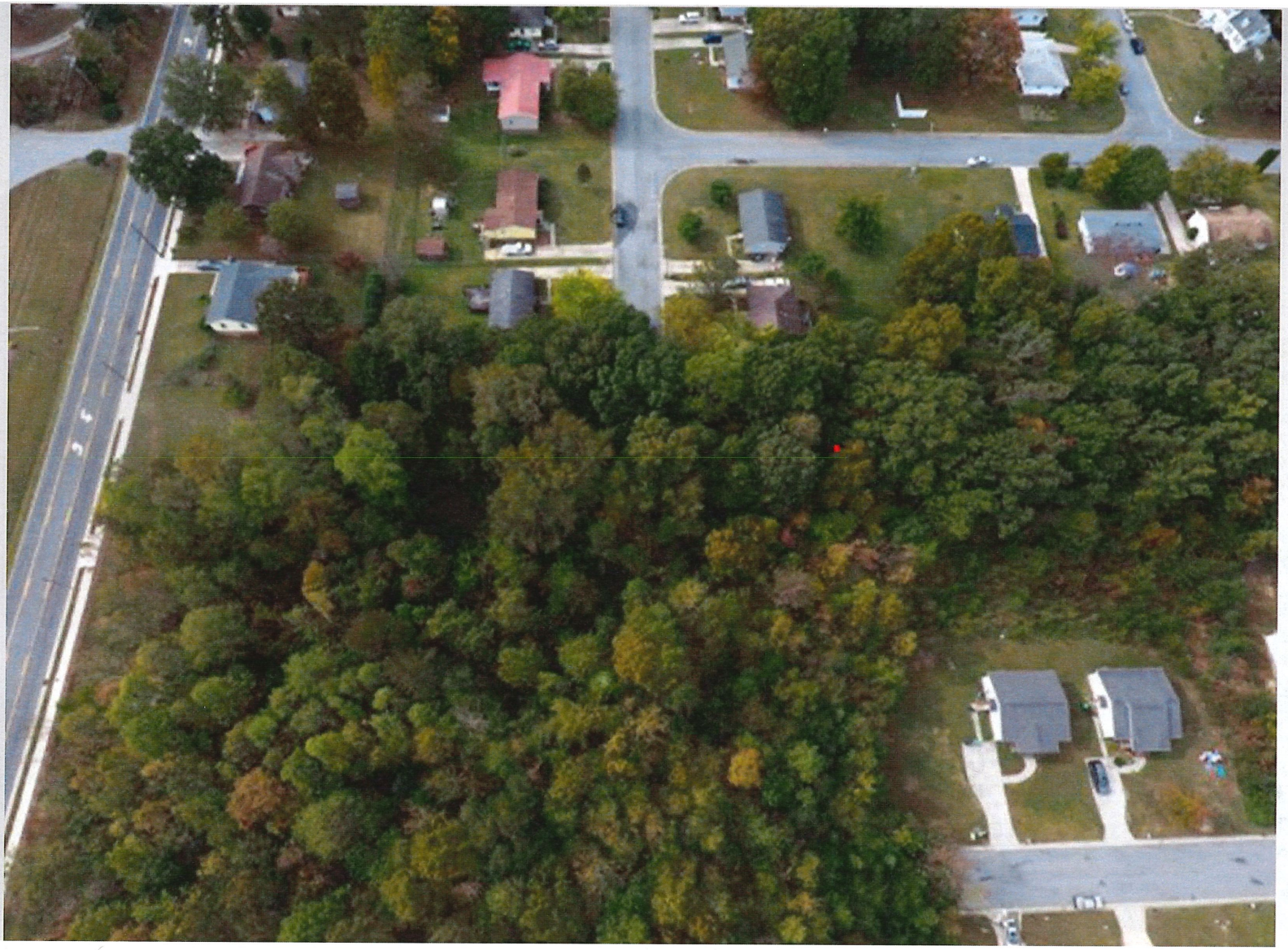
HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

Cedrow Subdivision Project

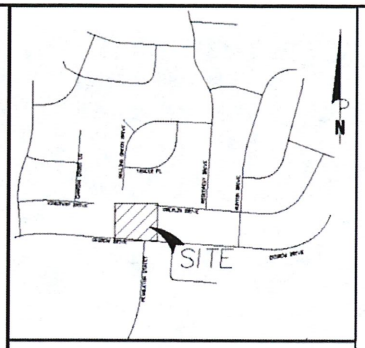


Review/Updates:

- Two properties acquired:
  - 1469 Cedrow – 6/2017
  - 1501 Cedrow – 1/2018
  - Total acreage = 4.63
- Site was cleared in 2018
- 30,000 cubic yards of fill dirt compacted on site - 2019
- Seeding of site has been completed
- 19 units built at completion



CITY OF HIGH POINT PROJECT P00446



-- VICINITY MAP --
NOT TO SCALE

CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
SITE AND SUBDIVISION PLANS FOR
CEDROW SUBDIVISION PHASE TWO

LOCATED BETWEEN US HWY 311 AND PENDLETON AVE

TYPE OF WORK: – ROADWAY, SANITARY SEWER, WATER LINES, STORM DRAINAGE, WATER AND SEWER SERVICES, EROSION CONTROL, FINE GRADING, SEEDING AND BIO-RETENTION CELL

LEGEND

EXISTING	PROPOSED	
		FIRE HYDRANT
		WATER VALVE
		WATER METER
		SEWER CLEANOUT
		EXISTING IRON PIPE
		PERMENANT DRAINAGE EASEMENT
		WATERLINE WITH VALVE MH
		SANITARY SEWER WITH MH
		PROPOSED DITCH
		EXISTING DITCH
		PROPERTY LINE
		TEMPORARY EASEMENT
		CUT – FILL LINE
		RIGHT OF WAY
		TYPE "B" CATCH BASIN
		GRATED INLET
		YARD INLET
		TYPE "A" CATCH BASIN
		DRAINAGE MANHOLE
		GAS VALVE
		CURB & GUTTER
		FENCE
		WOODS LINE
		POWER POLE
		TELEPHONE POLE WITH GUY
		EDGE PAVEMENT
		CENTERLINE
		ROW PARCEL NUMBER
		CABLE TV PEDESTAL
		TELEPHONE PEDESTAL
		DRAINAGE STRUCTURE NUMBER
		EXISTING WELL
		PROP. WHEEL CHAIR RAMP
		EXISTING TREE
		REMOVE EXISTING TREE
		EXISTING SIGN

ACREAGE OF PROJECT
4.63 ACRES TOTAL

GRAPHIC SCALE

PLANS

PROFILE HORIZONTAL

PROFILE VERTICAL

PLANS PREPARED BY:
CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
HIGH POINT, N.C. 27261

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
COVER SHEET	TITLE SHEET
1 of 1	APPROVED SITE PLAN
5	STREET PLAN AND PROFILE SHEET
6	WATERSHED, GRADING AND STORM DRAINAGE PLANS
7	BIO-RETENTION CELL PLAN
8	STORM DRAINAGE PROFILES - TYPICAL SECTION
EC-1	EROSION CONTROL PLAN
EC-2	EROSION CONTROL NOTES AND DETAILS
EC-3	EROSION CONTROL NOTES AND DETAILS
EC-4	EROSION CONTROL NOTES AND DETAILS
EC-5	NCGO1 SHEET - GROUND STABILIZATION
EC-6	NCGO1 SHEET - SELF INSPECTION - REPORTING

CONTRACT NO. ENG-2020-XXX

APPROVAL DATE_____

STANDARD SPECIFICATIONS:
NORTH CAROLINA DEPT. OF TRANSPORTATION, JULY 2018 STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES

CITY OF HIGH POINT, STANDARD SPECIFICATIONS AND DETAILS FOR ROADS, STRUCTURES AND UTILITIES, (LATEST EDITION)

HIGH POINT

CITY OF HIGH POINT
PROJECT DESIGN ENGINEER

SIGNATURE DATE

NORTH CAROLINA PROFESSIONAL SEAL 29903 ENGINEER TONY A. KEFF

PROJECT DEVELOPER:
CITY OF HIGH POINT
COMMUNITY DEVELOPMENT DEPARTMENT

CONTACT CITY ENGINEER
(336) 883-3194

CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949

TITLE SHEET

Cedrow Dr
Rolling
vay Dr
CEDROW DR

Next steps

- Site plan submitted to TRC on 12/23/2019 for final approval
- Assign addresses for site in January 2020
- Advertise street construction contract on 2/17/2020
- Contract with CHS & convey properties February 2020
- Start construction of Phase 1 houses (4 units) in March 2020
- Seek Council action for contract award in March-April 2020
- Four month street construction period (weather permitting)
- Begin Phase 2 housing (15 units) after new street constructed

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

Phase 1 Development Team

- Builder - Community Housing Solutions
- Real Estate Listing Agent – Housing Constants Group
- Construction financing – Pinnacle Bank
- Project management – Community Development & Housing

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

Thank You

Michael E. McNair, M.P.A.
Director, Community Development & Housing Department
336-883-3676
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HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

CITY OF HIGH POINT
AGENDA ITEM

Title: Sewer Use Ordinance Update

From: Terry Houk-Public Services Director
Derrick Boone - Asst. Director Public Services
Bill Frazier-Lab Manager
Carrie Hyler- Pretreatment Supervisor

Meeting Date: May 18, 2020

Public Hearing: N/A

Advertising Date: N/A
Advertised By: N/A

Attachments:
Attachment A – Letter- NCDEQ Dental Amalgam Implementation Policy
Attachment B – Revised Sewer Use Ordinance (2020) with SUO Update Summary
Attachment C- Current Sewer Use Ordinance (Adopted 2012)

PURPOSE:
To update the City of High Point Sewer Use Ordinance to meet federal and state permitting requirements.

BACKGROUND:
The sewer use ordinance is a legal document that authorizes how the utility manages, operates and maintains its wastewater collection system. All updates to the Sewer Use Ordinance must be approved as a legal requirement of state/federal laws by the governing body of a permittee when:

- The headworks analysis finds that upgrades or adjustments are necessary due to changes in pollution limits from state and federal agencies.

- New pollution programs or limits are imposed.

The last update to the Sewer Use Ordinance was in 2012. The current updates are necessary to address changes to the local limits based on headworks analyses for both the Eastside and Westside wastewater treatment plants. In addition, the ordinance addresses the new dental discharger requirements outlined in 40 CFR Part 441 and the recently additional language in section 8-2-55.5 regarding industries cannot use split samples for their monthly compliance sample.

BUDGET IMPACT: N/A

RECOMMENDATION / ACTION REQUESTED:
The Public Services Department is recommending that Council adopt the revised Sewer Use Ordinance.

City Attorney

JoAnne L. Carlyle

HIGH POINT

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December 21, 2012

Ms. Julia Storm
Pretreatment Unit Supervisor
North Carolina Division of Environmental Management
P.O. Box 29535
Raleigh, NC 27626-04535

RE: Sewer Use Ordinance and Sewer Use Check List, High Point, North Carolina

Dear Ms. Storm:

I certify that I am the duly appointed City Attorney for the City of High Point, North Carolina, and I have reviewed the proposed sewer use ordinance for the City of High Point, North Carolina and also its sewer use ordinance check list as required by 15A NCAC 2H .0907 (b) (1) and 40 CFR 403.9(b)(1) and they meet with my approval.

Sincerely,

JoAnne L. Carlyle

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Phone: 336.883.3301 Fax: 336.883.2129
E-mail: joanne.carlyle@highpointnc.gov

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director

NORTH CAROLINA
Environmental Quality

August 16, 2019

To: Pretreatment Professionals

Subject: Dental Amalgam Implementation Policy

Dear Pretreatment Professional:

As you are no doubt aware, the Dental Amalgam Rule (40 CFR Part 441) became effective July 14, 2017. New sources must comply immediately with the requirements of the rule, while existing sources have until July 14, 2020 to attain compliance. The final rule gives Control Authorities the discretion to determine the appropriate level of oversight, compliance assistance and enforcement.

To assist you in implementing this rule, the PERCS Branch with the assistance of the NC Pretreatment Consortium, has developed the attached Dental Amalgam Rule (40 CFR Part 441) Implementation Options. Please review the options presented and choose which works best for your program.

If mercury related issues, such as pass through, interference or NPDES permit limit violation are identified at your POTW, the DWR will require the POTW to increase its level of oversight and compliance assistance.

Depending on the option you choose, updates to your enforcement response plan (ERP) may be required. Please review the attached North Carolina Model Enforcement Response Plan and make any necessary revisions to your ERP.

Submit the revised ERP to PERCS no later than **February 14, 2020**. If you have decided to use industrial user enforcement actions for dental dischargers no changes are required for you ERP. Please inform PERCS if this is your decision.

Thank you for your continued cooperation with the Pretreatment Program. If you have any questions please contact Monti Hassan, (919) 707-3626 or Vivien Zhong, (919) 707-3627 or via email [firstname.lastname@ncdenr.gov]

Sincerely,

Deborah Gore

Deborah Gore
PERCS Supervisor

cc: PERCS files
RO Pretreatment Staff

North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

Updated 2020- ARTICLE B Sewer

Editor's note: Ordinance No. 07-81, adopted Sept. 20, 2007 (will revise date upon adoption), amended article B in its entirety to read as herein set out. Formerly, this article pertained to similar subject matter and derived from Ord. No. 94-15, adopted March 17, 1994; and Ord. No. 97-102(3), adopted Dec. 18, 1997.

Sec. 8-2-51 SEWER RESPONSIBILITY

The public services department shall be charged with the maintenance and repair of all sewer mains, including house connections, pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this department an adequate number of employees to properly maintain and operate the facilities of this department. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-52 GENERAL PROVISIONS

A. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of High Point, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are:

(1) To prevent the introduction of pollutants and wastewater discharges into the municipal~~ity~~ wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) 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;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(6) To ensure the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any Federal or State laws which the municipal wastewater system is subject to.

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 all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City of High Point 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 Publicly Owned Treatment Works (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 of High Point personnel.

By discharging wastewater into the City of High Point 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.

B. RESERVED.

(Ord. No. 6486/07-81, § 1, 9-20-07)

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Sec. 8-2-53 DEFINITIONS AND ABBREVIATIONS.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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.

Approval authority. The Director of the Division of Water ~~Quality~~ Resources of the North Carolina Department of Environmental ~~and Natural Resources~~ Quality or his or her designee.

Authorized representative of the industrial user.

1. 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 (1) 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.

2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.

3. If the industrial user is Federal, State or local governments, or an agent thereof, 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.

4. The individuals described in paragraphs (1)--(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

5. 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 City of High Point prior to or together with any reports to be signed by an authorized representative.

Best Management Practices or BMPs. *Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the General Prohibitions listed in 40 CFR Part 403.5(a)(1). BMPs also include treatment requirements, operating procedures and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw-material storage.*

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Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

Building sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical standards. National Categorical Pretreatment Standards or pretreatment standard.

Categorical Industrial User (CIU). Are Industrial Users that are subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

Control Authority. Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.

Dental amalgam. *Shall mean an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.*

Dental Discharger. *Shall mean a facility where the practice of dentistry is performed, including but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments that discharges wastewater to a publicly owned treatment works (POTW).*

Discharger. Means any person who discharges or causes the discharge of wastewater to a community sewer system, storm water system, or directly to the POTW. Discharger shall mean the same as user.

Domestic sewage. The liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

Duly Authorized Representative*. Shall have the same definitions as defined by Authorized Representative #s 1a and 1b of this section.*

Effluent. Means wastewater or other liquid, partially or completely treated, or in its natural state or any portion thereof flowing out of a reservoir, basin, treatment plant or industrial treatment plant.

Enforcement Response Plan (ERP). The set of enforcement actions to be taken by the city in response to violations of any part(s) of this article.

***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.

Existing Sources*. Shall mean a discharger that is not a new source*

Fats, Oils and Grease (FOG). Shall mean any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

FOG Best Management Practices. Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sanitary and storm water systems.

Food Service Establishment. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public operating in a permanently constructed structure such as a room, building, or place, or portion thereof, that utilize one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared

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heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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 for a period of time not to exceed 15 minutes.

Grease shall mean, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but not need be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution. Grease is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate methods and procedures approved by the Environmental Protection Agency, and identified in 40 CFR Part 136.

Grease Control Device. Shall mean a grease interceptor, grease trap, or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of fats, oils or grease (FOG) to the sanitary sewer.

Grease Generating Activity. Shall mean any activity that includes the following in regards to wastewater or any FOG materials entering the sanitary sewer system by means of washing dishes, kitchen equipment, discharging FOG in a drain which leaves the property.

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.

Hot Spots. Shall mean areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained at an accelerated frequency to avoid blockages of sewer system as a result from FOG buildup in the sanitary sewer system.

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

Industrial user. Any person which is a source of indirect discharge.

Low Grease Generator Agreement. Shall refer to an agreement between certain categories of FSEs and the City that do not require the installation of a Grease Control Device.

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 POTW's 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. section 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.

Maintenance log. Shall mean any form of record keeping requirements as addressed in Section 8-2-54.11(5).

Manifest. Shall mean the receipt which is retained by the generator of wastes for disposing recyclable waste, liquid or solid wastes as required by the city.

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.

Middle Tier CIU. Categorical Industrial User (CIU) designated by the City as Middle tier if its discharge of categorical wastewater does not exceed any of the following:

(1) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller
(2) 0.01 percent of the design dry weather organic treatment capacity of the POTW
(3) 0.01 percent of the maximum allowable headworks loading for any pollutant for which approved local limits were developed by the POTW.

Mobile unit. Shall mean a specialized mobile self-contained van, trailer or equipment used in providing dentistry services at multiple locations.

Monitoring facility. Structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the wastes, the design, location and operation of which must be approved by the director.

National Categorical Pretreatment Standard* or categorical *standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 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 through 471.

National Prohibitive Discharge Standard* or prohibitive *discharge standard. Absolute prohibitions against the discharge or certain substances; these prohibitions appear in subsection 8-2-54(a) of this article and developed under the authority of [section] 307(b) of the Act and 40 CFR, section 403.5.

New source.

1. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
   a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
   a. Begun, or caused to begin as part of a continuous on-site construction program:
      1. Any placement, assembly, or installation of facilities or equipment; or
      2. Significant site preparation work including clearing, excavation, or removal or existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.
   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which

are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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.

Non-discharge permit. A permit issued by the State pursuant to 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

Non-Significant Categorical Industrial User (NSCIU). Categorical Industrial User (CIU) designated by the City as "non-significant," never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment Standard). A NSCIU must also:

(1) Have consistently complied with all applicable Pretreatment Standards
(2) Annually submit a certification statement and
(3) Never discharge any untreated concentrated wastewater

Pass through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES, collection system, or non-discharge permit or downstream water quality standard even if not included in the permit.

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

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.

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, ~~or~~ and odor).

POTW Director. The City of High Point Director of Public Services or his/her delegate.

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 can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment program. The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and 403.11 and as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

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Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards. Any prohibited discharge standard~~s~~, categorical standard~~s~~, or local limit~~s~~ which applies to an industrial user.

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 article, "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 city's POTW.

Sanitary Sewer Overflow shall mean any discharge of sewage from the sanitary sewer to the inside or outside of a FSE or to the Stormwater system.

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.

Significant industrial user or SIU. An~~y~~ industrial user that discharges wastewater into a publicly owned treatment works and that:

(1) 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

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

(3) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N, Parts 405-471; or

(4) 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.

(5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above have 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.

(6) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.

(7) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) 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

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403.8 (f)(2)(v)(C) and 403.12 (e)(3).

Significant noncompliance. 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 that meets the criteria in (c), (d), or (h) shall also be SNC.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numerical 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, Oils and grease; 1.2 for all other pollutants (except flow and pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(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);

(d) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in 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)(l)(vi)(B) and Section 8-2-54(a) of this ordinance to halt or prevent such a discharge;

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

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

(g) Failure to accurately report noncompliance.

(h) 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.

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 subsection 8-2-54(a) of this section.

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.

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Standard manhole. Shall mean a sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from.

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.

Trap means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

Twenty-five percent (25%) Rule shall mean the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in <u>any</u> location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

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.

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 stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater permit. As set forth in subsection 8-2-56(b) of this article.

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.

This article is gender neutral and the masculine gender shall include the feminine and vice versa.

"Shall" is mandatory; ***"may"*** is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The following abbreviations 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. *NCGS.* North Carolina General Statutes.
10. *NPDES.* National Pollution Discharge Elimination System.
11. *O& M.* Operation and maintenance.
12. *POTW.* Publicly owned treatment works.
13. *SIC.* Standard industrial classification.
14. *SWDA.* Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
15. *USC.* United States Code.

DRAFT

16. SIU. Significant Industrial User
17. *TSS.* Total suspended solids.
18. *TKN.* Total kjeldahl nitrogen.

(Ord. No. 6486/07-81, § 1, 9-20-07)

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Sec. 8-2-54 REGULATIONS.

Sec. 8-2-54.1 *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. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter.

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch in any dimension.

3. Any wastes or water containing mineral or, hydrocarbon, vegetable or animal fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit. Animal and vegetable fats above these units may be allowed following written application and approval by the director.

4. Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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 pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

6. 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.

7. 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.

8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the POTW's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

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9. Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).

10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable state or federal regulations.

11. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

12. Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with section 8-2-65 of this article.

13. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.

14. Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season, but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease unless authorized by the POTW Director.

15. Petroleum oil, non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds in amounts that will cause interference or pass through.

16. Any sludges, screenings or other residues from the pretreatment of industrial wastes.

17. Any medical wastes, except as specifically authorized by the POTW Director in an industrial wastewater discharge permit.

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

19. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW Director.

20. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

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.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that these wastes 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 connection 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 Director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with subsections 8-2-54.1 and 8-2-54.2;
(2) Take appropriate actions in accordance with section 8-2-60 for such user to protect the POTW from interference or pass through.

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Sec. 8-2-54.2 *Polluted water control.*

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the city or not, when polluted by its use, shall be forced into the city's sanitary sewer system provided such wastes meet the requirements of this chapter.

Sec. 8-2-54.3 *Use of public sewers required.*

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction, any sewage or other polluting materials, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

Sec. 8-2-54.4 *National Categorical Pretreatment Standards.*

1. 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 through 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 POTW Director may impose equivalent concentration or mass limits in accordance with CFR 403.6(c).

   B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

   C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

   D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

   E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7

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Sec. 8-2-54.5 *Local limits.*

To implement the general and specific discharge prohibitions listed in this article, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:
TABLE INSET:

Parameter	~~Daily~~ Limit (mg/l)
BOD	~~500~~ 300
TSS	~~300~~ 200
Ammonia	15
Cadmium (T)	~~0.05~~ 0.005
Chromium (T)	0.050
Copper (T)	0.050
Cyanide (T)	0.010
Lead (T)	0.050
Mercury (T)	0.0005
Nickel (T)	0.050
Silver (T)	0.005
Zinc (T)	0.10
Oil and grease	100
Total Phosphorus	5.0
pH range: Between 5.0 and 11.0 (standard units)	

(T) = Total

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The City of High Point reserves the right to re-evaluate and/or institute additional local limits at any time it is determined necessary.

Sec. 8-2-54.6 *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 article.

Sec. 8-2-54.7 *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 regulations if deemed necessary to comply with the objectives presented in section 8-2-52 of this article or the general and specific prohibitions in section 8-2-54 of this article, as is allowed by 40 CFR 403.4.

Sec. 8-2-54.8 *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.

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Sec. 8-2-54.9 *Pretreatment of Wastewater.*

1. **Pretreatment Facilities.**
   Users shall provide necessary wastewater treatment as required to comply with this article and wastewater permits issued under subsection 8-2-56.2 of this article and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 8-2-54.1within the time limitations as specified by the EPA, the State, or the POTW Director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the city 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 acceptable to the POTW Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method(s) of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

2. **Additional Pretreatment Measures**
   a. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
   b. 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-controlled facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

Sec. 8-2-54.10 *Grease Control Devices shall be installed on the premises where FOG is used or Generated.*

1. All commercial kitchens in new or existing buildings, undergoing significant improvement, undergoing remodeling or change in operations shall have grease control devices (GCD) as required by the Uniform Plumbing Code. IF there is a size discrepancy in GCD installation (due to space limitations, etc) a mutual agreement between the Building Department and Industrial Pretreatment Department shall agree to compromise regarding size and fixtures to be discharged through the GCD.
2. All grease generating fixtures shall connect to a GCD, including but not limited to pre-rinse sinks, three compartment sinks, two compartment sinks, mop or janitor sinks, food preparation sinks, floor drains in dishwashing areas and kitchens, etc. All drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD.
3. No high temperature kitchen equipment discharges shall be allowed to connect through any type of GCD. Discharge of wastewater from dishwashers, pasta cookers, other hot lines and non-grease generating fixtures to any GCD is prohibited unless authorized by the POTW Director.
4. FSEs shall have a sink or other area for cleaning floor mats, containers, exhaust hood filters and equipment, which is connected to a GCD. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. Outside washing of floor mats, equipment grills, or other containers is prohibited; this may allow contaminated wastewater to flow to the storm drain system.
5. All in-ground GCDs greater than 750 gallons in capacity shall have a minimum of three manholes (refer to City of High Point Design Standards) to allow visibility over each inlet piping, baffle (divider) piping and outlet piping to ensure accessibility for inspection, cleaning

DRAFT

and removal of all contents. Two manholes may be allowed under certain conditions only granted by the City of High Point. Nothing shall be allowed to be stored on top of any GCD manholes.

6. In ground GCDs shall be installed in a suitable location that will allow access for inspection, cleaning, and maintenance. This includes drive-thru roads and parking stalls where inspection would be difficult or unsafe and impeded business operations.
7. Laterals installed between a FSE and GCD, also between the GCD and the City's main shall include installation of two way clean outs as required to allow access points for sewer line maintenance and inspection.

Sec. 8-2-54.11 *Grease, Oil and Sand Traps required for Commercial and Industrial Establishments.*

1. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of sewerage system from liquid wastes containing petroleum based oils, fluids and greases in excessive amounts, or any flammable wastes, sand and other harmful pollutants not prohibited in section 8-2-54(a). Such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, automotive repair garages, car washes, and other commercial or industrial establishments as the city may designate.

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

3. **Grease Control Device Maintenance Requirements**
   A. Maintenance Requirements
      a. All GCDs shall be kept in good repair, functioning properly and shall be maintained in continuous operation according to manufacturer's guidelines and the City of High Point's requirements.
      b. GCDs shall be maintained by the owner at the owner's expense.
      c. Sewer lines to and from GCDs shall be kept in good repair and clear of any buildup of FOG that could potentially contribute to backups and/or SSOs.
      d. All FOG discharged during GCD or sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, exit lines from a GCD and/or laterals cleaned by jetting or hydro flushing shall have the contractor capture the contents removed from the line to prevent SSOs depending on the main size the lateral feeds into. All contents removed from sewer lines shall be contained and disposed properly by a licensed contractor.
      e. No additives may be introduced to GCDs or a FSE's wastewater system for the purpose of emulsifying FOG. Additives, such as solvents or enzymes that dissolve or mobilize FOG are prohibited.

4. **GCD Maintenance Frequency**
   A. The maintenance frequency shall be set so as to ensure the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer collection system. The maintenance frequency for all FSEs with a GCD shall be determined by one of the following methods:

      i. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth in any location of the GCD. The 25% Rule shall apply to all GCDs.

DRAFT

ii. The entire contents of all grease interceptors (gravity grease interceptors) and GCDs greater than 100 gallons shall be removed every three months or more frequently as to prevent FOG from entering the sanitary sewer.

iii. The entire contents of all grease traps (hydro mechanical grease interceptors and automatically or mechanically cleaning GCDs) shall be removed every month or more frequently as to prevent FOG from entering the sanitary sewer.

B. The city may modify the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.

C. If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements in section (g)(1)(i) above, the FSE shall have the GCD serviced immediately such that all FOG, solids, and other materials are completely removed from the GCD.

D. Waste haulers servicing GCDs shall not reinsert or discharge into GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from the GCD or to cause those materials to be so handled.

5. Requirements for Record Keeping

A. GCD & Plumbing record keeping

i. The FSE shall retain all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier and disposal site location for at least three years. Such records, which include at a minimum of the following, shall be made immediately available for inspection and copying to the inspector or City representative upon request:

ii. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.

iii. Copies of records of waste hauling GCD contents. The grease haulers shall leave, at the facility site, a manifest with the following information:

- Name of site pumped
- Street address
- City Name
- Date and Time Pumped
- Volume collected
- Hauler name
- Truck #
- Observed GCD structural problems
- Final destination of material collected

iv. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCDs

v. Records of any SSOs, backups, spills and/or cleaning of the lateral sewer system

vi. A record of Best Management Practices being implemented including employee training

vii. Any other information deemed appropriate by the city to ensure and document compliance with this Article.

6. Tallow Bins

1. Segregation and collection of waste cooking oil

1. No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

DRAFT

All waste cooling oils shall be collected and stored properly in tallow receptacles such as barrels or drums or bins for recycling or other acceptable methods of disposal.

a. Segregated waste grease and oil bins (tallow bins) shall be in place at the location of any FSE that creates grease or oil from the use of fryers, automatically or mechanically cleaning GCDs which need FSE staff maintenance, rotisserie drip lines not connected to a GCD or any other type of grease and oil waste created by cooking or cleaning of equipment. FSE staff, not limited to kitchen staff, shall properly dispose of grease or oils from cooking equipment into an oil/grease receptacle such as a tallow bin, barrel or drum. Appropriate measures shall be taken to eliminate spills. An absorption rag, towel, or material shall be immediately available each time the waste oil/grease is emptied to the tallow bin or segregated receptacle and used to clean up spills. The transporting of waste oil/grease shall be conducted with a covered and sealed container.
b. Tallow bins or used waste oil and grease container areas shall be kept clean. Containers shall be covered with lids and free from excessive fats, oil and grease and debris to prevent foul-smelling odors and vector attraction. Housekeeping procedures shall be put in place and signs posted.
c. Tallow bins shall be located in areas that reduce the risk of spills or discharges to the storm drain system. Where relocation is not possible, spill prevention should be implemented to prevent such discharges.

7. Tallow Haulers

Tallow haulers servicing FSEs shall clean up all spills created during the collection and transporting of grease whether it is on the containers, bins, barrels or the ground.

8. Tallow Bin Record Keeping

The FSE shall keep all manifests, receipts and invoices of all oil/grease removal from the FSE, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative or inspector. These records may include:

- A logbook of all segregated oil bins cleaning and maintenance practices
- A record of Best Management Practices being implemented including employee training.
- Copies of records and manifests of waste hauling activities.
- Records of any spills and/or cleaning.
- Any other information deemed appropriate by the City to ensure compliance with this Article.

9. Best Management Practices – FSEs

All FSEs shall implement Best Management Practices (BMPs). Emphasis shall be on minimizing the discharge of FOG to the sewer system and preventing non-stormwater discharges to the storm drain system. All FSEs shall be required, at a minimum, to provide staff training for the appropriate ordinance requirements and for the following kitchen BMPs:

a. Install screens in all drains. The screens shall be installed to all sinks, drains, floor drains, floor sinks, dishwasher, etc. The screens shall be cleaned frequently by disposing waste to the trash or food scrap container if available. Regular inspections shall be conducted by lead Managers and/or Executive Chefs to ensure screens are functioning properly and are present. It is

DRAFT

recommended that the inspections be documented to confirm compliance and be available to the City representative or inspector upon request.

b. Dispose of all food waste. Food waste shall not be disposed to sinks or drains. FSE staff shall dispose of all food waste directly into the trash, garbage, compost or food waste collection bins by scraping with scrapers, towels, paper towels and/or rubber spatulas prior to using water to rinse off plates, dishes, pots, pans, containers, etc. This practice helps remove FOG from entering the sanitary sewer system and GCDs. Properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

c. Maintain kitchen exhaust hood and equipment. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly and shall be cleaned in sinks connected to a GCD to ensure to capture of FOG prior to entering the sanitary sewer.

d. Post signs and posters for best management and waste minimization practices conspicuously in the food preparation and dishwashing areas at all times.

e. Clean all kitchen equipment and other equipment in the sinks or drains that flow directly into a GCD. Never clean equipment in a sink not connected to a GCD.

f. Dry methods shall be used to clean up oil and grease spills. Pick up liquids or grease with rags or absorbents such as raw dust or cat litter. Sweep up absorbent, seal in a plastic bag and dispose in the trash. Regularly use dry methods to clean under fryer baskets and other locations where grease may be spilled or dripped. Clean up all oil and grease spills prior to mopping. If possible, always discharge waste mop water to a drain that will flow to a GCD.

g. Dry sweep pavement, such as walkways, dining areas and dumpster areas as frequently as possible.

h. Never pour, sweep or direct wash wastewater into a Stormwater collection system, street or gutter. If any pavement cleaning requires water, sweep first; next use a mop without soap and bucket and dispose of wash wastewater in a sink that drains to a GCD.

i. Never wash down dumpsters or tallow bins with a hose. If a dumpster or tallow bin must be cleaned, contact the dumpster or tallow bin vendor. Check dumpsters and tallow bins frequently for leaks. Notify the dumpster or tallow bin vendor to maintain and replace leaking dumpsters or tallow bins.

Sec. 8-2-54.12 *Accidental discharge /Slug Control Plans*

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 Section 8-2-53(A). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

1. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non- customary batch discharge, or a slug load. Also, see subsections 8-2-57.6 and 8-2-57.7.

2. An accidental discharge/slug control plan shall address, at a minimum, the following:
   - **(a)** Description of discharge practices, including non-routine batch discharges;
   - **(b)** Description of stored chemicals;
   - **(c)** Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by subsection 8-2-57.7 of this article; and
   - **(d)** 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.

(e) Flow and loading equalization. In order to promote the equalization of flows and any constituent loadings, including but not limited to BOD and TSS on the sewer system, each person whose operations produce wastewaters having widely fluctuating flows or constituents is required to install and maintain at his own expense, a suitable storage or holding tank. The holding tank shall have a minimum capacity of 75 percent of the user's average daily flow, except that no tank shall be less than 1,000 gallons. Suitable air mixing will be required to keep solids in suspension and maintain aerobic conditions. Such holding or storage tank, air mixing system and any outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the director.

(f) Monitoring facilities.

(1) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:

a. The BOD concentration exceeds 300 mg/l;
b. The TSS concentration exceeds 250 mg/l;
c. The average flow per work day exceeds 25,000 gallons; or
d. The manufacturing processes produce toxic or poisonous wastes such as but not limited to cyanides, heavy metals, insecticides, herbicides, etc.

(2) All industrial users that are subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the director or the categorical pretreatment standards. Plans for the location and construction of the monitoring facilities shall be approved by the director prior to commencing the installation. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec.8-2-54.13 Dental Facilities

As promulgated by the Environmental Protection Agency, and as incorporated below, dental facilities that use or remove amalgam must install, operate and maintain, at user's expense, one or more amalgam separators that meet established standards and record keeping requirements listed under 40 CFR Part 441.

A. Amalgam Separators Required

1. *Dental facilities that use or remove amalgam must install, operate and maintain at user's expense, one or more amalgam separators or amalgam removal device(s) that meet the following requirements:*

a. Compliant with American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) ***or***

b. Compliant with the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions if the separators achieve at least a 95% removal efficiency.

c. Amalgam removal device, other than an amalgam separator shall have a removal efficiency of at least 95% from all amalgam process wastewater. Removal efficiency and performance testing information is outlined in 40 CFR Part 441.30(a)(2)(i) through (viii).

B. Implementation of the following best management practices(BMPs):

1. Waste amalgam including, but not limited to, dental amalgam from chairside traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.
2. Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with an oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.

C. Dental dischargers that meet any of the criteria below are exempt from this section:

1. Dental dischargers that exclusively practice one or more of the following specialties are exempt from these requirements:
a. Oral pathology
b. Oral and Maxillofacial radiology
c. Oral and maxillofacial surgery
d. Orthodontics
e. Periodontics
f. Prosthodontics
2. Mobile unit operated by a dental discharger.
3. Dental dischargers that do not discharge any amalgam process wastewater to a POTW because amalgam process wastewater is collected and transferred to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.
4. Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify to such to the Control Authority as required in Section 8-2-54.13(D)(1)(b)(ii).

D. Reporting and Recordkeeping Requirements

1. Dental Dischargers subject to this part must comply with the following reporting requirements:
a. One-Time Compliance Report.
i. A One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following introduction of wastewater into a POTW.
b. Signature and certification.
i. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of Section 8-2-53(A)(1) and 8-2-56.2(C).
ii. The One-Time Compliance Report for dental dischargers subject to this part that do not place or remove dental amalgam as described in Section 8-2-54.13(C)(1) through (4) and must include the following:
1. Facility name
2. Physical address

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3. *Mailing address*
4. *Contact information*
5. *Name of the operator(s) and owner(s)*
6. *Certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.*

iii. *The One-Time Compliance Report for dental dischargers subject to the standards of this section must include the following information:*

1. *The facility name*
2. *Physical address*
3. *Mailing address*
4. *Contact information*
5. *Name(s) of the operator(s) and owner(s)*
6. *A description of the operation at the dental facility including:*
   a. *The total number of chairs*
   b. *The total number of chairs at which dental amalgam may be present in the resulting wastewater*
   c. *A description of any existing amalgam separator(s) or equivalent device(s) currently operated to include at a minimum, the make, model and year of installation*
7. *Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D)*
8. *Certification that the dental discharger is implementing BMPs specified in Sections 8-2-54.13(A)(2) or 8-2-54.13(D) and will continue to do so.*
9. *The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with Sections 8-2-54.13(A)(1)(a) and (b) or 8-2-54.13(D).*

iv. *Transfer of Ownership notification*

1. *If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer*

v. *Retention period*

1. *If a Dental Discharger subject to this section is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance report required by Section 8-2-54.13(D)(1)(a) and make it available for inspection in either physical or electronic form.*
2. *Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:*

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a. Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions if needed.

b. Documentation of amalgam retaining container or equivalent container replacement (including date as applicable).

c. Documentation of all dates that collected amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.

d. Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement and a description of the repair or replacement (including make and model).

e. Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, the manufacturer's operating manual for the current device.

Sec. 8-2-55 FEES

Sec. 8-2-55.1 *Purpose.*

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

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Sec. 8-2-55.2 *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. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

B. Each user shall pay its proportionate cost based on volume of flow.

C. 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.

D. 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.

E. For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for water and/or sewer service is set forth by a rate schedule adopted by city council. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.

F. Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the city at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the director of public services may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.

G. Where a well is used by any person and water from such well is put into the sanitary sewer system of the city, then such person shall install, at his own expense, the necessary meter or meters, obtained from the city, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required it if is determined by the director of public services to be in the best interest of the city.

H. In cases where the city determines not to require the installation of a meter, a flat rate shall be applied, as outlined in a rate schedule adopted by city council. These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one-family residence. The director of public services shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range. A flat rate shall not be used where the water supply is from a state approved public water supply.

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Sec. 8-2-55.3 *Surcharges.*

All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:
BOD = ~~300~~ 250 mg/l
TSS = ~~250~~ 200 mg/l

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or TSS exceeds the limits as hereinbefore prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and TSS concentration above the permissible limits of ~~300~~ ~~250~~ mg/l BOD, and ~~250~~ ~~200~~ mg/l TSS, according to the following formulate:

a. The number of hundreds of pounds of constituent (BOD or TSS) subject to the surcharge will be determined by:

TABLE INSET:

$$P = \frac{U \times C \times 0.006238}{100}$$

where:
P = pounds of constituent (BOD or TSS) in hundreds
U = units of wastewater discharged (1 unit = 100 cu. ft.)
C = strength of constituent in wastewater in mg/l in excess of ~~300~~ ~~250~~ for BOD, or ~~250~~ ~~200~~ for TSS
0.006238 = weight of wastewater (million pounds per unit)

b. The amount of the surcharge will be calculated by:

$S = (R1 \times P1) + (R2 \times P2)$

where:
S = total surcharge
R1 = surcharge rate per CWT BOD
R2 = surcharge rate per CWT TSS
P1 = pounds of BOD in hundreds
P2 = pounds of TSS in hundreds
R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by city council.

(2) The city council, in a meeting with the city manager and the director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment.

(3) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the city. Where satisfactory evidence can be produced that more than 10 percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the director and excluded from the surcharge computation.

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Sec. 8-2-55.4 *Pretreatment program administration charges.*

The schedule of charges and fees adopted by the city may include charges and fees for:

A. Reimbursement of costs of setting up and operating the pretreatment program;
B. Monitoring, inspections and surveillance procedures;
C. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
D. Permitting;
E. Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

Sec. 8-2-55.5 *Sampling and testing procedures.*

A. Each person discharging liquid wastes into the public sewer shall be subject to periodic inspections to determine the character and concentration of such wastes. The frequency of sampling shall be as determined by the director. Sampling and inspections will be both scheduled and unscheduled.
B. Samples from monitoring facilities may be grab and/or composite according to flow. All other sampling will be conducted in a manner prescribed by the director.
C. Each person subject to sampling and analytical services will be charged the cost of such services. All costs incident to the supervision, inspection, sampling and analyses will be billed to the user in accordance with a fee schedule adopted by city council. The city council, in a meeting with the city manager and the director, will annually review the actual cost of supervision, inspection, sampling and analyses required for monitoring industrial discharges and adjust fees to reflect the true cost of the pretreatment program. Any analyses performed by contract laboratory services on behalf of the City will be billed directly to the user by the contract laboratory.
D. The city, upon request by the industry concerned, shall make available a split sample collected. Split samples with a POTW sample cannot be used for the industry's monthly compliance sample. If the industry feels the results are not representative of their wastes, the city will resample at a cost in accordance with the fee schedule referred to in subsection 8-2-55.2(C). The values determined from any re-sampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-56 ADMINISTRATION

Sec. 8-2-56.1 *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 30 days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 8-2-56.2 *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 180 days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater contribution permit for non-significant industrial users.

A. ***Significant industrial user determination.*** All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic 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.

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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 90 days after notification of the POTW Director's determination in subsection 8-2-56(b) above. The application shall include at a minimum:

a. name of industrial user;
b. address of industrial user;
c. standard industrial classification (SIC) code(s) or expected classification and industrial user category;
d. wastewater flow'
e. types and concentrations (or mass) of pollutants contained in the discharge;
f. major products manufactured or services supplied;
g. description of existing on-site pretreatment facilities and practices;
h. locations of discharge points;
i. raw materials used or stored at the site;
j. flow diagram or sewer map for the industrial user;
k. number of employees
l. operation and production schedules; and
m. description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g);

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 POTW Director as defined in subsection 8-2-53.1 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.***

a. The POTW Director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
b. Within 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.***

a. The POTW staff shall conduct a review of the application and on 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.
b. If the staff's tentative determination in paragraph (5)(a) above is to issue the permit, the following additional determinations shall be made in writing:
    1. Proposed discharge limitations for those pollutants proposed to be limited;
    2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
    3. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
c. The staff shall organize the determinations made pursuant to paragraphs (5)(a) and (b) above and the city's general permit conditions into a significant industrial user permit.

DRAFT

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

G. ***Final action on significant industrial user permit applications.***

a. The POTW Director shall take final action on all applications not later than 90 days following receipt of a complete application.

b. The director is authorized to:

1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and N.C.G.S. 143-215.1;
2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
3. Modify any permit upon not less than 60 days' notice and pursuant to subsection 8-2-56(I) of this article;
4. Revoke any permit pursuant to subsection 8-2-60.1 of this article;
5. Suspend a permit pursuant to subsection 8-2-60.1 of this article;
6. Deny a permit application when in the opinion of POTW Director such discharge may cause or contribute to pass through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

H. ***Permit modification.***

A. 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.

1. Changes in the ownership of the discharge when no other change in the permit is indicated;
2. A single modification of any compliance schedule not in excess of four (4) months;
3. 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.
4. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection 8-2-56.2(B) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
5. A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

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I. ***Permit conditions.***

A. 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 article and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

1. A statement of duration (in no case more than five (5) years);
2. A statement of non-transferability;
3. Applicable effluent limits based on categorical standards or local limits or both;
4. 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;
5. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in subsection 8-2-53(A);
6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 8-2-53(A), if determined by the POTW Director to be necessary for the user;
7. 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 subsection 8-2-53(A). Also see subsections 8-2-57.4 and 8-2-54.5; and
8. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

B. In addition, permits may contain, but are not limited to, the following:

1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
2. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. 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.
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
8. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).
9. Compliance schedules for meeting pretreatment standards and requirements.

DRAFT

10. Requirements for submission of periodic self-monitoring or special notification reports.
11. Requirements for maintaining and retaining plans records relating to wastewater discharges as specified in subsection 8-2-57.13 and affording the POTW Director, or his representatives, access thereto.
12. 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.
13. 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.
14. A statement that compliance with 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.
15. Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, regulations, and the term of the permit.

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.***
Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial 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 subsection 8-2-56.2 minimum of 180 days prior to the expiration of the existing permit. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-57 REPORTING REQUIREMENTS.

Sec. 8-2-57.1 *Baseline monitoring reports.*

A. Within either 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. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
B. Users described above shall submit the information set forth below:
    1. ***Identifying information.*** The name and address of the facility, including the name of the operator and owner.
    2. ***Environmental permits.*** A list of any environmental control permits held by or for the facility.
    3. ***Description of operations.*** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
    4. ***Flow measurement.*** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. ***Measurement of pollutants.***
    a. The categorical pretreatment standards applicable to each regulated process.
    b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 8-2-57.10 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4). Standard Pretreatment
    c. When determining mass calculations, standard pretreatment conversion factors shall be used.
    d. Sampling must be performed in accordance with procedures set out in subsection 8-2-57.11 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
6. ***Certification.***
   A statement, reviewed by the user's current authorized representative as defined in subsection 8-2-53(A)(1) 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 subsection 8-2-57.2 of this article.
8. ***Signature and certification.***
   All baseline monitoring reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.2 *Compliance schedule progress reports.*

The following conditions shall apply to the compliance schedule required by subsection 8-2-57.1(B)(7). of this article:

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. These 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 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.

Sec. 8-2-57.3 *Reports on compliance with categorical pretreatment standard, deadline.*

Within 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 subsection 8-2-57.1(B)(4) through (6) of this article. 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 measures 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 subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.4 *Periodic compliance reports.*

A. All significant industrial users shall, at a frequency determined by the POTW Director, but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in subsections 8-2-57.10 and 8-2-57.11 of this section. All periodic compliance reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.
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 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 subsections 8-2-57.10 and 8-2-57.11 of this article, the results of this monitoring shall be included in the report.

8-2-57.5 *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 90 days before the change. The permittee shall not begin the changes until receiving written approval from the City. See subsection 8-2-57. 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 subsection 8-2-56.2 of this article.
B. The POTW director may issue a wastewater discharge permit under subsection 8-2-56.2 of this article or modify an existing wastewater discharge permit under subsection 8-2-56.2 of this article 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 of 20 percent (20%) or greater, and 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 City; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

8-2-57.6 *Reports of potential problems.*

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug load as defined in section 8-2-53(A), 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 article.
C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom 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.

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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 subsection 8-2-53(A).

Sec. 8-2-57.7 *Reports from unpermitted users.*

All users classified as Non-Significant Categorical Industrial Users under Section 8-2-53(A) 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).

Sec. 8-2-57.8 *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 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 30 days after becoming aware of the violation. The user is not required to resample if the POTW director monitors at the user's facility at least once a month, or 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 or designee 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 (or designee) shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one (1) 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 30-day deadline of the POTW becoming aware of the violation.

Sec. 8-2-57.9 *Notification of the discharge of hazardous waste.*

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after 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 subsection 8-2-57.5 of this article. 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 subsections 8-2-57.1, 8-2-57.3, and 8-2-57.4 of this article.
B. Discharges are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than 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 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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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 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 article, a permit issued thereunder, or any applicable Federal or State law.

Sec. 8-2-57.10 *Analytical requirements.*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the City. 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 EPA and the City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

Sec. 8-2-57.11 *Sample collection.*

A. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
B. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
C. Composite samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

Sec. 8-2-57.12 *Timing.*

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

Sec. 8-2-57.13 ***Record keeping***. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article 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 date 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.

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Sec. 8-2-57.14 *Electronic reporting*.

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 8-2-60 of this article. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-58 COMPLIANCE MONITORING.

Sec. 8-2-58.1 *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 city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

Sec. 8-2-58.2 *Inspection and sampling.*

The city will inspect the facilities of any user to ascertain whether the purpose of this article 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 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 article. Unreasonable delays may constitute denial of access.

Sec 8-2-58.3 *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 article, 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 article 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 18th Judicial District of Guilford County.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-59 CONFIDENTIAL INFORMATION

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge permit and/or the pretreatment programs, provided however, that such portions of a

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report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-60 ENFORCEMENT

Sec. 8-2-60.1 *Administrative remedies.*

A. ***Notification of violation.***
Whenever the POTW director finds that any industrial user has violated or is violating this article, 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 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 discharge of liability for any violations occurring before or after receipt of the notice of violation. Violations will be administered according to the enforcement response plan (ERP).

B. ***Consent orders***.
The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 8-2-60.1(D) below.

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

The POTW director 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 subsection 8-2-60 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under subsection 8-2-56.2 POTW director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

D. ***Administrative orders.***
When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set in the order;
3. Take appropriate remedial or preventive action in the event of a continuing or threatened violation.

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E. ***Emergency suspensions.***
The POTW Director 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 suspended order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

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

1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this section, 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 8-2-57.1 of this article why the proposed action should not be taken.

Sec. 8-2-60.2 *Civil penalties.*

A. Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars ($25,000) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges (40 CFR 403.8(f), GS 143-215.6A(a)).

1. Penalties between $10,000 and $25,000 per day per violation may be assessed against a violator only if:
    a. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
    b. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this section, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.

B. In determining the amount of the civil penalty, the POTW director 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.

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C. Appeals of civil penalties assessed in accordance with this section shall be as provided in subsection 8-2-70.

8-2-60.3 *Other available remedies.*

A. Remedies, in addition to those previously mentioned in this article, are available to the POTW director/superintendent who may use any single one (1) or combination against a noncompliant user. Additional available remedies include, but are not limited to:

1. ***Criminal violations.***
The district attorney for the (18th) 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.B(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)).

2. ***Injunctive relief.***
Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, 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.

3. ***Water supply severance.***
Whenever an industrial user is in violation of the provisions of this article 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 consistent compliance.

4. ***Public nuisances.***
Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of subsections 8-2-54(a)(2)(f) and 8-2-60(b) of the sewer use ordinance.

8-2-60.4 *Remedies nonexclusive.*

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-61 ANNUAL PUBLICATION OF REPORTABLE NONCOMPLIANCE

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with this article or any order or permit issued hereunder, during the 12-month period since the previous publication. (Ord. No. 6486/07-81, § 1, 9-20-07)

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Sec. 8-2-62 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

Sec. 8-2-62.1 *Upset.*

A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), 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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    a. A description of the indirect discharge and cause of noncompliance;
    b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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.

Sec. 8-2-62.2 *Prohibited discharge standards defense.*

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 8-2-54.1 of this article or the specific prohibitions in subsections 8-2-54.1(B)(2)., (B)(5)., (B)(7) through (11), (B)(13) through (22) of this article 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.

Sec. 8-2-62.3 *Bypass.*

A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (D) of this section.

B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least 10 days before the date of the bypass, if possible.

C. A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence 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 24 hours.

D. Bypass is prohibited, and the POTW director may ~~taken~~ take an enforcement action against a user for a bypass, unless:

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1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. 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
3. The user submitted notices as required under subparagraph (C) of this section.

E. The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three (3) conditions listed in subparagraph (D). of this section. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-63 SEVERABILITY.

If any provision, paragraph, word, or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-64 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-65 SEPTIC TANK WASTE.

No person shall discharge into the sanitary sewerage system any waste from any septic tank or other private sewage disposal device except under the following conditions:

A. Only waste of domestic character (or other waste approved on special arrangement and in advance which in the opinion of the director of public services will not be detrimental to operation of the pollution control plants) will be allowed.
B. All waste shall be discharged at either the eastside or westside pollution control plant at the discretion of the director of public services or his authorized representative and under the supervision of the operator on duty.
C. Persons desiring to discharge waste in accordance with this section shall make application to and contract with the director of public services for such service, and obtain septage vouchers.
D. Fee for septage vouchers shall be paid for in advance at the rate set forth in a rate schedule adopted by city council for each truckload of 1,000 gallons or fraction thereof.
E. Prior to discharging any waste, the truck driver will complete the septage voucher, which shall be submitted to the operator on duty, setting forth the name of the individual, firm or corporation responsible for the waste, the name of the driver of the waste-carrying vehicle, the date and time of discharge, and the name, address and telephone number of the owner of each premises where the waste was collected.
F. All waste-carrying vehicles shall have clear permanent markings showing the owner's name, address, Guilford County Health Department permit number and waste-carrying capacity in gallons.
G. If at any time, in the opinion of the director of public services, the best interest of the city will be served by discontinuance of this service, then no more such wastes shall be accepted from any person, firm or corporation. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-66 SEWER CONNECTIONS—COMPULSORY RULES AND REGULATIONS FOR PERMANENT PAVEMENT OF STREET

All owners, whether in fee or as life tenants, of houses or lots abutting on a street where a public sewer is laid, or which otherwise have access to a public sewer, shall connect all water closets or privies on such property with the sewer system, under such rules and regulations as are prescribed by the city council, and in the event that an order has been made for the permanent paving of any street, the sewer department shall make a connection from the sewer line to the curb line in front of each lot. Such connection shall be 15 feet from the lower property line when practicable. (Ord. No. 6486/07-81, § 1, 9-20-07)

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Sec. 8-2-67 SEWER CONNECTIONS—PROCEDURE FOR COMPELLING

Whenever any property in the city or within its service area shall be required by this article to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows: 30 days' notice printed or written requiring such connection shall be served by the director of public services of the city on the owner of the property if he is a resident of the city or on his agent if such owner is a nonresident, and where a nonresident has no agent in the city then such notice shall be published for 10 days in a newspaper published in the city.
(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-68 SEWER CONNECTIONS—REFUSAL TO MAKE

It shall be unlawful for any property owner whose property or premises shall be required by the ordinances of the city to be connected with the public sewerage system to refuse or neglect to make connection in the manner required.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-69 SEWER CONNECTIONS--FEES

A. The charges for sewer connections shall be as prescribed in a rate schedule adopted by city council.
B. Any person residing outside of the corporation limits of the city and seeking permission to tap on any sewer line located outside the city must first make written application to the city council and must furnish a set of approved plans, from which no additions or deletions shall be made without city approval, showing any information concerning the location, size, depth and length of main to be laid and any other information deemed necessary and requested by the public services department and must secure the approval of the public services department and of the city council before such connection is made.
C. Any person who shall receive such permission to tap on to the city sewer system shall not permit any extension of such main to serve any other family, firm or corporation unit except by special permission of the city council.
D. The city reserves the right to have any waste matter going into the city's sewer main or sewer system to be checked and examined to determine whether such material or waste matter is corrosive, volatile, suffocating, flammable or explosive and/or would result in damage or destruction of the city's sewer line or system and if found hazardous or damaging to the city system, the owner shall be required to remove such waste from the city system.
E. Drawings and specifications for all laterals required for industrial or residential development must be submitted to and approved by the director of public services.
F. Charges for sewer connections outside the corporate limits of the city shall be submitted as outlined in a rate schedule adopted by city council, plus an additional amount as set forth in a rate schedule adopted by the city council per front foot of lot tract based on division or use. If the tap on is made to an outfall line, the same charge based on frontage shall apply, except for residences on undivided farm land where a frontage of 100 feet will be assumed.
G. Where such sewer lines are in a street right-of-way, the city shall extend the connection to the curb line; where such sewer lines are not in a street right-of-way, the city shall extend the connection at the most convenient point within the right-of-way of the sewer main or outfall.
H. Any person, firm or corporation found to be illegally connected to the sanitary sewer system of the city shall be required to pay a penalty as set forth in a rate schedule adopted by city council plus the usual connection fee and service charges as determined by the public services department for the period of illegal use. After payment of the determined amount of money, the person, firm or corporation must submit an application, on forms supplied by the city; provided that sewer connection charges on lines installed under the agreement with Guilford County shall be the same rate for sewer connections inside the corporate limits.
I. Any property owner desiring to connect to a sewer main laid under assessment shall, in addition to the regular tap-on fee, pay an amount equal to his prorated share of the assessment.
(Ord. No. 6486/07-81, § 1, 9-20-07)

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Section 8-2-70 HEARINGS

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 subsection 8-2-60.2, or one issued an administrative order under subsection 8-2-60.1(D) shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 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 (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

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

B. **Final appeal hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (A) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with city policies. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (C) below. The decision is a final decision for the purposes of seeking judicial review.

C. **Official record**. When a final decision is issued under paragraph (A) above, the Hearing Officer 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 Hearing officer

D. **Judicial Review.** Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Guilford County within 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 30 days after receipt of the copy written request for the review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

DRAFT

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

DRAFT

ARTICLE B Sewer

Editor's note: Ordinance No. 07-81, adopted Sept. 20, 2007, amended article B in its entirety to read as herein set out. Formerly, this article pertained to similar subject matter and derived from Ord. No. 94-15, adopted March 17, 1994; and Ord. No. 97-102(3), adopted Dec. 18, 1997.

Sec. 8-2-51 SEWER; RESPONSIBILITY

The public services department shall be charged with the maintenance and repair of all sewer mains, including house connections, pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this department an adequate number of employees to properly maintain and operate the facilities of this department. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-52 GENERAL PROVISIONS

A. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of High Point, hereafter referred to as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this article are:

(1) To prevent the introduction of pollutants and wastewater discharges into the municipal~~ity~~ wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) 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;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;

(5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(6) To ensure the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any Federal or State laws which the municipal wastewater system is subject to.

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 all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312 and/or 153A-275. The City of High Point 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 Publicly Owned Treatment Works (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 of High Point personnel.

By discharging wastewater into the City of High Point 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.

B. RESERVED.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-53 DEFINITIONS AND ABBREVIATIONS.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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.

Approval authority. The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

Authorized representative of the industrial user.

1. 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 (1) 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.

2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.

3. If the industrial user is Federal, State or local governments, or an agent thereof, 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.

4. The individuals described in paragraphs (1)--(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

5. 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 City of High Point prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

Building sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical standards. National Categorical Pretreatment Standards or pretreatment standard.

Control Authority. Refers to the POTW organization if the POTW organization's Pretreatment Program approval has not been withdrawn.

Discharger. Means any person who discharges or causes the discharge of wastewater to a community sewer system, storm water system, or directly to the POTW. Discharger shall mean the same as user.

Domestic sewage. The liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

Effluent. Means wastewater or other liquid, partially or completely treated, or in its natural state or any portion thereof flowing out of a reservoir, basin, treatment plant or industrial treatment plant.

Enforcement response plan (ERP). The set of enforcement actions to be taken by the city in response to violations of any part(s) of this article.

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.

Fats, Oils and Grease (FOG). Shall mean any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

FOG Best Management Practices. Shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sanitary and storm water systems.

Food Service Establishment. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public operating in a permanently constructed structure such as a room, building, or place, or portion thereof, that utilize one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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 for a period of time not to exceed 15 minutes.

Grease shall mean, and includes, fats, oils, waxes or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin including kerosene, lubricating oil, and road oil. Grease in the wastewater collection system is generally present as, but not need be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution. Grease is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate methods and procedures approved by the Environmental Protection Agency, and identified in 40 CFR Part 136.

Grease Control Device. Shall mean a grease interceptor, grease trap, or other grease removal device designed, constructed and intended to remove, hold or otherwise prevent the passage of fats, oils or grease (FOG) to the sanitary sewer.

Grease Generating Activity. Shall mean any activity that includes the following in regards to wastewater or any FOG materials entering the sanitary sewer system by means of washing dishes, kitchen equipment, discharging FOG in a drain which leaves the property.

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.

Hot Spots. Shall mean areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained at an accelerated frequency to avoid blockages of sewer system as a result from FOG buildup in the sanitary sewer system.

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

Industrial user. Any person which is a source of indirect discharge.

Low Grease Generator Agreement. Shall refer to an agreement between certain categories of FSEs and the City that do not require the installation of a Grease Control Device.

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 POTW's 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. section 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.

Maintenance log. Shall mean any form of record keeping requirements as addressed in Section 8-2-54.11(5).

Manifest. Shall mean the receipt which is retained by the generator of wastes for disposing recyclable waste, liquid or solid wastes as required by the city.

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.

Monitoring facility. Structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the wastes, the design, location and operation of which must be approved by the director.

National Categorical Pretreatment Standard **or** ***categorical standard***. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 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 through 471.

National Prohibitive Discharge Standard **or** ***prohibitive discharge standard.*** Absolute prohibitions against the discharge or certain substances; these prohibitions appear in subsection 8-2-54(a) of this article and developed under the authority of [section] 307(b) of the Act and 40 CFR, section 403.5.

New source.

1. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:
    a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

3. For purposes of this definition, construction of a new source has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:
   1. Any placement, assembly, or installation of facilities or equipment; or
   2. Significant site preparation work including clearing, excavation, or removal or existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

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

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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.

Non-discharge permit. A permit issued by the State pursuant to 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

Pass through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation of the POTW's NPDES, collection system, or non-discharge permit or downstream water quality standard even if not included in the permit.

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

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.

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, ~~or~~ and odor).

POTW Director. The City of High Point Director of Public Services or his/her delegate.

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 can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment program. The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and 403.11 and as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standard~~s~~. Any prohibited discharge standard~~s~~, categorical standard~~s~~, or local limit~~s~~ which applies to an industrial user.

***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 article, "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 city's POTW.

Sanitary Sewer Overflow shall mean any discharge of sewage from the sanitary sewer to the inside or outside of a FSE or to the Stormwater system.

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.

Significant industrial user or SIU. An~~y~~ industrial user that discharges wastewater into a publicly owned treatment works and that::

(1) 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

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

(3) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N, Parts 405-471; or

(4) 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.

(5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above have 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.

(6) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is not a Non-significant Categorical Industrial User.

(7) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in Paragraph (3) 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).

Significant noncompliance. 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 that meets the criteria in (c), (d), or (h) shall also be SNC.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numerical 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, Oils and grease; 1.2 for all other pollutants (except flow and pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(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);

(d) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in 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)(l)(vi)(B) and Section 8-2-54(a) of this ordinance to halt or prevent such a discharge;

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

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

(g) Failure to accurately report noncompliance.

(h) 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.

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 subsection 8-2-54(a) of this section.

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.

Standard manhole. Shall mean a sewer inspection entrance constructed according to city standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from.

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.

Trap means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

Twenty-five percent (25%) Rule shall mean the requirement for grease control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth in <u>any</u> location of the grease control device. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

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.

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 stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater permit. As set forth in subsection 8-2-56(b) of this article.

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.

This article is gender neutral and the masculine gender shall include the feminine and vice versa.

"Shall" is mandatory; ***"may"*** is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The following abbreviations 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. *NCGS.* North Carolina General Statutes.
10. *NPDES.* National Pollution Discharge Elimination System.
11. *O& M.* Operation and maintenance.
12. *POTW.* Publicly owned treatment works.
13. *SIC.* Standard industrial classification.
14. *SWDA.* Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
15. *USC.* United States Code.
16. *TSS.* Total suspended solids.
17. *TKN.* Total kjeldahl nitrogen.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-54 REGULATIONS.

Sec. 8-2-54.1 *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. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter.

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch in any dimension.

3. Any wastes or water containing mineral or, hydrocarbon, vegetable or animal fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit. Animal and vegetable fats above these units may be allowed following written application and approval by the director.

4. Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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 pass through or interfere with the POTW wastewater treatment system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

6. 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.

7. 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.

8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the POTW's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

9. Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).

10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.

11. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

12. Any trucked or hauled pollutants, except at discharge points designated by the POTW director in accordance with section 8-2-65 of this article.

13. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.

14. Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season, but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease unless authorized by the POTW Director.

15. Petroleum oil, non-biodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and non-biodegradable complex carbon compounds in amounts that will cause interference or pass through.

16. Any sludges, screenings or other residues from the pretreatment of industrial wastes.

17. Any medical wastes, except as specifically authorized by the POTW director in an industrial wastewater discharge permit.

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

19. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW director.

20. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B.0200.

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.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that these wastes 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 connection 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 director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with subsections 8-2-54.1 and 8-2-54.2;
(2) Take appropriate actions in accordance with section 8-2-60 for such user to protect the POTW from interference or pass through.

Sec. 8-2-54.2 *Polluted water control.*

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the city or not, when polluted by its use, shall be forced into the city's sanitary sewer system provided such wastes meet the requirements of this chapter.

Sec. 8-2-54.3 *Use of public sewers required.*

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city or in any area under its jurisdiction, any sewage or other polluting materials, except where suitable treatment has been provided in accordance with applicable local, state and federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

Sec. 8-2-54.4 *National Categorical Pretreatment Standards.*

1. 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 through 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 POTW director may impose equivalent concentration or mass limits in accordance with CFR 403.6(c).

   B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

   C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

   D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

   E. A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7

Sec. 8-2-54.5 *Local limits.*

To implement the general and specific discharge prohibitions listed in this article, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:
TABLE INSET:

Parameter	Daily Limit (mg/l)	Monthly Average (mg/l)
BOD	1,000	500
TSS	600	300
Ammonia	20	15
Cadmium	0.10	0.05
Chromium	0.10	0.05
Copper	0.10	0.05
Cyanide	0.01	0.01
Lead	0.10	0.05
Nickel	0.10	0.05
Silver	0.10	0.05
Zinc	0.20	0.10
Oil and grease	100	50
pH range: Between 5.0 and 11.0 (standard units)		

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards.

Sec. 8-2-54.6 *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 article.

Sec. 8-2-54.7 *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 regulations if deemed necessary to comply with the objectives presented in section 8-2-52 of this article or the general and specific prohibitions in section 8-2-54 of this article, as is allowed by 40 CFR 403.4.

Sec. 8-2-54.8 *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.

Sec. 8-2-54.9 *Pretreatment of Wastewater.*

1. **Pretreatment Facilities.**
   Users shall provide necessary wastewater treatment as required to comply with this article and wastewater permits issued under subsection 8-2-56.2 of this article and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 8-2-54.1within the time limitations as specified by the EPA, the State, or the POTW director, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the city 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 acceptable to the POTW director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method(s) of operation shall be reported to and be approved by the POTW director prior to the user's initiation of the changes.

2. **Additional Pretreatment Measures**
   a. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user’s compliance with the requirements of this ordinance.
   b. 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-controlled facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

Sec. 8-2-54.10 *Grease Control Devices shall be installed on the premises where FOG is used or Generated.*

1. All commercial kitchens in new or existing buildings, undergoing significant improvement, undergoing remodeling or change in operations shall have grease control devices (GCD) as required by the Uniform Plumbing Code. IF there is a size discrepancy in GCD installation (due to space limitations, etc) a mutual agreement between the Building Department and Industrial Pretreatment Department shall agree to compromise regarding size and fixtures to be discharged through the GCD.
2. All grease generating fixtures shall connect to a GCD, including but not limited to pre-rinse sinks, three compartment sinks, two compartment sinks, mop or janitor sinks, food preparation sinks, floor drains in dishwashing areas and kitchens, etc. All drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD.
3. No high temperature kitchen equipment discharges shall be allowed to connect through any type of GCD. Discharge of wastewater from dishwashers, pasta cookers, other hot lines and non-grease generating fixtures to any GCD is prohibited unless authorized by the POTW Director.
4. FSEs shall have a sink or other area for cleaning floor mats, containers, exhaust hood filters and equipment, which is connected to a GCD. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. Outside washing of floor mats, equipment grills, or other containers is prohibited; this may allow contaminated wastewater to flow to the storm drain system.
5. All in-ground GCDs greater than 750 gallons in capacity shall have a minimum of three manholes (refer to City of High Point Design Standards) to allow visibility over each inlet piping, baffle (divider) piping and outlet piping to ensure accessibility for inspection, cleaning

and removal of all contents. Two manholes may be allowed under certain conditions only granted by the City of High Point. Nothing shall be allowed to be stored on top of any GCD manholes.

6. In ground GCDs shall be installed in a suitable location that will allow access for inspection, cleaning, and maintenance. This includes drive-thru roads and parking stalls where inspection would be difficult or unsafe and impeded business operations.
7. Laterals installed between a FSE and GCD, also between the GCD and the City's main shall include installation of two way clean outs as required to allow access points for sewer line maintenance and inspection.

Sec. 8-2-54.11 *Grease, Oil and Sand Traps required for Commercial and Industrial Establishments*.

1. Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of sewerage system from liquid wastes containing petroleum based oils, fluids and greases in excessive amounts, or any flammable wastes, sand and other harmful pollutants not prohibited in section 8-2-54(a). Such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required, for example, on discharges from all service stations, automotive repair garages, car washes, and other commercial or industrial establishments as the city may designate.

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

3. Grease Control Device Maintenance Requirements

A. Maintenance Requirements

a. All GCDs shall be kept in good repair, functioning properly and shall be maintained in continuous operation according to manufacturer's guidelines and the City of High Point's requirements.
b. GCDs shall be maintained by the owner at the owner's expense.
c. Sewer lines to and from GCDs shall be kept in good repair and clear of any buildup of FOG that could potentially contribute to backups and/or SSOs.
d. All FOG discharged during GCD or sewer line cleaning and maintenance shall be captured. Any FSE that has their kitchen grease waste lines, exit lines from a GCD and/or laterals cleaned by jetting or hydro flushing shall have the contractor capture the contents removed from the line to prevent SSOs depending on the main size the lateral feeds into. All contents removed from sewer lines shall be contained and disposed properly by a licensed contractor.
e. No additives may be introduced to GCDs or a FSE's wastewater system for the purpose of emulsifying FOG. Additives, such as solvents or enzymes that dissolve or mobilize FOG are prohibited.

4. GCD Maintenance Frequency

A. The maintenance frequency shall be set so as to ensure the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG and minimize the passage of FOG to the sanitary sewer collection system. The maintenance frequency for all FSEs with a GCD shall be determined by one of the following methods:

i. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth in any location of the GCD. The 25% Rule shall apply to all GCDs.

ii. The entire contents of all grease interceptors (gravity grease interceptors) and GCDs greater than 100 gallons shall be removed every three months or more frequently as to prevent FOG from entering the sanitary sewer.

iii. The entire contents of all grease traps (hydro mechanical grease interceptors and automatically or mechanically cleaning GCDs) shall be removed every month or more frequently as to prevent FOG from entering the sanitary sewer.

B. The city may modify the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from the FSE, the maintenance frequency may increase or decrease.

C. If the GCD, at any time, contains FOG and solids accumulation that does not meet the requirements in section (g)(1)(i) above, the FSE shall have the GCD serviced immediately such that all FOG, solids, and other materials are completely removed from the GCD.

D. Waste haulers servicing GCDs shall not reinsert or discharge into GCD, manhole, cleanout, or other sanitary sewer appurtenance any materials that the waste hauler has removed from the GCD or to cause those materials to be so handled.

5. Requirements for Record Keeping

A. GCD & Plumbing record keeping

i. The FSE shall retain all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier and disposal site location for at least three years. Such records, which include at a minimum of the following, shall be made immediately available for inspection and copying to the inspector or City representative upon request:

ii. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.

iii. Copies of records of waste hauling GCD contents. The grease haulers shall leave, at the facility site, a manifest with the following information:

- Name of site pumped
- Street address
- City Name
- Date and Time Pumped
- Volume collected
- Hauler name
- Truck #
- Observed GCD structural problems
- Final destination of material collected

iv. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCDs

v. Records of any SSOs, backups, spills and/or cleaning of the lateral sewer system

vi. A record of Best management Practices being implemented including employee training

vii. Any other information deemed appropriate by the city to ensure and document compliance with this Article.

6. Tallow Bins

1. Segregation and collection of waste cooking oil

1. No person shall dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

All waste cooling oils shall be collected and stored properly in tallow receptacles such as barrels or drums or bins for recycling or other acceptable methods of disposal.

a. Segregated waste grease and oil bins (tallow bins) shall be in place at the location of any FSE that creates grease or oil from the use of fryers, automatically or mechanically cleaning GCDs which need FSE staff maintenance, rotisserie drip lines not connected to a GCD or any other type of grease and oil waste created by cooking or cleaning of equipment. FSE staff, not limited to kitchen staff, shall properly dispose of grease or oils from cooking equipment into an oil/grease receptacle such as a tallow bin, barrel or drum. Appropriate measures shall be taken to eliminate spills. An absorption rag, towel, or material shall be immediately available each time the waste oil/grease is emptied to the tallow bin or segregated receptacle and used to clean up spills. The transporting of waste oil/grease shall be conducted with a covered and sealed container.
b. Tallow bins or used waste oil and grease container areas shall be kept clean. Containers shall be covered with lids and free from excessive fats, oil and grease and debris to prevent foul-smelling odors and vector attraction. Housekeeping procedures shall be put in place and signs posted.
c. Tallow bins shall be located in areas that reduce the risk of spills or discharges to the storm drain system. Where relocation is not possible, spill prevention should be implemented to prevent such discharges.

7. Tallow Haulers

Tallow haulers servicing FSEs shall clean up all spills created during the collection and transporting of grease whether it is on the containers, bins, barrels or the ground.

8. Tallow Bin Record Keeping

The FSE shall keep all manifests, receipts and invoices of all oil/grease removal from the FSE, disposal carrier and disposal site location for no less than three years. The FSE shall, upon request, make the manifests, receipts and invoices available to any City representative or inspector. These records may include:

- A logbook of all segregated oil bins cleaning and maintenance practices
- A record of Best Management Practices being implemented including employee training.
- Copies of records and manifests of waste hauling activities.
- Records of any spills and/or cleaning.
- Any other information deemed appropriate by the City to ensure compliance with this Article.

9. Best Management Practices – FSEs

All FSEs shall implement Best Management Practices (BMPs).Emphasis shall be on minimizing the discharge of FOG to the sewer system and preventing non-stormwater discharges to the storm drain system. All FSEs shall be required, at a minimum, to provide staff training for the appropriate ordinance requirements and for the following kitchen BMPs:

a. Install screens in all drains. The screens shall be installed to all sinks, drains, floor drains, floor sinks, dishwasher, etc. The screens shall be cleaned frequently by disposing waste to the trash or food scrap container if available. Regular inspections shall be conducted by lead Managers and/or Executive Chefs to ensure screens are functioning properly and are present. It is

recommended that the inspections be documented to confirm compliance and be available to the City representative or inspector upon request.

b. Dispose of all food waste. Food waste shall not be disposed to sinks or drains. FSE staff shall dispose of all food waste directly into the trash, garbage, compost or food waste collection bins by scraping with scrapers, towels, paper towels and/or rubber spatulas prior to using water to rinse off plates, dishes, pots, pans, containers, etc. This practice helps remove FOG from entering the sanitary sewer system and GCDs. Properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

c. Maintain kitchen exhaust hood and equipment. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly and shall be cleaned in sinks connected to a GCD to ensure to capture of FOG prior to entering the sanitary sewer.

d. Post signs and posters for best management and waste minimization practices conspicuously in the food preparation and dishwashing areas at all times.

e. Clean all kitchen equipment and other equipment in the sinks or drains that flow directly into a GCD. Never clean equipment in a sink not connected to a GCD.

f. Dry methods shall be used to clean up oil and grease spills. Pick up liquids or grease with rags or absorbents such as raw dust or cat litter. Sweep up absorbent, seal in a plastic bag and dispose in the trash. Regularly use dry methods to clean under fryer baskets and other locations where grease may be spilled or dripped. Clean up all oil and grease spills prior to mopping. If possible, always discharge waste mop water to a drain that will flow to a GCD.

g. Dry sweep pavement, such as walkways, dining areas and dumpster areas as frequently as possible.

h. Never pour, sweep or direct wash wastewater into a Stormwater collection system, street or gutter. If any pavement cleaning requires water, sweep first; next use a mop without soap and bucket and dispose of wash wastewater in a sink that drains to a GCD.

i. Never wash down dumpsters or tallow bins with a hose. If a dumpster or tallow bin must be cleaned, contact the dumpster or tallow bin vendor. Check dumpsters and tallow bins frequently for leaks. Notify the dumpster or tallow bin vendor to maintain and replace leaking dumpsters or tallow bins.

Sec. 8-2-54.12 *Accidental discharge /Slug Control Plans*

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 Section 8-2-53(A). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW Director may develop such a plan for any user.

1. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non- customary batch discharge, or a slug load. Also see subsections 8-2-57.6 and 8-2-57.7.

2. An accidental discharge/slug control plan shall address, at a minimum, the following:
   - **(a)** Description of discharge practices, including non-routine batch discharges;
   - **(b)** Description of stored chemicals;
   - **(c)** Procedures for immediately notifying the POTW director of any accidental or slug discharge, as required by subsection 8-2-57.7 of this article; and
   - **(d)** 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.

(e) Flow and loading equalization. In order to promote the equalization of flows and any constituent loadings, including but not limited to BOD and TSS on the sewer system, each person whose operations produce wastewaters having widely fluctuating flows or constituents is required to install and maintain at his own expense, a suitable storage or holding tank. The holding tank shall have a minimum capacity of 75 percent of the user's average daily flow, except that no tank shall be less than 1,000 gallons. Suitable air mixing will be required to keep solids in suspension and maintain aerobic conditions. Such holding or storage tank, air mixing system and any outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the director.

(f) Monitoring facilities.

(1) To facilitate observations, flow measurements and sampling of liquid wastes discharged to the city's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the city's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:

a. The BOD concentration exceeds 300 mg/l;
b. The TSS concentration exceeds 250 mg/l;
c. The average flow per work day exceeds 25,000 gallons; or
d. The manufacturing processes produce toxic or poisonous wastes such as but not limited to cyanides, heavy metals, insecticides, herbicides, etc.

(2) All industrial users that are subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the director or the categorical pretreatment standards. Plans for the location and construction of the monitoring facilities shall be approved by the director prior to commencing the installation. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-55 FEES

Sec. 8-2-55.1 *Purpose.*

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

Sec. 8-2-55.2 *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. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

B. Each user shall pay its proportionate cost based on volume of flow.

C. 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.

D. 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.

E. For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer system. The rate for water and/or sewer service is set forth by a rate schedule adopted by city council. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.

F. Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the city at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the director of public services may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.

G. Where a well is used by any person and water from such well is put into the sanitary sewer system of the city, then such person shall install, at his own expense, the necessary meter or meters, obtained from the city, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required it if is determined by the director of public services to be in the best interest of the city.

H. In cases where the city determines not to require the installation of a meter, a flat rate shall be applied, as outlined in a rate schedule adopted by city council. These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one-family residence. The director of public services shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range. A flat rate shall not be used where the water supply is from a state approved public water supply.

Sec. 8-2-55.3 *Surcharges.*

All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:
BOD = 300 mg/l
TSS = 250 mg/l

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or TSS exceeds the limits as hereinbefore prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and TSS concentration above the permissible limits of 300 mg/l BOD, and 250 mg/l TSS, according to the following formulate:

a. The number of hundreds of pounds of constituent (BOD or TSS) subject to the surcharge will be determined by:

TABLE INSET:

$$P = \frac{U \times C \times 0.006238}{100}$$

where:
P = pounds of constituent (BOD or TSS) in hundreds
U = units of wastewater discharged (1 unit = 100 cu. ft.)
C = strength of constituent in wastewater in mg/l in excess of 300 for BOD, or 250 for TSS
0.006238 = weight of wastewater (million pounds per unit)

b. The amount of the surcharge will be calculated by:

$S = (R1 \times P1) + (R2 \times P2)$

where:
S = total surcharge
R1 = surcharge rate per CWT BOD
R2 = surcharge rate per CWT TSS
P1 = pounds of BOD in hundreds
P2 = pounds of TSS in hundreds
R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by city council.

(2) The city council, in a meeting with the city manager and the director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment.

(3) The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the city. Where satisfactory evidence can be produced that more than 10 percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the director, and excluded from the surcharge computation.

Sec. 8-2-55.4 *Pretreatment program administration charges.*

The schedule of charges and fees adopted by the city may include charges and fees for:

A. Reimbursement of costs of setting up and operating the pretreatment program;
B. Monitoring, inspections and surveillance procedures;
C. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
D. Permitting;
E. Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

Sec. 8-2-55.5 *Sampling and testing procedures.*

A. Each person discharging liquid wastes into the public sewer shall be subject to periodic inspections to determine the character and concentration of such wastes. The frequency of sampling shall be as determined by the director. Sampling and inspections will be both scheduled and unscheduled.
B. Samples from monitoring facilities may be grab and/or composite according to flow. All other sampling will be conducted in a manner prescribed by the director.
C. Each person subject to sampling and analytical services will be charged the cost of such services. All costs incident to the supervision, inspection, sampling and analyses will be billed to the user in accordance with a fee schedule adopted by city council. The city council, in a meeting with the city manager and the director, will annually review the actual cost of supervision, inspection, sampling and analyses required for monitoring industrial discharges and adjust fees to reflect the true cost of the pretreatment program. Any analyses performed by contract laboratory services on behalf of the City will be billed directly to the user by the contract laboratory.
D. The city, upon request by the industry concerned, shall make available a split sample collected. If the industry feels the results are not representative of their wastes, the city will resample at a cost in accordance with the fee schedule referred to in subsection 8-2-55.2(C). The values determined from any re-sampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-56 ADMINISTRATION

Sec. 8-2-56.1 *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 30 days of the request. The POTW director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 8-2-56.2 *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 180 days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater contribution permit for non-significant industrial users.

A. ***Significant industrial user determination.*** All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic 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 90 days after notification of the POTW director's determination in subsection 8-2-56(b) above. The application shall include at a minimum:

a. name of industrial user;
b. address of industrial user;
c. standard industrial classification (SIC) code(s) or expected classification and industrial user category;
d. wastewater flow'
e. types and concentrations (or mass) of pollutants contained in the discharge;
f. major products manufactured or services supplied;
g. description of existing on-site pretreatment facilities and practices;
h. locations of discharge points;
i. raw materials used or stored at the site;
j. flow diagram or sewer map for the industrial user;
k. number of employees
l. operation and production schedules; and
m. description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g);

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 POTW director as defined in subsection 8-2-53.1 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.***

a. The POTW director is authorized to accept applications for the city and shall refer all applications to the POTW staff for review and evaluation.
b. Within 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.***

a. The POTW staff shall conduct a review of the application and on 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.
b. If the staff's tentative determination in paragraph (5)(a) above is to issue the permit, the following additional determinations shall be made in writing:
    1. Proposed discharge limitations for those pollutants proposed to be limited;
    2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
    3. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
c. The staff shall organize the determinations made pursuant to paragraphs (5)(a) and (b) above and the city's general permit conditions 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:
    a. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
    b. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

G. ***Final action on significant industrial user permit applications.***

a. The POTW director shall take final action on all applications not later than 90 days following receipt of a complete application.

b. The director is authorized to:

1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and N.C.G.S. 143-215.1;
2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
3. Modify any permit upon not less than 60 days' notice and pursuant to subsection 8-2-56(I) of this article;
4. Revoke any permit pursuant to subsection 8-2-60.1 of this article;
5. Suspend a permit pursuant to subsection 8-2-60.1 of this article;
6. Deny a permit application when in the opinion of POTW director such discharge may cause or contribute to pass through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

H. ***Permit modification.***

A. 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.

1. Changes in the ownership of the discharge when no other change in the permit is indicated;
2. A single modification of any compliance schedule not in excess of four (4) months;
3. 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.
4. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by subsection 8-2-56.2(B) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
5. A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

I. ***Permit conditions.***

A. 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 article and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

1. A statement of duration (in no case more than five (5) years);
2. A statement of non-transferability;
3. Applicable effluent limits based on categorical standards or local limits or both;
4. 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;
5. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in subsection 8-2-53(A);
6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in subsection 8-2-53(A), if determined by the POTW Director to be necessary for the user;
7. 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 subsection 8-2-53(A). Also see subsections 8-2-57.4 and 8-2-54.5; and
8. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

B. In addition, permits may contain, but are not limited to, the following:

1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
2. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. 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.
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
8. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).
9. Compliance schedules for meeting pretreatment standards and requirements.

10. Requirements for submission of periodic self-monitoring or special notification reports.
11. Requirements for maintaining and retaining plans records relating to wastewater discharges as specified in subsection 8-2-57.13 and affording the POTW director, or his representatives, access thereto.
12. 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.
13. 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.
14. A statement that compliance with 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.
15. Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, regulations, and the term of the permit.

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.***
Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial 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 subsection 8-2-56.2 minimum of 180 days prior to the expiration of the existing permit. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-57 REPORTING REQUIREMENTS.

Sec. 8-2-57.1 *Baseline monitoring reports.*

A. Within either 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. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:
   1. ***Identifying information.*** The name and address of the facility, including the name of the operator and owner.
   2. ***Environmental permits.*** A list of any environmental control permits held by or for the facility.
   3. ***Description of operations.*** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
   4. ***Flow measurement.*** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. ***Measurement of pollutants.***
    a. The categorical pretreatment standards applicable to each regulated process.
    b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW director of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 8-2-57.10 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4). Standard Pretreatment
    c. When determining mass calculations, standard pretreatment conversion factors shall be used.
    d. Sampling must be performed in accordance with procedures set out in subsection 8-2-57.11 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
6. ***Certification.***
   A statement, reviewed by the user's current authorized representative as defined in subsection 8-2-53(A)(1) 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 subsection 8-2-57.2 of this article.
8. ***Signature and certification.***
   All baseline monitoring reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.2 *Compliance schedule progress reports.*

The following conditions shall apply to the compliance schedule required by subsection 8-2-57.1(B)(7). of this article:

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. These 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 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.

Sec. 8-2-57.3 *Reports on compliance with categorical pretreatment standard, deadline.*

Within 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 subsection 8-2-57.1(B)(4) through (6) of this article. 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 measures 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 subsection 8-2-56.2(C) of this article.

Sec. 8-2-57.4 *Periodic compliance reports.*

A. All significant industrial users shall, at a frequency determined by the POTW director, but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in subsections 8-2-57.10 and 8-2-57.11 of this section. All periodic compliance reports must be signed and certified in accordance with subsection 8-2-56.2(C) of this article.
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 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 subsections 8-2-57.10 and 8-2-57.11 of this article, the results of this monitoring shall be included in the report.

8-2-57.5 *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 90 days before the change. The permittee shall not begin the changes until receiving written approval from the City. See subsection 8-2-57. 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 subsection 8-2-56.2 of this article.
B. The POTW director may issue a wastewater discharge permit under subsection 8-2-56.2 of this article or modify an existing wastewater discharge permit under subsection 8-2-56.2 of this article 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 of 20 percent (20%) or greater, and 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 City; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

8-2-57.6 *Reports of potential problems.*

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug load as defined in section 8-2-53(A), 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 article.
C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom 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 subsection 8-2-53(A).

Sec. 8-2-57.7 *Reports from unpermitted users.*

All users classified as Non-Significant Categorical Industrial Users under Section 8-2-53(A) 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).

Sec. 8-2-57.8 *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 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 30 days after becoming aware of the violation. The user is not required to resample if the POTW director monitors at the user's facility at least once a month, or 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 or designee 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 (or designee) shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one (1) 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 30-day deadline of the POTW becoming aware of the violation.

Sec. 8-2-57.9 *Notification of the discharge of hazardous waste.*

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after 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 subsection 8-2-57.5 of this article. 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 subsections 8-2-57.1, 8-2-57.3, and 8-2-57.4 of this article.
B. Discharges are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than 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 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 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 article, a permit issued thereunder, or any applicable Federal or State law.

Sec. 8-2-57.10 *Analytical requirements.*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the State to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or the City. 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 EPA and the City. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

Sec. 8-2-57.11 *Sample collection.*

A. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
B. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the [POTW director] may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
C. Composite samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the [POTW Director]. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

Sec. 8-2-57.12 *Timing.*

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

Sec. 8-2-57.13 ***Record keeping***. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article 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 date 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.

Sec. 8-2-57.14 *Electronic reporting*.

The [POTW Director] may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under section 8-2-60 of this article. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-58 COMPLIANCE MONITORING.

Sec. 8-2-58.1 *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 city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

Sec. 8-2-58.2 *Inspection and sampling.*

The city will inspect the facilities of any user to ascertain whether the purpose of this article 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 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 article. Unreasonable delays may constitute denial of access.

Sec 8-2-58.3 *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 article, 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 article 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 18th Judicial District of Guilford County.

(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-59 CONFIDENTIAL INFORMATION

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge permit and/or the pretreatment programs, provided however, that such portions of a

report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-60 ENFORCEMENT

Sec. 8-2-60.1 *Administrative remedies.*

A. ***Notification of violation.***
Whenever the POTW director finds that any industrial user has violated or is violating this article, 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 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 discharge of liability for any violations occurring before or after receipt of the notice of violation. Violations will be administered according to the enforcement response plan (ERP).

B. ***Consent orders***.
The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 8-2-60.1(D) below.

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

The POTW director 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 subsection 8-2-60 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under subsection 8-2-56.2 POTW director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

D. ***Administrative orders.***
When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set in the order;
3. Take appropriate remedial or preventive action in the event of a continuing or threatened violation.

E. ***Emergency suspensions.***
The POTW Director 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 suspended order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

F. ***Termination of permit or permission to discharge***.
The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:
1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this section, 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 8-2-57.1 of this article why the proposed action should not be taken.

Sec. 8-2-60.2 *Civil penalties.*

A. Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to twenty-five thousand dollars ($25,000) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges (40 CFR 403.8(f), GS 143-215.6A(a)).
    1. Penalties between $10,000 and $25,000 per day per violation may be assessed against a violator only if:
        a. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
        b. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this section, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.

B. In determining the amount of the civil penalty, the POTW director 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 subsection 8-2-70.

8-2-60.3 *Other available remedies.*

A. Remedies, in addition to those previously mentioned in this article, are available to the POTW director/superintendent who may use any single one (1) or combination against a noncompliant user. Additional available remedies include, but are not limited to:

1. ***Criminal violations.***
The district attorney for the (18th) 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.B(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)).

2. ***Injunctive relief.***
Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, 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.

3. ***Water supply severance.***
Whenever an industrial user is in violation of the provisions of this article 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 consistent compliance.

4. ***Public nuisances.***
Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of subsections 8-2-54(a)(2)f. and 8-2-60(b) of the sewer use ordinance.

8-2-60.4 *Remedies nonexclusive.*

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-61 ANNUAL PUBLICATION OF REPORTABLE NONCOMPLIANCE

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with this article or any order or permit issued hereunder, during the 12-month period since the previous publication. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-62 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

Sec. 8-2-62.1 *Upset.*

A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (2), 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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    a. A description of the indirect discharge and cause of noncompliance;
    b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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.

Sec. 8-2-62.2 *Prohibited discharge standards defense.*

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 8-2-54.1 of this article or the specific prohibitions in subsections 8-2-54.1(B)(2)., (B)(5)., (B)(7) through (11), (B)(13) through (22) of this article 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.

Sec. 8-2-62.3 *Bypass.*

A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (D) of this section.

B. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least 10 days before the date of the bypass, if possible.

C. A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence 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 24 hours.

D. Bypass is prohibited, and the POTW director may taken an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. 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
3. The user submitted notices as required under subparagraph (C) of this section.

E. The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three (3) conditions listed in subparagraph (D). of this section. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-63 SEVERABILITY.

If any provision, paragraph, word, or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-64 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-65 SEPTIC TANK WASTE.

No person shall discharge into the sanitary sewerage system any waste from any septic tank or other private sewage disposal device except under the following conditions:

A. Only waste of domestic character (or other waste approved on special arrangement and in advance which in the opinion of the director of public services will not be detrimental to operation of the pollution control plants) will be allowed.
B. All waste shall be discharged at either the eastside or westside pollution control plant at the discretion of the director of public services or his authorized representative and under the supervision of the operator on duty.
C. Persons desiring to discharge waste in accordance with this section shall make application to and contract with the director of public services for such service, and obtain septage vouchers.
D. Fee for septage vouchers shall be paid for in advance at the rate set forth in a rate schedule adopted by city council for each truckload of 1,000 gallons or fraction thereof.
E. Prior to discharging any waste, the truck driver will complete the septage voucher, which shall be submitted to the operator on duty, setting forth the name of the individual, firm or corporation responsible for the waste, the name of the driver of the waste-carrying vehicle, the date and time of discharge, and the name, address and telephone number of the owner of each premises where the waste was collected.
F. All waste-carrying vehicles shall have clear permanent markings showing the owner's name, address, Guilford County Health Department permit number and waste-carrying capacity in gallons.
G. If at any time, in the opinion of the director of public services, the best interest of the city will be served by discontinuance of this service, then no more such wastes shall be accepted from any person, firm or corporation.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-66 SEWER CONNECTIONS—COMPULSORY RULES AND REGULATIONS FOR PERMANENT PAVEMENT OF STREET

All owners, whether in fee or as life tenants, of houses or lots abutting on a street where a public sewer is laid, or which otherwise have access to a public sewer, shall connect all water closets or privies on such property with the sewer system, under such rules and regulations as are prescribed by the city council, and in the event that an order has been made for the permanent paving of any street, the sewer department shall make a connection from the sewer line to the curb line in front of each lot. Such connection shall be 15 feet from the lower property line when practicable. (Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-67 SEWER CONNECTIONS—PROCEDURE FOR COMPELLING

Whenever any property in the city or within its service area shall be required by this article to be connected with the sewer system, the procedure for compelling the connection to be made shall be as follows: 30 days' notice printed or written requiring such connection shall be served by the director of public services of the city on the owner of the property if he is a resident of the city or on his agent if such owner is a nonresident, and where a nonresident has no agent in the city then such notice shall be published for 10 days in a newspaper published in the city.
(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-68 SEWER CONNECTIONS—REFUSAL TO MAKE

It shall be unlawful for any property owner whose property or premises shall be required by the ordinances of the city to be connected with the public sewerage system to refuse or neglect to make connection in the manner required.(Ord. No. 6486/07-81, § 1, 9-20-07)

Sec. 8-2-69 SEWER CONNECTIONS--FEES

A. The charges for sewer connections shall be as prescribed in a rate schedule adopted by city council.
B. Any person residing outside of the corporation limits of the city and seeking permission to tap on any sewer line located outside the city must first make written application to the city council and must furnish a set of approved plans, from which no additions or deletions shall be made without city approval, showing any information concerning the location, size, depth and length of main to be laid and any other information deemed necessary and requested by the public services department and must secure the approval of the public services department and of the city council before such connection is made.
C. Any person who shall receive such permission to tap on to the city sewer system shall not permit any extension of such main to serve any other family, firm or corporation unit except by special permission of the city council.
D. The city reserves the right to have any waste matter going into the city's sewer main or sewer system to be checked and examined to determine whether such material or waste matter is corrosive, volatile, suffocating, flammable or explosive and/or would result in damage or destruction of the city's sewer line or system and if found hazardous or damaging to the city system, the owner shall be required to remove such waste from the city system.
E. Drawings and specifications for all laterals required for industrial or residential development must be submitted to and approved by the director of public services.
F. Charges for sewer connections outside the corporate limits of the city shall be submitted as outlined in a rate schedule adopted by city council, plus an additional amount as set forth in a rate schedule adopted by the city council per front foot of lot tract based on division or use. If the tap on is made to an outfall line, the same charge based on frontage shall apply, except for residences on undivided farm land where a frontage of 100 feet will be assumed.
G. Where such sewer lines are in a street right-of-way, the city shall extend the connection to the curb line; where such sewer lines are not in a street right-of-way, the city shall extend the connection at the most convenient point within the right-of-way of the sewer main or outfall.
H. Any person, firm or corporation found to be illegally connected to the sanitary sewer system of the city shall be required to pay a penalty as set forth in a rate schedule adopted by city council plus the usual connection fee and service charges as determined by the public services department for the period of illegal use. After payment of the determined amount of money, the person, firm or corporation must submit an application, on forms supplied by the city; provided that sewer connection charges on lines installed under the agreement with Guilford County shall be the same rate for sewer connections inside the corporate limits.
I. Any property owner desiring to connect to a sewer main laid under assessment shall, in addition to the regular tap-on fee, pay an amount equal to his prorated share of the assessment.
(Ord. No. 6486/07-81, § 1, 9-20-07)

Section 8-2-70 HEARINGS

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 subsection 8-2-60.2, or one issued an administrative order under subsection 8-2-60.1(D) shall have the right to an adjudicatory hearing before the POTW Director or other hearing officer appointed by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 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 (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

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

B. **Final appeal hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (A) above may be appealed, to the City Council upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with city policies. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (C) below. The decision is a final decision for the purposes of seeking judicial review.

C. **Official record**. When a final decision is issued under paragraph (A) above, the Hearing Officer 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 Hearing officer

D. **Judicial Review.** Any person against whom a final order or decision of the Hearing Officer is entered, pursuant to the hearing conducted under paragraph (A) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Guilford County within 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 30 days after receipt of the copy written request for the review by the Court, the Hearing Officer shall transmit to the reviewing court the original or a certified copy of the official record.

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