

COLUMBUS COUNTY BOARD OF COMMISSIONERS

March 20, 2006

6:30 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of holding a Public Hearing and their regular scheduled meeting on the third Monday.

COMMISSIONERS PRESENT:

Kipling Godwin, **Chairman**
David L. Dutton, Jr., **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Sammie Jacobs
Bill Memory
Lynwood Norris

APPOINTEES PRESENT:

Jimmy Varner, **Interim County Manager**
Steven W. Fowler, **County Attorney**
June B. Hall, **Clerk to Board**
Roxanne Coleman, **Finance Officer**

6:30 P.M.

PUBLIC HEARING - Proposed Columbus County Sewer Use Ordinance: the purpose of this Public Hearing is to receive comments from the public. Persons attending will be given the opportunity to provide written and/or oral comments and suggestions.

At 6:30 P.M., Chairman Godwin called the Public Hearing to order and stated the purpose of the Public Hearing was to receive any comments or suggestions on the Proposed Columbus County Sewer Use Ordinance. Chairman Godwin requested that Leroy Sellers, Public Utilities Director, to provide information on this Ordinance.

Mr. Sellers stated the following:

1. Columbus County has a Publicly Owned Treatment Wastewater System at Oak Bark Corporation, formerly known as Wright Chemical Corporation;
2. This Ordinance was a requirement of the State;
3. This system has the potential of private citizens hooking onto it in the future;
4. The State and Federal Government requires Columbus County to have an agent to oversee the operation of this system and I will be that agent; **and**
5. This system will be handling wastewater from Wright Chemical Corporation.

Commissioner Bill Memory stated the following:

1. Wright Chemical Corporation invested approximately four hundred thousand and 00/100 (\$400,000.00) dollars of their money in this project;
2. This business provides many jobs for Columbus County citizens; **and**
3. This will eventually be a part of the Boardman system.

Chairman Godwin asked if there were any comments from the private citizens. The following person spoke:

Jim Nance (Evergreen): Is this a County-wide Ordinance? Chairman Godwin replied stating yes, this is a County-wide Ordinance and it will involve the Wright Corporation and the Boardman projects.

Commissioner Prevatte stated this was an operation Ordinance.

Chairman Godwin stated this Public hearing would serve as the second reading, of the two (2) required readings, of the Proposed Columbus County Sewer Use Ordinance, and requested June B. Hall, Clerk to the Board, to read the first paragraph. Ms. Hall orally read the following portion of the Columbus County Sewer Use Ordinance:

“SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for **Columbus County**, hereafter referred to as the

County, and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).”

Commissioner Jacobs made a motion to dispense further reading of the ordinance, seconded by Commissioner Norris. The motion unanimously carried.

At 6:45 P.M., there being no further comments, Commissioner Jacobs made a motion to close the Public Hearing, seconded by Commissioner McKenzie. The motion unanimously carried.

**6:45 P.M.
REGULAR SESSION**

Agenda Items #1 and #2: MEETING CALLED to ORDER and INVOCATION:

At 6:45 P.M., Chairman Godwin called the meeting to order. The invocation was delivered by Commissioner Amon E. McKenzie. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America, which was led by Vice Chairman David L. Dutton, Jr.

Agenda Item #3: PRESENTATION - RETIREMENT PLAQUE:

Chairman Godwin stated this Agenda item was for the presentation of a retirement plaque to James Howard Turbeville for almost thirty (30) years of service to the Columbus County Sheriff's Department, but due to family illness, he could not be present. Chairman Godwin directed the Clerk to contact Mr. Turbeville and find out when he could be present, and if he could not be present, find out how we could get this plaque to him.

Agenda Item #4: BOARD MINUTES APPROVAL:

Commissioner McKenzie made a motion to approve the following Board Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously carried.

- A. February 16, 2006 Subdivision Regulations Ordinance Workshop;
- B. February 20, 2006 Regular Session Board Minutes;
- C. February 24, 2006 Special Called Meeting Minutes; **and**
- D. March 02, 2006 Subdivision Regulations Ordinance Workshop.

Agenda Item #5: CRIMINAL JUSTICE PARTNERSHIP PROGRAM - APPROVAL of 2006-2007 GRANT PROPOSAL:

Katherine Horne, Chair, Criminal Justice Partnership Advisory Board, requested Board approval of the following two (2) documents:

- 1. Application for Continuation of Implementation Funding; **and**
- 2. Contract for Professional Services Between Columbus County and its Criminal Justice Partnership Board and Rouse Counseling and Consulting Services (RCCS).

Ms. Horne stated one (1) major change had occurred, and that change was that Legislature has ended CJPP funding of the Pretrial Program, which is approximately twenty (20%) percent of the budget total of eighty thousand, two hundred eighty-one and 00/100 (\$80,281.00) dollars. If the Board approves this budget, which was done before I was made aware of this change, I can do a budget amendment for the difference.

Commissioner McKenzie made a motion to approve the Application for Continuation of Implementation Funding, and the Contract for Professional Services Between Columbus County and its Criminal Justice Partnership Board and Rouse Counseling and Consulting Services (RCCS). The motion was seconded by Commissioner Norris and unanimously carried. These two (2) documents will be kept on file in the Office of the Clerk to the Board, and in the Office of the Criminal Justice Partnership Program for review.

Agenda Item #6: RECREATION - APPROVAL of CHANGES to FACILITY FEE SCHEDULE:

Carol Worrell, Recreation Director, requested Board approval of the following increases in

recreation facility fees.

FACILITY	OLD RATE (PER DAY)	NEW RATE (PER DAY)
Ball Fields without Lights	\$40.00	\$100.00
Ball Fields with Lights	\$75.00	\$150.00
Riegelwood Community Center	\$35.00	\$60.00

Ms. Worrell stated the following:

1. Our fees are not in line with other counties;
2. These new fees will only affect the Riegelwood and Tabor City areas;
3. The prices for gasoline and electricity have gone up; **and**
4. These new fees will be for outside teams only.

After discussion was conducted relative to the effective date of the new fees, it was the general consensus of the Board for the effective date of the new fees to be July 1, 2006.

Commissioner Jacobs made a motion to approve the changes to the Facility Fee Schedule, as presented, with the effective date to be July 1, 2006, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #7: HEALTH - ENDORSEMENT SUPPORT for 2006 ANNUAL SMOKE-FREE COUNTY CHALLENGE:

Kimberly Smith, Health Director, requested Board endorsement support for the Annual Smoke-Free County Challenge.

Chairman Godwin stated that Ms. Smith could not be present at this meeting, but this challenge is about adults pledging not to smoke around children.

Commissioner Prevatte stated he wanted it to be known that this challenge was not promoting a smoke-free county.

Commissioner McKenzie made a motion to approve the endorsement support for 2006 Annual Smoke-Free County Challenge, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #8: ORDINANCE - APPROVAL and ADOPTION of SEWER USE ORDINANCE for COLUMBUS COUNTY:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the following Sewer Use Ordinance for Columbus County.

**SEWER USE ORDINANCE
COLUMBUS COUNTY**

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

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

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the county wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the county wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the county system;
- (d) To protect both county personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the county wastewater system; and

- (f) To ensure that the county complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the county wastewater system is subject.

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

This ordinance shall apply to all users of the county wastewater system, as authorized by N.C.G.S. 160A-312 and/or 153A-275]. The County shall designate an administrator of the POTW and pretreatment program hereafter referred to as the County Manager. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other County personnel. By discharging wastewater into the county wastewater system, industrial users agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

1.2 Definitions and Abbreviations

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:
- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.
 - (2) Approval Authority. The Director of the Division Of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.
 - (3) Authorized Representative of the Industrial User.
 - (i) If the industrial user is a corporation, authorized representative shall mean:
 - A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - B) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
 - (iii) If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (iv) The individuals described in paragraphs I-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
 - (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
 - (6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.
 - (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (8) Director. The person designated by the County to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.
 - (9) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
 - (10) Food Service Establishment means any food service facility, with the exception of private residences, discharging kitchen or food preparation wastewater such as restaurants, motels, hotels, cafeterias, delicatessens, meat cutting preparation, bakeries, catering establishments, hospitals, schools, bars, food courts, food manufacturers, grocery stores, lounges, nursing homes, churches, Bed & Breakfast Homes and Inns, etc. and any other facility that, in the opinion of the Utilities Director would require a grease trap installation by virtue of its operation. The definition includes, but is not limited to, any establishment required to have a North Carolina Department of Health food service license.
 - (11) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
 - (12) Grease means a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oil, and grease (FOG)", "oil and grease" or "oil and grease substances" shall all be included within this definition.
 - (13) Grease Interceptor or Grease Traps means devices located underground, outside or under sinks or fixtures of the food service establishments designed to collect, contain or remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system. Grease Interceptors and Grease Traps shall have a means of inspection, cleaning and maintenance. For the purpose of this definition, the terms are used interchangeably, however, grease interceptors are usually large and normally located outside the establishment while grease traps are normally sized for under-the-counter use and located inside the establishment under sinks and fixtures.
 - (14) 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.
- (15) Indirect Discharge or Discharge. The discharge or the introduction from any nondomestic source regulated under section 307(b), ©, or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (16) Industrial User or User. Any person which is a source of indirect discharge.
- (17) Interference. The inhibition, or disruption of the POTW 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 or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (18) 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.
- (19) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and © of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (20) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.
- (21) New Source.
- (i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307© of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307©, provided that:
- (A) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (B) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (C) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (i)(B) or © above but otherwise alters, replaces, or adds to existing process or production equipment.
- (iii) For purposes of this definition, construction of a new source has commenced if 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 of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (B) Entered into a binding contractual obligation for the purchase of facilities or equipment that 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.
- (22) 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.
- (23) 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.
- (24) Non-discharge Permit. A disposal system permit issued by the State pursuant to N.C.G.S. 143-215.1.
- (25) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or Non-discharge Permit, or a downstream water quality standard.
- (26) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (27) 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.
- (28) 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, county, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (29) POTW Director. The County administrator designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.
- (30) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (31) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (32) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the County in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (33) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (34) Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
- (35) Publicly Owned Treatment Works (POTW) or County 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 County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of county sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the [Town] who are, by contract or agreement with the [Town], or in any other way, users of the POTW of the [Town].
- (36) 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.
- (37) Significant Industrial User. Any industrial user of the wastewater disposal system who
- (i) has an average daily process wastewater flow of 25,000 gallons or more, or
 - (ii) contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or
 - (iii) is required to meet a National categorical pretreatment standard, or
 - (iv) is found by the County, the Division Of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
- (38) Significant Noncompliance or Reportable Noncompliance. A status of noncompliance defined as follows:
- (i) Violations of wastewater discharge limits.
 - (A) Chronic Violations. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
 - (B) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements equal or exceed the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:
 - For the conventional pollutants: BOD, TSS, fats, oil and grease TRC = 1.4
 - For all other pollutants TRC = 1.2
 - (C) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (ii) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
 - (iii) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
 - (iv) Failure to accurately report noncompliance.
 - (v) Any other violation or group of violations that the control authority considers to be significant.
- (39) Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section [2.1] of this ordinance.
- (40) 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.
- (41) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

- (42) 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.
- (43) 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.
- (44) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
- (45) Wastewater Permit. As set forth in section 4.2 of this ordinance.
- (46) Waters of the State. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (b) This ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.
- (c) Shall is mandatory; may is permissive or discretionary.
- (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
- (e) The following abbreviations when used in this ordinance, shall have the designated meanings:
 - (1) BOD Biochemical Oxygen Demand
 - (2) CFR Code of Federal Regulations
 - (3) COD Chemical Oxygen Demand
 - (4) EPA Environmental Protection Agency
 - (5) gpd Gallons per day
 - (6) l Liter
 - (7) mg Milligrams
 - (8) mg/l Milligrams per liter
 - (9) N.C.G.S. North Carolina General Statutes
 - (10) NPDES National Pollution Discharge Elimination System
 - (11) O & M Operation and Maintenance
 - (12) POTW Publicly Owned Treatment Works
 - (13) RCRA Resource Conservation and Recovery Act
 - (14) SIC Standard Industrial Classification
 - (15) SIU Significant Industrial User
 - (16) SWDA Solid Waste Disposal Act
 - (17) TSS Total Suspended Solids
 - (18) TKN Total Kjeldahl Nitrogen
 - (19) U.S.C United States Code.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 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) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (½") in any dimension.
 - (3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or more than 12 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
 - (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the County Manager in accordance with section 2.9 of this ordinance.

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

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

- 1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with section [8.1]; and
- 2) take appropriate actions in accordance with section [4] for such user to protect the POTW from interference or pass through.

2.2 National Categorical Pretreatment Standards

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

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

2.3 Local Limits

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

BOD	250	mg/l	
TSS	250	mg/l	
NH ₃	25	mg/l	
Arsenic	0.003	mg/l	
Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	mg/l	
Cyanide	0.015	mg/l	
Lead	0.049	mg/l	
Mercury	0.0003	mg/l	
Nickel	0.021	mg/l	
Silver	0.005	mg/l	
Zinc	0.175	mg/l	

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The County Manager may impose mass based limits in addition to, or in place of concentration based limits.

2.4 State Requirements

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

2.5 Right of Revision

The County reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in section 1.1 of this ordinance or the general and specific prohibitions in section 2.1 of this ordinance, as is allowed by 40 CFR 403.4.

2.6 Dilution

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

2.7 Pretreatment of Wastewater

- (a) Pretreatment Facilities
Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under section 4.2 of this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in section 2.1 of this ordinance within the time limitations as specified by EPA, the State, or the County Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans

showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be approved by the County Manager before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the County Manager prior to the user's initiation of the changes.

- (b) **Additional Pretreatment Measures**
1. Whenever deemed necessary, the County Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate 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.
 2. The County Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the County Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the County Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
 4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.8 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the County Manager shall evaluate whether each significant industrial user needs an accidental discharge/ slug control plan. The County Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the County Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the County Manager of any accidental or slug discharge, as required by section 5.6 of this ordinance; 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.

2.9 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the County Manager, and at such times as are established by the County Manager. Such waste shall not violate section 2 of this ordinance or any other requirements established by the County. The County Manager may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The County Manager shall require haulers of industrial waste to obtain wastewater discharge permits. The County Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The County Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the County Manager. No load may be discharged without prior consent of the County Manager. The County Manager may collect samples of each hauled load to ensure compliance with applicable standards. The County Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Requirement for Fats, Oil and Grease Interceptors and Grease Traps:

Oil and Grease Interceptors or Grease Traps shall be provided when, in the opinion of the County Manager, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oil and grease; except that such interceptors or grease traps shall not be required for residential users. All interceptors or grease traps shall be of type and capacity approved by the County and shall be so located to be easily accessible for cleaning and inspection. Such interceptors or grease traps shall be installed, inspected, cleaned, maintained, and repaired regularly, as needed, by the owner, leaseholder or operator at their expense for continuous, satisfactory and effective operation.

2.10 Standards and Requirements for Food Service Establishments

- (a) **General Requirements**
- (1) All Food Service Establishments shall provide means of preventing adverse impacts from grease and oil discharges to the POTW. This requirement is in addition to any applicable requirements of the North Carolina Plumbing Code.
 - (2) Grease interceptors shall be adequately sized, with no interceptor less than 1000 gallons total capacity

- unless such interceptors are not feasible to install and approved by the County. Grease interceptors will be designed, constructed and installed for adequate load-bearing capacity.
- (3) For cases in which “outdoor” grease interceptors are infeasible to install, Food Service Establishments will be required to install approved “under-the-counter” grease traps.
 - (4) A grease trap(s) may be installed in lieu of a grease interceptor, at the discretion of the County. This determination will be based on engineering concepts that dictate the grease interceptor installation is not feasible. The design and location of grease traps must be approved by the County prior to installation.
 - (5) Alternative grease removal devices or technologies such as automatic grease removal systems shall be subject to approval by the County prior to installation. Approval of the device shall be based on demonstrated removal efficiencies and reliability of operation. The County may approve these types of devices depending on manufacturers’ specifications on a case-by-case basis.
 - (6) All grease traps or interceptors must be installed by a properly licensed plumbing contractor.
 - (7) In the event a Food Service Establishment’s grease handling facilities are nonexistent, under-designed or substandard in accordance with this Article, the owner will be notified of the deficiencies and of the required improvements necessary. The owner may be given a compliance deadline not to exceed six (6) months to correct deficiencies and to conform to the requirements of this standard.
 - (8) The inlet chamber of interceptors will incorporate an open sanitary tee, which extends 16 inches below the operating water level of the vessel. The outlet chamber of the interceptor will incorporate an open sanitary tee that extends to within 12 inches of the bottom of the vessel. The sanitary tees (both inlet and outlet) will not be capped but open for visual inspection of the wastestream.
 - (9) All grease interceptors, whether singular or two tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptors in working order and operating condition.
 - (10) Sizing of “under-the-counter” grease trap units will be in accordance with recommended ratings for commercial grease traps as published by the Plumbing and Drainage Institute or by other acceptable engineering practice or recommendation.
 - (11) All pot and pan wash, pre-rinse sinks of automatic dishwashers, can wash, wok ovens, food prep sinks, mop sinks and other grease laden drains shall discharge to a grease interceptor or grease trap.
 - (12) Where automatic dishwashers are installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease interceptor or grease trap, unless otherwise directed by the County.
 - (13) Where food waste grinders are installed, the wastestream from those units shall discharge directly into the building drainage system without passing through the grease interceptor or grease trap.
 - (14) Grease interceptors are not to be installed within a drive-thru pick up area or underneath menu boards or in the vicinity of menu boards.
 - (15) No new Food Service Establishments will be allowed to initiate operations until all grease-handling facilities are installed, inspected and approved by the County. The County may elect to request from the appropriate building official that certificates of occupancy be withheld until compliance with the County’s grease handling facility requirements are fully met.
 - (16) Establishments whose grease handling facilities or methods are not adequately maintained to prevent fats, oils and grease (FOG) from entering the sewerage system in quantities which cause or contribute to interference shall be notified of any noncompliance and required to provide corrections as necessary.
 - (17) All Food Service Establishment grease handling facilities shall be subject to review, evaluation, and inspection by County representatives during normal working hours. Results of inspections will be made available to owners, or operator. The County may make recommendations for corrective actions and improvements.
 - (18) Food Service Establishments receiving unsatisfactory evaluation or inspections may be subject to penalties or other corrective actions as provided for in this Article.
 - (19) Food Service Establishments that continue to violate the County’s Fats, Oil and Grease Standards and Requirements may be subject to additional enforcement action including termination of services. Additionally, failure to comply may result in the notification of the Columbus County Health Department for request of enforcement action that may lead to revocation of food service permit.
 - (20) Food Service Establishments whose operations cause or allow excessive FOG to be discharged or accumulate in the County’s collection system may be liable to the County for costs related to County service calls for line blockages, line cleaning, line and pump repairs, etc. including all labor, materials and equipment costs. If the blockage results in a Sewer System Overflow (SSO) and the County is penalized for the SSO, the penalty may be passed along to the Food Service Establishment.
 - (21) Regularly scheduled maintenance of grease interceptors and grease traps is required to insure adequate operation. In maintaining the grease interceptors and/or grease traps, the owner, leaseholder, or operator shall be responsible for the proper removal and disposal of grease by appropriate means and shall maintain an on-site record of dates and means of disposal.
 - (22) The owner shall be responsible for ensuring that no grease from a grease interceptor or grease trap is reintroduced back into the interceptor or into the County sewerage system.
 - (23) The exclusive use of enzymes, grease-consuming bacteria, grease solvents, emulsifiers, etc. (in lieu of physical cleaning) is not considered acceptable grease trap maintenance practice.
 - (24) Any Food Service Establishment whose discharge to the sewerage system is determined by the County to cause interference in the conveyance or operation of the sewerage system may be required to sample the grease interceptor and/or grease trap discharge and have the sample analyzed for FOG at the expense of the owner, leaseholder, or operator. Results of such analyses shall be reported to the County.
 - (25) All grease interceptors and/or grease traps shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent discharged to the sewer system. These chambers shall not be visually obscured with soil, mulch, floorings or pavement of any substance.
 - (26) Food Service Establishments shall adopt Best Management Practices (BMPs) for handling sources of

floatable fats, oils and greases originating within their facility. The County may render advice regarding the minimization of wastes.

(b) Exceptions

Under certain circumstances, the interceptor size and location may need special exception to this standard. If an exception to this standard is requested, the owner must demonstrate that the size and/or location of the grease interceptor or grease trap will not cause the facility any problems in meeting the discharge requirements of the County.

SECTION 3 - FEES

3.1 Purpose

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

3.2 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 Manager of the County 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 Council or Board serving the County 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.

3.3 Surcharges

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

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the County; or
 - (2) If required by the County or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
 - (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow-measuring device of a type approved by the County.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.
- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the County Manager or his duly appointed representatives shall be binding as a basis for charges.

3.4 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the County 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 County may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

4.1 Wastewater Dischargers

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

4.2 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 County Manager 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 County Manager be required to obtain a wastewater discharge permit for non-significant industrial users.

(a) **Significant Industrial User Determination:**

All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the County Manager a significant industrial user determination. If the County Manager 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 County, an application in the form prescribed by the County Manager, 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 4.2(a) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from the address);
- (2) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in section 2 of this ordinance, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Pretreatment Standards, and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards;
- (9) 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. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (I) 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. No increment in the schedule shall exceed nine (9) months.
 - (ii) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at 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. In no event shall more than nine (9) months elapse between such progress reports to the County Manager.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in section 5.1 of this ordinance.
- (14) Any other information as may be deemed by the County Manager to be necessary to evaluate the permit application.

(c) **Application Signatories and Certification:**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(d) **Application Review And Evaluation:**

The County Manager will evaluate the data furnished by the user and may require additional information.

- (1) The County Manager is authorized to accept applications for the County and shall refer all applications

- to the POTW staff for review and evaluation.
- (2) Within 30 days of receipt the County Manager shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (e) **Tentative Determination and Draft Permit:**
- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
- (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the general permit conditions of the County into a significant industrial user permit.
- (f) **Permit Synopsis:**
- A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:
- (1) a sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.
 - (2) a quantitative description of the discharge described in the application which includes at least the following:
 - (i) the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 - (ii) the actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
 - (iii) the basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.
- (g) **Final Action On Significant Industrial User Permit Applications:**
- (1) The County Manager shall take final action on all applications not later than 90 days following receipt of a complete application.
 - (2) The County Manager is authorized to:
 - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
 - (ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (iii) modify any permit upon not less than 60 days notice and pursuant to section 4.2(I) of this ordinance;
 - (iv) revoke any permit pursuant to section 8.1 of this ordinance;
 - (v) suspend a permit pursuant to section 8.1 of this Ordinance;
 - (vi) deny a permit application when in the opinion of the County Manager such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (h) **Hearings:** The local government may conduct hearings in accordance with its regular hearing procedure.
- (1) **Initial Adjudicatory Hearing.** An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section [8.2], or one issued an administrative order under section 8.1 shall have the right to an adjudicatory hearing before a hearing officer designated 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. 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.
 - (i) **New Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (ii) **Renewed Permits.** Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) **Final Appeal Hearing.** Any decision of a hearing officer made as a result of an adjudicatory hearing held under section 4.2(h)(1) above may be appealed, to the Council or Board serving the County 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 Local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Council or Board serving the County 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.
 - (3) **Official record.** When a final decision is issued under section 4.2(h)(2) above, the Council or Board serving the County shall prepare an official record of the case that includes:
 - (i) All notices, motions, and other like pleadings;
 - (ii) A copy of all documentary evidence introduced;

- (iii) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - (iv) A copy of the final decision of the Council or Board serving the County.
- (4) **Judicial Review.** Any person against whom a final order or decision of the Council or Board serving the County is entered, pursuant to the hearing conducted under section 4.2(h)(2) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Columbus County along with a copy to the County. Within 30 days after receipt of the copy of the petition of judicial review, the Council or Board serving the County shall transmit to the reviewing court the original or a certified copy of the official record.
- (i) **Permit Modification**
- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance
 - (I) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (ii) a single modification of any compliance schedule not in excess of four months,
 - (iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
 - (2) Within 9 months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 4.2(b), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National categorical pretreatment standard.
 - (3) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.
- (j) **Permit Conditions**
- (1) The County Manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (i) a statement of duration (in no case more than five years);
 - (ii) a statement of non-transferability;
 - (iii) applicable effluent limits based on categorical standards or local limits or both;
 - (iv) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
 - (v) notification requirements for slug loads; and,
 - (vi) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
 - (2) In addition, permits may contain, but are not limited to, the following:
 - (i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (ii) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (iii) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - (iv) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 - (v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the county wastewater system.
 - (vi) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (viii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (ix) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - (x) Compliance schedules for meeting pretreatment standards and requirements.
 - (xi) Requirements for submission of periodic self-monitoring or special notification reports.
 - (xii) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 5.13 and affording the County Manager, or his representatives, access thereto.
 - (xiii) Requirements for prior notification and approval by the County Manager of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.

- (xiv) Requirements for the prior notification and approval by the County Manager of any change in the manufacturing and/or pretreatment process used by the permittee.
- (xv) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
- (xvi) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
- (xvii) Other conditions as deemed appropriate by the County Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(k) 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.

(l) Permit Transfer

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

(m) Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with section 4.2 a minimum of 180 days prior to the expiration of the existing permit.

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the County Manager a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the County Manager a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 5.10 of this ordinance.
 - (iii) Sampling must be performed in accordance with procedures set out in section 5.11 of this ordinance.
 - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 5.2 of this ordinance.
 - (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 4.2© of this ordinance.

5.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by section 5.1(b)(7) of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of

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

5.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the County Manager a report containing the information described in section 5.1(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6©, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 4.2© of this ordinance.

5.4 Periodic Compliance Reports

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

- (a) All significant industrial users shall, at a frequency determined by the County Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 4.2© of this ordinance.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the County Manager, using the procedures prescribed in section 5.10 of this ordinance, the results of this monitoring shall be included in the report.

5.5 Reports of Changed Conditions

Each user must notify the County Manager of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least [thirty (30)] days before the change.

- (a) The County Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 4.2 of this ordinance.
- (b) The County Manager may issue a wastewater discharge permit under section 4.2 of this ordinance or modify an existing wastewater discharge permit under section 4.2 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, 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 County Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (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.

5.7 Reports from Unpermitted Users

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

5.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the County Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the County Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the County Manager monitors at the user's facility at least once a month, or if the County Manager samples between the user's initial sampling and when the user receives the results of this sampling.

5.9 Notification of the Discharge of Hazardous Waste

The County prohibits the discharge of any hazardous wastes without notification and approval of the County Manager.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 5.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 5.1, 5.3, and 5.4 of this ordinance.
- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the County Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

5.10 Analytical Requirements

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

5.11 Sample Collection

- (a) Except as indicated in section (b), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the County Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

5.12 Timing

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

5.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the

user has been specifically notified of a longer retention period by the County Manager.

SECTION 6 - COMPLIANCE MONITORING

6.1 Monitoring Facilities

The County 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 County may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

6.2 Inspection and Sampling

The County will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The County, 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 County, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW Director's approval authority's, or EPA's access to the user's premises shall be a violation of this ordinance. Unreasonable delays may constitute denial of access.

6.3 Search Warrants

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

SECTION 7 - 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. Any such request must be asserted at the time of submission of the information or data.

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

All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

SECTION 8 - ENFORCEMENT

8.1 Administrative Remedies

(a) Notification Of Violation

Whenever the County Manager finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the County Manager 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 County by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders

The County Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 8.1(d), below.

(c) Show Cause Hearing

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

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

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 8.2 nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under section 4.2(h).

(d) Administrative Orders

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

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

(e) Emergency Suspensions

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the County Manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The County Manager shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the County Manager prior to the date of the above-described hearing.

(f) Termination Of Permit

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having its permit terminated:

- (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.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 8.1 of this ordinance why the proposed action should not be taken.

8.2 Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000) per day per violation.
 - a. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only

- if:
- i. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) In determining the amount of the civil penalty, the County Manager shall consider the following:
- (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (ii) The duration and gravity of the violation;
 - (iii) The effect on ground or surface water quantity or quality or on air quality;
 - (iv) The cost of rectifying the damage;
 - (v) The amount of money saved by noncompliance;
 - (vi) Whether the violation was committed willfully or intentionally;
 - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (viii) The costs of enforcement to the County.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 4.2(h).

8.3 Other Available Remedies

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

- (a) Criminal Violations.

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

- (b) Injunctive Relief

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

- (c) Water Supply Severance

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

- (d) Public Nuisances

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

8.4 Remedies Nonexclusive

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

SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the County Manager shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

SECTION 10 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

10.1 Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the County Manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

10.2 Prohibited Discharge Standards Defense

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 2.1 (a) of this ordinance or the specific prohibitions in sections 2.1(b)(2), (3), and (5 - 7) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when [the City] was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

10.3 Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and © of this section.
- (b)
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The County Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (c)
 - (1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The user submitted notices as required under paragraph (b) of this section.
 - (2) The County Manager may approve an anticipated bypass, after considering its adverse effects, if the County Manager determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

SECTION 11 - SEVERABILITY

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

SECTION 12 - CONFLICT

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

SECTION 13 - EFFECTIVE DATE

This ordinance shall be in full force and effect on the 21st day of March, 2006.

INTRODUCED the 20th day of February, 2006.

FIRST READING: February 20, 2006.

SECOND READING: March 20, 2006.

PASSED this 20th day of March, 2006.

AYES: Chairman Godwin, Vice Chairman Dutton, Commissioners McKenzie, Prevatte, Jacobs, Memory and Norris

NAYS: -0-

ABSENT: -0-

NOT VOTING: -0-

APPROVED this 20th day of March, 2006.

/s/ **KIPLING GODWIN**

Chairman, Columbus County Commissioners

ATTEST: /s/ **JUNE B. HALL**, County Clerk

Published the 23rd day of February, 2006; 2nd day of March, 2006 and 9th day of March, 2006

(SEAL)

Commissioner Jacobs made a motion to approve the Sewer Use Ordinance for Columbus County, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #9: GOVERNING BODY - APPROVAL to ESTABLISH a COUNTY INTERNSHIP PROGRAM:

Commissioner Prevatte, Education Liaison, requested Board approval to establish a County Internship Program as follows:

Columbus County Student Intern Program

- 2 to 3 hours each afternoon between 2:00 PM and 5:00 PM
- 4 to 5 students - one (1) from each of the following, if the school wishes to be included:
 - East Columbus High School
 - South Columbus High School
 - West Columbus High School
 - Whiteville High School
 - Southeastern Community College
- Students will participate for one (1) semester, (18 weeks), and a minimum of two hundred (200) hours.
- New interns will be selected for each semester.
- Students will receive class credit, as well as monetary compensation of \$_____ per hour.
- Program will begin in the MIS Department and be expanded to other departments as needed.
- Possible projects and tasks within the MIS Department:
 1. Building network cables
 2. Installation of network cables and hardware
 3. Organizing and labeling cables on existing networks
 4. Routine maintenance and cleaning of County systems
 5. Preparation and installation of new computers
 6. Repair and problem resolution of existing computers
 7. Scanning of larger maps, plats and land records documents
 8. Scanning of letter and legal size documents
 9. Indexing of electronic documents for easy retrieval

10. Collecting GPS information from the field
11. Collecting digital photography from the field
12. Field verification of GIS data
13. Assist GIS personnel in special map compositions
14. Building miscellaneous databases and data entry
15. Create basic floor plans and Fire Escape maps in CAD
16. Design and maintain Adoptions webpage for the Animal Shelter
17. Scan and post pictures for Parks and Rec Archive webpage
18. Design and/or update webpage for Economic Development
19. Design and/or update webpage for Building Inspections
20. Design and/or update webpage for Genealogy Research

Commissioner Prevatte stated the following relative to the Columbus County Student Intern Program:

1. I have contacted the local schools and Southeastern Community College;
2. We will be utilizing students in many areas of computers;
3. The students will receive credit for this work as if it was school work;
4. We will pay minimum wage of five and 15/100 (\$5.15) dollars per hour for three (3) hours per day;
5. We will start with five (5) students, and utilize a different group of five (5) students each semester;
6. This program is projected to cost three thousand five hundred and 00/100 (\$3,500.00) dollars a year;
7. The students will receive one (1) unit of credit for this program; **and**
8. This program will familiarize the students with governmental functions.

After discussion was conducted relative to the actual cost of this program, it was the general consensus of the Board to allow Commissioner Prevatte and Alan James, MIS Director, to work out the cost.

Commissioner McKenzie made a motion to approve the Columbus County Student Intern Program, as presented, seconded by Commissioner Jacobs. The motion unanimously carried.

Agenda Item #10: BUILDING INSPECTIONS - DEPARTMENTAL UPDATE:

Due to the absence of Kenny Davis, Building Inspections Director, Chairman Godwin directed the Clerk to reschedule this Agenda item to the April 03, 2006 Meeting.

Agenda Item #11: PUBLIC HOUSING AGENCY - DEPARTMENTAL UPDATE:

Linda Simmons, Assistant Director, delivered the following Departmental Update to the Board:

1. Our program was initiated effective July 1, 1976, and has been operated on a fiscal year budget effective July 1 through June 30. As of January 1, 2005, federal funding has gone to a calendar year of January 1 through December 31.
2. Columbus County Housing Agency has had 456 units since July 1990. Our agency received a new Annual Contributions Contract (ACC) of an additional eleven (11) units in November 2005, increasing our total to four hundred sixty-seven (467) units.
3. There was a decrease of two thousand, seven hundred fifty-eight and 00/100 (\$2,758.00) dollars difference in the proposed budget and the approved budget amount.
4. We offer outstanding assistance to the applicants seeking housing, as well as to the families that are on-going. We refer families to the twenty-one (21) housing projects in Columbus County. We have a long waiting list of over eight hundred (800) applicants which is three (3) years in arrears.
5. Our staff must re-certify approximately forty to sixty (40-60) families per month, has to inspect each unit annually and send letters to property owners and the family regarding repairs and improvements that are required to continue to meet Federal Housing Quality Standards.
6. We have recently updated our network computer program by installing a Rent-Reasonableness Module, which is mandatory by H.U.D., which compares any unit rented on our program to three (3) other units of comparable value in different towns or communities in Columbus County.

7. Our monthly HUD 50058 Comprehensive Report remains 99 to 100 each month. Our Annual Plan/Five-Year Plan, and Section 8 Assessment Management Plan for 2005-2006, have been approved by HUD.
8. We are presently short staffed and we are most appreciative of the recent painting and new carpet which brightens our offices.

Agenda Item #12: CONTRACT - APPROVAL of CONTRACT to PARTICIPATE in the NACo PRESCRIPTION PLAN DISCOUNT CARD PROGRAM:

Chairman Godwin requested Board approval to participate in the FREE NACo Prescription Drug Discount Card Program, and stated the following relative to this program:

1. NACo has established a FREE Prescription Drug Discount Card Program;
2. There is no cost to NACo or to the counties participating, and there is no cost to the citizens using the discount card;
3. A company named Caremark was chosen as the program provider for its price savings, ease of use and understanding;
4. Citizens do not have to fill out forms to participate;
5. The discount cards are accepted at more than 57,000 pharmacies nationwide; **and**
6. Only NACo member counties can participate.

Chairman Godwin stated the CaremarkPCS Health, LP. , Managed Pharmacy Benefit Services Agreement, Consumer Card Program, will be signed by CaremarkPCS Health, L.P. and the National Association of Counties, and the Exhibit C, CaremarkPCS Health, L.P., National Association of counties, Managed Pharmacy Benefit Services Agreement for Member County, will be signed by CaremarksPCS Health, L.P., the National Association of Counties and the Member County.

Commissioner McKenzie made a motion to approve the CaremarkPCS Health, L.P., Managed Pharmacy Benefit Services Agreement, Consumer Card Program, seconded by Commissioner Norris. The motion unanimously carried. Due to the length of this agreement, it will be located in the Minute Book Attachments, Book 2, as Exhibit 1, for review.

Agenda item #13: RESOLUTION - MEDICAID RESOLUTION SUPPORTING STATE ASSUMPTION of COUNTY SHARE of MEDICAID:

Vice Chairman Dutton requested Board approval and adoption of the following Resolution and requested Chairman Godwin to read this Resolution orally to allow the citizens in the audience to see what a heavy burden Medicaid is placing on the County Budget.

RESOLUTION SUPPORTING STATE ASSUMPTION OF COUNTY SHARE OF MEDICAID

WHEREAS, Columbus County pays over five million dollars of its expenditures for services to Medicaid eligible citizens; **and**

WHEREAS, the county’s share of Medicaid reimbursements has increased over fifty-nine (59%) percent in the last six (6) years and now totals five million, nine hundred thirty-four, four hundred twenty-seven, and 00/100 (\$5,934, 427.00) dollars; **and**

WHEREAS, North Carolina is the only state in the nation that requires counties to pay a share of all Medicaid services costs; **and**

WHEREAS, in Columbus County, there exists a population of 54,557 citizens. Twenty-four (\$.24) cents of our current tax rate is consumed by Medicaid Costs. The per capita cost of Medicaid is one hundred eight and 77/100 (\$108.77) dollars. Out of our population of 54,557, thirty-two (32%) percent of our citizens is Medicaid eligible.

NOW, THEREFORE, BE IT RESOLVED that the Columbus County Board of Commissioners urges the North Carolina General Assembly to provide immediate Medicaid relief to Columbus County.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to all members of the General Assembly, and other County Commission Board Chairs.

ADOPTED this the 20th day of March, 2006.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **KIPLING GODWIN, Chairman**

ATTESTED BY:
/s/ **JUNE B. HALL, Clerk to Board**

Vice Chairman Dutton made a motion to approve and adopt the Medicaid Resolution Supporting State Assumption of County Share of Medicaid, seconded by Commissioner Prevatte. The motion unanimously carried.

Agenda Item #14: GOVERNING BODY - ESTABLISHMENT of MEDICAID ADVISORY COMMITTEE:

Chairman Godwin requested Board approval for the establishment of a Medicaid Advisory Committee which will consists of eleven members as follows:

One (1) member appointed by each Commissioner, which would equate to seven (7);
Marva Scott, DSS Director;
Kimberly Smith, Health Director;
One (1) physician (active or retired), appointed by entire Board of Commissioners; **and**
One (1) certified public accountant (active or retired), appointed by entire Board of Commissioners.

Commissioner Memory made a motion to approve the establishment of a Medicaid Advisory Committee in accordance with the proposed membership, seconded by Commissioner McKenzie. The motion unanimously carried.

Chairman Godwin directed the Clerk to the Board to place the appointments to the Medicaid Advisory Committee on the April 03, 2006 Agenda.

Agenda Item #15: PROCLAMATION - NATIONAL COUNTY GOVERNMENT WEEK:

Chairman Godwin requested Board approval and adoption of the following National County Government Week Proclamation.

NATIONAL COUNTY GOVERNMENT WEEK
April 23 - 29, 2006
Protecting Our Communities

WHEREAS, America's counties provide a variety of essential services. Many of these services work to protect our communities; **and**

WHEREAS, counties protect residents from natural disasters, terrorist attacks, crime and drug abuse; **and**

WHEREAS, counties are the first to respond to emergency situations and are primarily responsible for planning for disasters; **and**

WHEREAS, counties also work to protect families, children and youth; **and**

WHEREAS, there are three thousand sixty-six (3,066) counties in the United States, collectively responsible for the well being of more that two hundred fifty (250) million residents; **and**

WHEREAS, counties provide services that make America's communities stronger, safer places to live and raise families; **and**

WHEREAS, counties police our streets, fight fires, save lives in hospitals, keep families healthy, repair bridges, plow snow, help troubled youth, train laid-off workers and perform countless other jobs; **and**

WHEREAS, counties have a long history of providing critical services. County governments

are the citizen's local government voice, providing solutions that bring communities together.

IN RECOGNITION OF THE LEADERSHIP, INNOVATION AND VALUABLE SERVICE PROVIDED BY OUR NATION'S COUNTIES:

NOW, THEREFORE, BE IT RESOLVED that Columbus County, North Carolina, hereby proclaims April 23 - 29, 2006, as **NATIONAL COUNTY GOVERNMENT WEEK** and commends its observance to our citizens.

ADOPTED this the 20th day of March, 2006.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ KIPLING GODWIN, Chairman, District VI	/s/ DAVID L. DUTTON, JR., Vice Chairman, District VII
/s/ AMON E. McKenzie, District I	/s/ JAMES E. PREVATTE, District II
/s/ SAMMIE JACOBS, District III	/s/ BILL MEMORY, District IV
/s/ LYNWOOD NORRIS, District V	

ATTESTED BY:
/s/ JUNE B. HALL, Clerk to Board

Vice Chairman Dutton made a motion to approve and adopt the National County Government Week Proclamation, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #16: PROCLAMATION - LITTER SWEEP SPRING 2006 by the COUNTY of COLUMBUS, a PROCLAMATION:

June B. Hall, Clerk to the Board, requested Board approval and adoption of the following Litter Sweep Spring 2006 by the County of Columbus, A Proclamation.

**LITTER SWEEP SPRING 2006
by the COUNTY OF COLUMBUS
A PROCLAMATION**

WHEREAS, the County of Columbus annually organizes a spring countywide roadside cleanup to ensure clean and beautiful roads in Columbus County; **and**

WHEREAS, the Spring 2006 "**LITTER SWEEP**" roadside cleanup will take place **April 17 - 30, 2006** and we encourage local businesses and communities, civic and professional groups, churches, schools, families and individual citizens to participate in the Columbus County cleanup by sponsoring and organizing local roadside cleanups; **and**

WHEREAS, Adopt-A-Highway volunteers, Columbus County employees, Department of Correction inmates and community service workers, community leaders, local government agencies, community and civic organizations, businesses, churches, schools and environmentally concerned citizens annually conduct community cleanups during "**LITTER SWEEP**" and may receive certificates of appreciation for their participation; **and**

WHEREAS, the great natural beauty of our County and a clean environment are sources of great pride for all Columbus Countians, attracting tourists and aiding in recruiting new industries; **and**

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering and encourage recycling of solid wastes; **and**

WHEREAS, the 2006 spring cleanup will celebrate the 18th anniversary of the North Carolina Adopt-A-Highway Program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; **and**

WHEREAS, the "**LITTER SWEEP**" cleanup will be a part of educating the children of this Great County regarding the importance of a clean environment to the quality of life in Columbus County.

NOW, THEREFORE, we, the Columbus County Board of Commissioners, do hereby proclaim **April 17 - 30, 2006**, as "**SPRING LITTER SWEEP**" time in Columbus County, and encourage citizens to take an active role in making their communities cleaner.

ADOPTED this the 20th day of March, 2006.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **KIPLING GODWIN, Chairman**

ATTESTED BY:
/s/ **JUNE B. HALL, Clerk to Board**

Commissioner Jacobs made a motion to approve and adopt the Litter Sweep Spring 2006 by the County of Columbus, A Proclamation, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #17: PROCLAMATION - ARBOR DAY PROCLAMATION:

Chairman Godwin requested Board approval and adoption of the following Arbor Day Proclamation.

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; **and**

WHEREAS, this holiday, called **Arbor Day**, was first observed with the planting of more than a million trees in Nebraska, **and**

WHEREAS, **Arbor Day** is now observed throughout the nation and the world; **and**

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; **and**

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; **and**

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; **and**

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, we, the Columbus County Board of Commissioners, do hereby proclaim Friday, April 7, 2006, as

ARBOR DAY

in Columbus County, North Carolina, and we urge all citizens to celebrate **Arbor Day** and to support efforts to protect our trees and woodlands; **and**

FURTHER, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this the 20th day of March, 2006.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **KIPLING GODWIN, Chairman**

ATTESTED BY:
/s/ **JUNE B. HALL, Clerk to Board**

Commissioner McKenzie made a motion to approve and adopt the Arbor Day Proclamation, seconded by Vice Chairman Dutton. The motion unanimously carried.

Agenda Item #18: COMMITTEE/BOARD APPOINTMENTS:

A. Parks and Recreation Advisory Board:

Commissioner McKenzie made a motion to appoint **David Manolis**, 510 East Second Avenue, Chadbourne, North Carolina 28431, Telephone: (910) 654-5957, to the Parks and

Recreation Advisory Board, as the representative for the Town of Chadbourn, to replace Guy Long, with term expiring March, 2008. The motion was seconded by Commissioner Prevatte and unanimously carried.

Commissioner Jacobs appointed **Walter H. Freeman**, 224 Freeman Lane, Bolton, North Carolina 28423, Telephone: (910) 655-8692, to replace Paula Jacobs, who has resigned, with term expiring 12/2006.

B. Columbus County Department of Aging Advisory Council:

Commissioner Prevatte appointed **Robert Adams**, 233 Mt. Calvary Road, Clarkton, North Carolina 28433, Telephone: (910) 648-6355, to fill the vacancy of Barbara Sasser, who has resigned, with term expiring 6/30/2006.

C. Fair Bluff Planning Board:

Commissioner Memory made a motion to appoint **N.I. "Chip" Singletary**, 12680 Andrew Jackson Highway, SW, Post Office Box 7, Fair Bluff, North Carolina 28439, Telephone: (910) 649-7257, to the Fair Bluff Planning Board, to replace Bob Morgan, as an extra-territorial member, with term expiring April 30, 2009. The motion was seconded by Commissioner Norris and unanimously carried.

Commissioner Norris made a motion to reappoint **Mike Hughes** to the Fair Bluff Planning Board, with term expiring April 30, 2009, seconded by Commissioner McKenzie. The motion unanimously carried.

D. Columbus County Nursing/Adult Care Home Joint Community Advisory Committee:

Commissioner Prevatte made a motion to appoint **Barbara Stansky**, Post Office Box 2055, Whiteville, North Carolina 28472, Telephone: (910) 642-5889, to replace Robin Tomlinson, who has resigned, with term expiring January 03, 2007. The motion was seconded by Vice Chairman Dutton and unanimously carried.

E. Columbus County Travel and Tourism Board:

Chairman Godwin appointed **Marilyn M. Ward**, 945 F.M. Cartret Road, Whiteville, North Carolina 28472, Telephone: (910) 653-9219 (H), 9910) 642-0252 (W), to replace Stacey King, who has resigned, with term expiring December, 2006.

Agenda Item #19: CONSENT AGENDA ITEM:

Commissioner Norris made a motion to approve the following Tax Refunds and Releases, seconded by Commissioner Prevatte. The motion unanimously carried.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):
March 20, 2006**

Refunds	Name: Bentz, Mark	Amount:	\$0.00
Value:	\$0.00 Year 005 Account # 99999999 Bill # 9999	Total	\$14.75

Refund the user fee deposit that was paid twice in error. Approved by Solid Waste.
99 Scarlet Lane Whiteville NC 28472

Refunds	Name: Carroll, Franklin S.	Amount:	\$0.00
Value:	\$0.00 Year 005 Account # 08-02957 Bill # 93036	Total	\$132.75

Refund a portion of the user fee. Did not have the trash can for a full year. Check should be payable to Allen W. Jacobs new owner of this property. Approved by Solid Waste.
4126 Blacksmith Rd. Bolton NC 28423

Refunds	Name: Long, Kenneth R.	Amount:	\$0.00
Value:	\$0.00 Year 004 Account # 14-03609 Bill # 6407	Total	\$177.00

Refund one of two user fees. Customer has one can only.
5371 Red Hill Rd. Whiteville NC 28472

Refunds	Name: Long, Kenneth R.	Amount:	\$0.00
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Value: \$0.00 Year 005 Account # 14-03609 Bill # 10377 Total \$177.00

Refund one of two user fees. Customer has one can only.

6571 Red Hill Rd. Whiteville NC 28472

Refunds Name: Moore, John H. Amount: \$0.00

Value: \$0.00 Year 004 Account # 14-10820 Bill # 9939 Total \$177.00

Refund user fee on a house that is unlivable, has no electricity and no trash can. Check should be mailed in care of Sandra Moore.5330 Hallsboro Rd. N. Clarkton NC 28433

Refunds Name: Priest, Ray A. Amount: \$0.00

Value: \$0.00 Year 005 Account # 05-00126 Bill # 86542 Total \$177.00

Refund user fee. Customer did not have a trash can in 2005.

PO Box 1773 Whiteville NC 28472

Refunds Name: Register, James G. Amount: \$103.30

Value: \$23,500.00 Year 001 Account # 03-19180 Bill # 9493 Total \$291.80

Refund the value of a mobile home, the Old Dock Fire fee (18.80) and the Columbus Rescue (4.70). The home is double listed in the name of Wanda Register. Make check payable to customer and Tax Office.

664 Ward Town Rd. N. Whiteville NC 28472

Refunds Name: Register, James G. Amount: \$183.30

Value: \$23,500.00 Year 002 Account # 03-19180 Bill # 87514 Total \$383.80

Refund the value of a mobile home, the Old Dock Fire fee (18.80) and the Columbus Rescue (4.70). The home is double listed in the name of Wanda Register. Make check payable to customer and Tax Office.

664 Ward Town Rd. N. Whiteville NC 28472

Refunds Name: Register, James G. Amount: \$183.30

Value: \$23,500.00 Year 003 Account # 03-19180 Bill # 58219 Total \$383.80

Refund the value of a mobile home, the Old Dock Fire fee (18.80) and the Columbus Rescue (4.70). The house is double listed in the name of Wanda Register. Make check payable to customer and Tax Office.

664 Wand Town Rd. Whiteville NC 28472

Refunds Name: Register, James G. Amount: \$183.30

Value: \$23,500.00 Year 004 Account # 03-19180 Bill # 14511 Total \$383.80

Refund the value of a mobile home, the Old Dock Fire fee (18.80) and the Columbus County Rescue (4.70). The house is double listed in the name of Wanda Register. Make check payable to customer and Tax Office.

664 Ward Town Rd. N. Whiteville NC 28472

Refunds Name: Spaulding, Norman Amount: \$0.00

Value: \$0.00 Year 004 Account # 08-17601 Bill # 19092 Total \$177.00

Refund user fee on house that is vacant and does not have a trash can.

PO Box 523 Lake Waccamaw NC 28450

Refunds Name: Todd, Jamie Sue Amount: \$0.00

Value: \$0.00 Year 005 Account # 01-05567 Bill # 26247 Total \$354.00

Refund two of three user fees. Customer only has one trash can.

60 J K Powell Rd. Whiteville, NC 28472

Refunds Name: Tyree, Freddy Amount: \$0.00

Value: \$0.00 Year 005 Account # 01-01129 Bill # 26805 Total \$177.00

Refund user fee. Trash can was picked up in 2004.

2446 Rough & Ready Rd Chadbourn NC 28431

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office);
March 20, 2006**

Release the Property Value in the name of Bethea, Roscoe Amount: \$16.80

Value: \$2,302.00 Year: 2005 Account # 10-00945 Bill # 9402 Total \$18.99

Release the business personal value and the Columbus Rescue fee. The business was closed in 2003. (Laundromat)

Release the Property Value in the name of Bethea, Roscoe Amount: \$21.45

Value: \$2,750.00 Year: 2004 Account # 10-00945 Bill # 5732 Total \$22.00

Release business personal value and the Columbus Rescue fee. The business was closed in 2003. (Laundromat)

Release the Property Value in the name of Bryant, Pluma (Heirs) Amount: \$23.40
 Value: \$3,000.00 Year: 2002 Account # 06-02900 Bill # 1327 Total \$24.00
 Release the value of mobile home attachments and the Columbus Rescue. The attachments were torn down in 1987.

Release the Property Value in the name of Bryant, Pluma (Heirs) Amount: \$35.10
 Value: \$4,500.00 Year: 2004 Account # 06-02900 Bill # 7713 Total \$36.00
 Release the value of mobile home attachments and the Columbus Rescue fee. The attachments were torn down in 1987.

Release the Property Value in the name of Bryant, Pluma (Heirs) Amount: \$35.04
 Value: \$4,800.00 Year: 2005 Account # 06-02900 Bill # 1436 Total \$36.00
 Release the value of mobile home attachments and the Columbus Rescue fee. The attachments were torn down in 1987.

Release the Property Value in the name of Butler, Sue B. Amount: \$148.85
 Value: \$20,390.00 Year: 2005 Account # 06-01309 Bill # 2212 Total \$190.65
 Release the value of a mobile home, the Yam City Fire (20.39) and the Columbus Rescue (4.08). The home is double listed in the name of Wilbur Butler.

Release the Property Value in the name of Cartrette, Roger D. Amount: \$196.37
 Value: \$26,900.00 Year: 2005 Account # 09-03850 Bill # 3498 Total \$217.89
 Release a portion of the property value, a portion of the Roseland Fire (16.14) and a portion of the Columbus Rescue (5.38). Customer billed with incorrect value on his double wide.

Release the Property Value in the name of Columbus Regional Healthcare Amount: \$2,286.36
 Value: \$313,200.00 Year: 2005 Account # 01-03372 Bill # 4668 Total \$2,349.00
 Release the value of the property and the Whiteville Rescue fee. The property should be tax exempt.

Release the Property Value in the name of Register, James G. Amount: \$138.70
 Value: \$19,000.00 Year: 2005 Account # 03-19180 Bill # 8618 Total \$334.70
 Release the value of a mobile home, the Old Dock Fire (15.20) and the Columbus Rescue (3.80). The home is double listed in the name of Wanda Register.

Release the Property Value in the name of Rooks, Justin Amount: \$73.97
 Value: \$9,483.00 Year: 2003 Account # 01-00526 Bill # 9039 Total \$83.46
 Release the value of a boat and the Columbus Rescue fee. The boat has been junked and the parts given away.

Release the Property Value in the name of Rooks, Justin Amount: \$67.65
 Value: \$8,673.00 Year: 2004 Account # 01-00526 Bill # 5334 Total \$83.00
 Release the value of a boat, the Klondyke Fire (6.07) and the Columbus Rescue (1.73). The boat was junked and the parts given away years ago.

Release the Property Value in the name of Rooks, Justin Amount: \$59.57
 Value: \$8,160.00 Year: 2005 Account # 01-00526 Bill # 9447 Total \$73.60
 Release the value of a boat, the Klondyke Fire (5.71) and the Columbus Rescue (1.63). The boat was junked and the parts given away years ago.

Release the Property Value in the name of Rooks, Justin Amount: \$84.29
 Value: \$10,806.00 Year: 2002 Account # 01-00526 Bill # 8335 Total \$95.10
 Release the value of a boat and the Columbus Rescue fee. The boat has been junked and parts given away.

Release the Property Value in the name of S & R of Loris Amount: \$414.25
 Value: \$59,604.00 Year: 1998 Account # 06-04654 Bill # 9050 Total \$414.25
 Release a portion of the business personal value. Equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris Amount: \$76.26
 Value: \$10,446.00 Year: 2005 Account # 06-04654 Bill # 9704 Total \$78.35
 Release a portion of the business personal value and a portion of the Columbus Rescue. The equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris Amount: \$84.43
 Value: \$10,824.00 Year: 2004 Account # 06-04654 Bill # 5597 Total \$86.59

Release a portion of the business personal value and a portion of the Columbus Rescue. The equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris	Amount:	\$123.21
Value: \$15,796.00 Year: 2003 Account # 06-04654 Bill # 9301	Total	\$126.37

Release a portion of the business personal value and a portion of the Columbus Rescue. The equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris	Amount:	\$191.30
Value: \$24,525.00 Year: 2002 Account # 06-04654 Bill # 8600	Total	\$196.21

Release a portion of the business personal value and the Columbus Rescue fee. The equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris	Amount:	\$285.64
Value: \$39,672.00 Year: 2000 Account # 06-04654 Bill # 720	Total	\$285.64

Release a portion of the business personal value. The equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris	Amount:	\$366.05
Value: \$52,669.00 Year: 1999 Account # 06-04654 Bill # 9049	Total	\$366.05

Release a portion of the business personal value. Equipment was removed in the early 90's.

Release the Property Value in the name of S & R of Loris	Amount:	\$253.41
Value: \$32,488.00 Year: 2001 Account # 06-04654 Bill # 0542	Total	\$259.91

Release a portion of the business personal value and the Columbus Rescue fee. The equipment was removed in the early 90's.

Release the Property Value in the name of Smith, Teresa	Amount:	\$101.48
Value: \$13,010.00 Year: 2001 Account # 15-35016 Bill # 3324	Total	\$296.66

Release the value of a mobile home, the Acme Delco Fire fee (15.61) and the Columbus Rescue fee (2.60). The home is double listed in the same name with a different account number.

Release the Property Value in the name of Smith, Teresa	Amount:	\$94.85
Value: \$12,160.00 Year: 2002 Account # 15-35016 Bill # 1399	Total	\$300.06

Release the value of a mobile home, the Acme Delco fire fee (14.59) and the Columbus Rescue (2.43). The home is double listed in the same name with a different account number.

Release the Property Value in the name of Smith, Teresa	Amount:	\$88.30
Value: \$11,320.00 Year: 2003 Account # 15-35016 Bill # 2106	Total	\$291.55

Release the value of a mobile home, the Acme Delco Fire (13.58) and the Columbus Rescue (2.26). The home is double listed in the same name with a different account number.

Release the Property Value in the name of Smith, Teresa	Amount:	\$82.60
Value: \$10,590.00 Year: 2004 Account # 15-35016 Bill # 8437	Total	\$284.17

Release the value of a mobile home, the Acme Delco Fire (14.83) and the Columbus Rescue (2.12). The home is double listed in the same name with a different account number.

Release the Property Value in the name of Smith, Teresa	Amount:	\$72.71
Value: \$9,960.00 Year: 2005 Account # 15-35016 Bill # 2566	Total	\$272.32

Release the value of a mobile home, the Acme Delco Fire (11.95) and the Columbus Rescue (1.99). The home is double listed in the same name with a different account number.

Release the Property Value in the name of Soles, Maurice	Amount:	\$41.39
Value: \$5,306.00 Year: 2004 Account # 13-37399 Bill # 8697	Total	\$235.74

Release the value of a mobile home, the Klondyke Fire (3.71) the Columbus Rescue (1.06) and W2 (7.96). The home is double listed in the name of Awanda Soles.

Release the Property Value in the name of Soles, Maurice	Amount:	\$36.49
Value: \$4,998.00 Year: 2005 Account # 13-37399 Bill # 2826	Total	\$226.59

Release the value of a mobile home, the Klondyke Fire (3.50), the Columbus Rescue (1.00) and the W2 (4.50). The home is double listed in the name of Awanda Soles.

Release the Property Value in the name of Telamon Corporation	Amount:	\$5,911.54
Value: \$809,800.00 Year: 2005 Account # 01-01437 Bill # 5563	Total	\$7,131.24

Release property value the North Whiteville Fire (5.00) the Whiteville Rescue (161.96) and the W 3 fee (1052.74). The property should be tax exempt.

Release the Property Value in the name of Thomas, David Amount: \$17.08
Value: \$2,340.00 Year: 2005 Account # 10-05944 Bill # 5612 Total \$22.00

Release the value of a boat, the Cole Service fee (2.34) the Columbus Rescue (.47) and W2 (2.11). The boat was sold prior to 1999 and the owner has passed away.

Release the Property Value in the name of Thomas, David Amount: \$24.38
Value: \$3,125.00 Year: 2002 Account # 10-05944 Bill # 4360 Total \$27.51

Release the value of a boat and the Columbus Rescue fee. The boat was sold prior to 1999 and the owner has passed away.

Release the Property Value in the name of Thomas, David Amount: \$18.25
Value: \$2,340.00 Year: 2004 Account # 10-05944 Bill # 1443 Total \$26.68

Release the value of a boat, the Cole Service fee (2.34) the Columbus Rescue (.47) and W2 (3.51). The boat was sold prior to 1999 and the owner has passed away.

Release the Property Value in the name of Thomas, David Amount: \$18.25
Value: \$2,340.00 Year: 2003 Account # 10-05944 Bill # 5095 Total \$23.17

Release the value of a boat, the Cole Service fee (2.34) and the Columbus Rescue (.47). The boat was sold prior to 1999 and the owner has passed away.

Release the User Fee in the name of Ammons, David Amount: \$0.00
Value: \$0.00 Year: 2004 Account # 01-00564 Bill # 3608 Total \$177.00

Release user fee on house that is vacant, has no power and no trash can.

Release the User Fee in the name of Ammons, David Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 01-00564 Bill # 7232 Total \$177.00

Release user fee on house that is vacant, has no power and no trash can.

Release the User Fee in the name of Cartrette, Roger Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 09-03850 Bill # 3498 Total \$177.00

Release user fee. There is no trash can here.

Release the User Fee in the name of Dew, Larry G. Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 01-04054 Bill # 6387 Total \$177.00

Release one of two user fees. Customer only has one trash can.

Release the User Fee in the name of Dunn, Johnny B. Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 03-05482 Bill # 7116 Total \$177.00

Release user fee on house that is vacant and has no electricity.

Release the User Fee in the name of Freeman, Clayton Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 04-04938 Bill # 9794 Total \$90.48

Release user fee on house that is vacant and does not have a trash can.

Release the User Fee in the name of Freeman, Enner Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 04-04113 Bill # 9835 Total \$177.00

Release the user fee on a mobile home that is unlivable, has no power and no trash can.

Release the User Fee in the name of Freeman, Frankie Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 04-05113 Bill # 9850 Total \$177.00

Release user fee on a mobile home that is unlivable, has no power and no trash can.

Release the User Fee in the name of Gray, Virginia Amount: \$0.00
Value: \$0.00 Year: 2004 Account # 03-05342 Bill # 8713 Total \$177.00

Release user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Hill, David L. Amount: \$0.00
Value: \$0.00 Year: 2005 Account # 01-01344 Bill # 059 Total \$177.00

Release user fee on vacant house that does not have a trash can.

Release the User Fee in the name of Hooper, Alvin Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 08-09440 Bill # 846 Total \$177.00
 Release the user fee that was attached to a shelter in error. There are no trash cans here.

Release the User Fee in the name of Inman, James Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 13-03507 Bill # 504 Total \$177.00
 Release user fee on a mobile home that is unlivable, no power and no trash can.

Release the User Fee in the name of McDuffie, Frances Amount: \$0.00
 Value: \$0.00 Year: 2004 Account # 06-24334 Bill # 856 Total \$177.00
 Release user fee on a house that is vacant and has no trash can.

Release the User Fee in the name of McDuffie, Frances Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 06-24334 Bill # 1857 Total \$177.00
 Release user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of McNeil, Perry Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 01-57367 Bill # 2382 Total \$90.48
 Release user fee on a house that is vacant, unlivable, and does not have a trash can.

Release the User Fee in the name of Munn, George Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 15-28140 Bill # 4271 Total \$177.00
 Release the user fee on a mobile home that has burned.

Release the User Fee in the name of Register, Lois Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 03-19344 Bill # 8647 Total \$177.00
 Release user fee on a mobile home that is used for storage. Does not have a trash can.

Release the User Fee in the name of Reynolds, Wallace Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 07-13903 Bill # 8769 Total \$177.00
 Release one of two user fees. One trash can was picked up in 2004.

Release the User Fee in the name of Shaw, James F. Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 11-04617 Bill # 0716 Total \$177.00
 Release user fee on a storage building.

Release the User Fee in the name of Singleton, Issac Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 09-03536 Bill # 1635 Total \$177.00
 Release user fee. Customer is using a commercial hauler.

Release the User Fee in the name of Smith, Mitchell Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 01-00371 Bill # 2420 Total \$177.00
 Release user fee on a house that is unlivable, has no power and no trash can.

Release the User Fee in the name of Spaulding, Norman Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 08-17601 Bill # 3220 Total \$177.00
 Release the user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Watkins, Linda Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 15-03724 Bill # 8607 Total \$177.00
 Release user fee. Customer is using a commercial hauler.

Release the User Fee in the name of Watson, Sandra Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 14-05519 Bill # 8651 Total \$177.00
 Release the user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of White, Wilmer C. Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 13-02916 Bill # 9524 Total \$177.00
 Release user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Worley, Emory Amount: \$0.00
 Value: \$0.00 Year: 2005 Account # 01-05735 Bill # 1010 Total \$354.00
 Release two of three user fees. One house has been sold and the other is still under construction.

Agenda Item #20: COMMENTS:**A. Public:**

Chairman Godwin stated he had received one (1) Public Comment Card from James Calvin Nance.

James Calvin Nance: stated the following:

1. The Lumber River Campground is a public nuisance;
2. There have been many arguments, fights, accidents and even deaths in this area;
3. This area is suppose to be accessible to the public, but is solely controlled by a handful of people who think they own the place;
4. There is a Parkland Usage Permit of thirty-five and 00/100 (\$35.00) dollars;
5. This is a two thousand five hundred (2,500) acre landing in Columbus County that runs parallel with the Lumber River that has been designated as parks and recreation land;
6. Mr. Sessoms is in charge;
7. It was established for camping and horse back riding;
8. Even when you pay your permit fee, you can only use certain parts of this area;
9. The citizens in this area need to know how much is owned by the County and how much is owned by the State; **and**
10. One (1) private citizen has erected a fence on another person's property which denies access to a lot of the area.

After in-depth discussion was conducted regarding this matter, Chairman Godwin stated this matter would have to be checked into before any questions could be answered.

B. Department Heads:

Chairman Godwin requested each Department Head that was in attendance to stand and be recognized, and asked if any Department Head had anything they would like to say. The following Department Heads spoke.

1. **Ed Worley (Aging):** stated the following:
 - A. Our most successful program is the Wheelchair Program; **and**
 - B. As a result of our Wheelchair Program, I will pass out caps to the Board members and Administration staff.
2. **Linda Simmons (Public Housing Agency):** stated we are now processing the May, 2003 applications.

C. Board of Commissioners:

1. **Commissioner Memory:** stated the following:
 - A. I am requesting that a letter of thanks be sent to all the fire departments that responded to the tire fire that occurred in the eastern end of Columbus County;
 - B. I would like to know why we are only allowing four (4) tires at a time to be taken to the Landfill;
 - C. I am requesting the County Attorney to locate an Ordinance that would cover the reimbursement, from the insurance companies, of the cost of foam and/or contaminant equipment that is being used by the Columbus County Fire Departments when they are summoned to respond to situations that require the use of the same; **and**
 - D. Due to complaints having been received, I would like to know the details about construction debris being left at the Convenience Centers.
2. **Commissioner McKenzie:** stated the following:
 - A. I would like for the Board members to consider increasing the water systems' minimum monthly allocation of water usage to two thousand (2,000) gallons, in lieu of one thousand (1,000); gallons; **and**
 - B. If the monthly minimum allocation is increased, I truly believe we will have

citizens to hook on to the water systems.

- D. **Interim County Manager:** stated the following:
- A. The water line extensions in Water District III have been approved by Mr. O with DEHNR; **and**
 - B. These water lines were approved verbally today, and we will be receiving an official letter shortly.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE WITH N.C.G.S. §143-318.11 (6) PERSONNEL:

At 8:05 P.M., Commissioner Memory made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. §143-318.11 (6) Personnel, seconded by commissioner Norris. The motion unanimously carried.

No official action was taken.

ADJOURN CLOSED SESSION and resume REGULAR SESSION:

At 8:30 P.M., Commissioner Norris made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #21: ADJOURNMENT:

At 8:31 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

KIPLING GODWIN, Chairman