

COLUMBUS COUNTY BOARD OF COMMISSIONERS

May 21, 2007

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 their regular scheduled meeting on the third Monday.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James E. Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

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

Agenda Items #1 and #2: MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:

At 6:30 P.M., Chairman Jacobs called the May 21, 2007 Board Meeting to order. The invocation was delivered by Vice Chairman James E. Prevatte. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Vice Chairman Prevatte.

Agenda Item #3: BOARD MINUTES APPROVAL:

Commissioner Norris made a motion to approve the May 07, 2007 Regular Session Board Minutes, and the May 14, 2007 Regular Session Board Minutes, as recorded, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item #4: AIRPORT - AGREEMENT of SALE (BESSIE LIMITED PARTNERSHIP PARCEL):

Jay Talbert, Talbert and Bright, engineering consultants, and Phil Edwards, Airport Director, requested Board permission to purchase additional land to clear the trees for the approach to Runway 24.

Mr. Talbert stated the following:

1. We have completed the survey and the required reports to the satisfaction of all parties concerned for the grants; **and**
2. One (1) grant we are working on has a deadline at the end of June, 2007, and this needs to be done soon.

Vice Chairman Prevatte stated this was a good idea, and asked Phil Edwards if he had the matching funds in his budget. Mr. Edwards replied stating yes.

Commissioner Memory made a motion to approve the Agreement of Sale, Bessie Limited Partnership Parcel, for the amount of one hundred thousand and 00/100 (\$100,000.00) dollars, seconded by Commissioner Norris. The motion unanimously carried. This document will be marked as Exhibit "A" and will be filed in Minute Book Attachments, Book #2, in the Clerk to the Board's Office for review.

Agenda Item #5: TABOR CITY CHAMBER of COMMERCE - REQUEST for FIREWORKS DISPLAY:

Cynthia S. Nelson, Executive Vice President of Tabor City Chamber of Commerce, requested the following:

1. Permission to possess, transport, receive, deliver, and display fireworks at South Columbus High School on Tuesday, July 3, 2007, for the 20th Annual Columbus County Fourth of July Fireworks Celebration; **and**
2. The waiver of the fee for the permit from the Columbus County Fire Marshal's Office.

Commissioner Norris made to motion to approve the following:

1. Permission to possess, transport, receive, deliver, and display fireworks at South Columbus High School on Tuesday, July 3, 2007, for the 20th Annual Columbus County Fourth of July Fireworks Celebration; **and**
2. The waiver of the fee for the permit from the Columbus County Fire Marshal's Office.

The motion was seconded by Commissioner Memory.

A roll-call vote was taken with the following results:

AYES: Chairman Jacobs, Vice Chairman Prevatte, Commissioners Memory, McKenzie, Norris and Bullard
NAYS: Commissioner Gore.

The motion passed on a six (6) to one (1) vote.

Agenda Item #6: DISCUSSION - COUNTY TAX PROBLEMS:

Michael A. Barnes, private citizen, stated the following:

1. In February of 1987, I purchased a double-wide mobile home for the price of \$24,800, and this is the amount the County Tax Office listed the value of the home;
2. In 2003, my wife and I separated, and in 2004, I was involved in an equitable-distribution settlement in which my wife's attorney was asking for \$12,400, one-half of the tax value listed;
3. I had three (3) licensed mobile home dealers to appraise the home in which their appraisals ranged from \$2,500 to \$5,000, due to the age of the home and damages;
4. It was agreed in the settlement, the value of the home would be \$5,000, if all damages were repaired;
5. After the equitable-distribution settlement, I contacted the Tax Office to inquire about getting the value of the home adjusted;
6. The first adjustment was lowered to \$16,800, and the second adjustment was lowered to \$11,800; **and**
7. Since this time, I have read about refunds being issued for User Fees.

At this point in time, Chairman Jacobs stated this was a matter that needed to be addressed by the Board of Equalization and Review for their determination.

Richard Gore, Columbus County Tax Administrator, stated the Equalization and Review Board had already met for this year, and may not meet again for another year. Discussion was conducted as to the legalities of the Equalization and Review Board calling a Special Meeting for this purpose.

Commissioner Memory made a motion for Richard Gore, Columbus County Tax Administrator, to request the Equalization and Review Board to meet in the next two (2) weeks with Michael A. Barnes on this matter, and report their findings back to the Board of County Commissioners, contingent on the approval of Steven W. Fowler, Columbus County Attorney, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #7: SOCIAL SERVICES - APPROVAL of AMENDMENT to the 2007-2008 WORK FIRST PLAN:

Algernon McKenzie, Social Work Supervisor II, requested Board approval of the following Amendment to the 2007-2008 Work First Plan.

**Columbus County Department of Social Services
and the
Employment Security Commission of NC
Memorandum of Agreement
First Stop Employment Assistance Program**

The undersigned parties hereby acknowledge that the point of registration in Columbus County for the First Stop Employment Assistance Program shall be the office of the Employment Security Commission of North Carolina located at:

603 South Madison Street

Whiteville, NC 28472.

Employment Security Commission of North Carolina
 BY: /s/ **CHARLES K. GARRETT**, Manager/Whiteville Office
 DATE: 05-10-2007

Columbus County Department of Social Services
 BY: **MARY B. THOMPSON**, Interim Director
 DATE: 05-14-2007

The Columbus County Board of Commissioners approves the amendment to the 2007-2008 Work First Plan.

/s/ **SAMMIE JACOBS, Chairman**
 DATE: 05-21-2007

Commissioner McKenzie made a motion to approve the Amendment to the 2007-2008 Work First Plan, seconded by Commissioner Gore. The motion unanimously carried.

Agenda Item #8: LIBRARY - APPROVAL of TECHNOLOGY FUNDING AGREEMENT:

Morris Pridgen, Library Director, is requesting Board approval of the following Technology Funding Agreement.

TECHNOLOGY FUNDING AGREEMENT

This Agreement ("Contract" or "Agreement") is made and entered into as of _____, 2007, between New Hope Technology Foundation ("New Hope"), 534 Dogwood Drive, Chapel Hill, NC 27516, and Columbus County ("County") located at 111 Washington Street, Whiteville, NC 28472.

RECITALS

WHEREAS, New Hope is in the business of providing technology planning, strategic technology funding assistance, and E-Rate form preparation and compliance; and,

WHEREAS, in order to meet the anticipated deadline for collection of e-Rate data, and e-Rate filings and in order for the County's library system to be eligible for E-Rate funds, there is a significant amount of preparation that must be performed prior to filing Federal Communications Commission's ("FCC") funding application forms;

NOW, THEREFORE, in consideration of the mutual promises herein contained and intending to be legally bound hereby, the parties agree as follows:

I. Scope of Work

- A. The County agrees to retain New Hope as its contractor to perform all work set forth herein and in **Attachment A** to this Contract on the terms and conditions set forth herein.
- B. New Hope will act as the County's agent for E-Rate and will process the E-Rate applications through the administrative and regulatory approval process, including the Schools and Libraries Division (SLD) of the Federal Communications Commission (FCC). Management and responses to administrative appeals of adverse decisions, if any, are included in the fees. However, such responses and management does not include legal appeals to federal courts.

New Hope represents that it possesses the qualifications, resources, and experienced and qualified personnel to provide such services.

- C. New Hope will perform all work associated with E-rate Year 2007 and for subsequent years unless the County and New Hope cancel this Agreement by giving written notice to each other by June 30th of each year. New Hope will also handle all aspects of any appeal from E-rate years 1998-2006 if requested by the County.

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- D. The parties agree that any work not covered by this Contract and performed by New Hope shall be charged separately at a per hourly rate agreed upon in advance and in writing by the parties.
- E. New Hope will not directly perform any legal service for the County, but will retain an experienced regulatory attorney for its own use if needed.
- F. Court appeals of adverse funding decisions are not included in New Hope's fees.

II. Term

The term of this Agreement shall commence upon the date first set forth above and shall expire on June 30, 2007. The Agreement will be renewed for subsequent years unless the County and New Hope cancel the Agreement by giving written notice to each other by June 30th of each year.

III. County's Payment Obligation to New Hope

New Hope's fee for its services is 5% of the approved funding. New Hope's fee shall be payable as follows:

- A. Based upon the **requested** amount of funding, upon submitting the FCC Form 471 to the SLD, 40% of the above referenced 5% fee is due to New Hope as the first installment.
- B. The balance of New Hope's 5% fee is due to New Hope when an SLD Funding Commitment Decision Letter (FCDL) is issued.

In total, New Hope will receive the above referenced 5% of the approved funding as the fee for its service. An audit will be performed at the end of the SLD funding cycle to reconcile payments to New Hope versus funding approved. If no funding has been approved by the SLD as a result of the 471 application(s), New Hope's first installment received will be returned.

If an SLD decision is appealed, final payment of New Hope's fee shall be made when the County is notified that the appeal has been successful.

All fees are due and payable at New Hope's office at 534 Dogwood Drive, Chapel Hill, NC 27516.

IV. Independent Contractor

The parties acknowledge and agree that New Hope is an independent contractor.

V. Mutual Cooperation

Time is of the essence in performing all work under this Agreement.

The Parties shall cooperate with each other in the performance of their services hereunder, including securing and providing all information and data in a timely manner so that all filings are completed as due.

VI. Confidentiality

- A. The Parties agree that all financial, statistical, or proprietary information provided by either Party, one to the other, or to the County will be kept confidential.
- B. New Hope agrees that any technical, or marketing information owned or used by the County and designated as proprietary under this Agreement shall not be used without the written consent of the County.
- C. The County agrees that any technical or marketing information owned or use by New Hope and designated as proprietary under this Agreement shall not used without the written consent of New Hope.

VII. Assignment

Neither party may assign this Contract or any right or interest herein, without the prior written consent of the other party, which consent shall not be unreasonably withheld.

VIII. Miscellaneous

- A. Any amendment, supplement, or waiver of any provision of this Agreement must be in writing and signed by authorized representatives of both parties.
- B. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and permitted assigns.
- C. The WHEREAS and NOW THEREFORE clauses and paragraph headings are not solely for convenience, but in fact demonstrate the interpretation to be accorded this Agreement.
- D. All agreements and covenants herein are severable, and in the event any of them is held to be invalid by any competent court, the Agreement will be interpreted as if such invalid agreements or covenants were not contained herein. The parties further agree that in event such portion is an essential part of this Agreement, they will immediately begin negotiations for a replacement.
- E. New Hope will comply with all applicable federal, state, county and local laws, ordinances, regulations and codes in the performance of their obligations hereunder.
- F. No waiver by any party of the breach of any term or provision of the Agreement will be construed to be a waiver of any proceeding or succeeding breach of the same or any other term or provision.
- G. It is agreed that this Agreement shall be interpreted under the laws of the State of North Carolina and any action brought in a court of law to enforce this Agreement or any portion of it shall be brought in the State of North Carolina, Orange County.

IX. Limitation of Liability

New Hope will not be held responsible or liable for any indirect, special, incidental, consequential, or punitive loss or damage of any kind, including loss of funding (whether or not New Hope had been advised of the possibility of such loss or damage) by reason of any act or omission in its performance under this Agreement.

X. Integration Clause

The Agreement contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior oral or written agreements. New Hope and the County stipulate that neither has made any representations with respect to the subject matter of the Agreement or any other representations except such representations as are specifically set forth herein. New Hope and the County further acknowledge that any representations that may have heretofore been made by either to the other are of no effect and that none of them have relied thereon in connection with their dealings with the other.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by duly authorized representatives all as of the date first above written.

COLUMBUS COUNTY
 By: /s/ Sammie Jacobs, Chairman
 Columbus County Board of Commissioners
 Date signed: May 21, 2007

ATTESTED BY:
/s/ June Hall
 Clerk to the Board

NEW HOPE TECHNOLOGY FOUNDATION
 By: _____
 John W. Hughes, President

Date signed: _____

Approved as to form:
/s/ **Steven W. Fowler**
Columbus County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Contract Act.

/s/ **Leo Hunt**
Columbus County Interim Finance Officer

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

This 22nd day of May, 2007, personally came before me, Debra J. Epps, a Notary Public for Columbus County, North Carolina, June B. Hall, who being by me duly sworn, says that she is the Clerk of the Board of Commissioners of Columbus County; recognizes the official seal of the Board; is acquainted with Sammie Jacobs, who is Chairman of the Board; that she witnessed the signature of the Chairman and the affixation of the official seal of the Board to the foregoing instrument in the presence of the Chairman of the Board, in accordance with the order of the Board.

Witness my hand and official seal or stamp, this the 22nd day of May, 2007.

/s/ **Debra J. Epps**
Notary Public

My Commission Expires: October 05, 2009

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public for _____ County, North Carolina, do certify that on this the ____ day of _____, 2007, personally appeared before me John W. Hughes, President of New Hope Technology Foundation, proved to me by satisfactory evidence to be the person whose name is signed on the foregoing instrument, and acknowledged that he signed it voluntarily on behalf of the foundation and in the capacity stated, for the purposes therein stated.

Witness my hand and official seal or stamp, this the ____ day of _____, 2007.

Notary Public

My Commission Expires: _____

ATTACHMENT A

NEEDS ASSESSMENT

- Review Technology Plan
- Review current technology infrastructure and support
- Review planned technology needs
- Insure consistency with Technology Plan
- Determine E-Rate eligible products
- Determine proper E-Rate discount for County's library system

BID PREPARATION, PUBLICATION, & AWARD

- Gather and review current telephone, internet and services billings, contracts, and service agreements
- Determine services/products to be bid consistent with Needs Assessment
- Develop technical specifications and other bid documents
- Insure that County has a proper funding decision matrix
- Prepare and publish both the FCC 470 and supporting bid documents
- Respond to bidders questions
- Conduct bidders conference if necessary

- Receive and review bids
- Recommend finalists to County
- Assist County with negotiation of contract for successful bidder(s)
- Insure that contracts are properly executed

SLD REQUEST FOR FUNDING

- Prepare and file FCC 471 application
- Prepare and file Form 25 Attachments to 471

RESPONSE TO SLD QUESTIONS

- Develop answers to Program Integrity Assurance (PIA), Selective Review, or On-site Audit questions
- Insure timely response to the foregoing

FILING OF OTHER FCC FORMS

- File FCC 486 when service is scheduled to commence

SLD PROCESS

- Insure compliance with all SLD rules and regulations
- Retain all files for Client for audit purposes. (Five-year record retention is mandatory.)

LEGAL CONSULTATION

- Work under direction of Client's legal counsel on regulatory issues.
- Monitor and keep Client advised of latest e-Rate, Federal Communications Commission issues, and rulings.

Mr. Pridgen stated the following:

1. A consultant will be coming in to help with the E-Rate program;
2. By using this consultant, Columbus County will get a better rate;
3. Five (5%) percent of the funds will be retained;
4. The consultant will start out with forty (40%) percent of the five (5%) percent of the retained funds; **and**
5. All of these funds are Federal dollars.

Commissioner McKenzie made a motion to approve the Technology Funding Agreement, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #9: RESOLUTION - RESOLUTION SUPPORTING MEDICAID RELIEF for COUNTIES:

Leo Hunt, Interim Finance Director, requested Board approval and adoption of the following Resolution Supporting Medicaid Relief for Counties:

RESOLUTION SUPPORTING MEDICAID RELIEF FOR COUNTIES

WHEREAS, Columbus County pays five million, two hundred forty-seven thousand, nine hundred twenty-four and 00/100 (\$5,247,924.00) dollars, or eleven and eight tenths (11.8%) percent of its expenditures for services to Medicaid eligible citizens; **and**

WHEREAS, the counties' share of Medicaid reimbursements has increased ninety-six (96%) percent since 2000 and is projected to total more than five hundred seventeen million (\$517,000,000) dollars during the 2007-2008 fiscal year; **and**

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

WHEREAS, in Columbus County, the per capita cost of Medicaid is one hundred sixteen and 60/100 (\$116.60) dollars. Out of our population of 54,557, thirty-two and one tenth (32.1%) percent of our citizens is Medicaid eligible. Twenty-seven (27%) percent of our property tax is for Medicaid.

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

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to Columbus County.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to all members of the General Assembly representing Columbus County.

APPROVED and **ADOPTED** this the 21st day of May, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ **SAMMIE JACOBS, Chairman**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to Board**

Commissioner Memory made a motion to approve and adopt the Resolution Supporting Medicaid Relief for Counties, to be forwarded to our legislators, seconded by Commissioner Bullard. The motion unanimously carried.

Agenda Item #10: FAMILIES FIRST -DEPARTMENTAL UPDATE:

Vickie Pait, Families First Director, stated she would like to thank the Board of Commissioners for all of their support and delivered the following Departmental Update to the Board.

**Domestic Violence/Sexual Assault Shelter and Services
July 1, 2006 - March 31, 2007**

<u>Shelter</u>	<u>Number of Persons</u>
Adults Sheltered	37
Children Sheltered	58
Total # of Days of Shelter (Daily population added Together for the month)	1612
<u>Out of Shelter</u>	
Domestic Violence Victims	312
Sexual Assault Victims	56
Children's Program	48
<u>Educational Presentations</u>	
Hands are not for Hitting (2 nd Grade)	0
Harassment vs. Flirting (6 th Grade)	0
Dating Violence and Date Rape Prevention (9 th Grade)	0
Other Presentations	250
<u>Services Provided</u>	<u># of Times Provided</u>
Transportation	458
Referrals/Information	698
Court Accompaniment	326
Protection Order Assistance	223
Material Assistance (other than shelter)	225
Hospital Accompaniment	26
Emergency Legal Advocacy	352
STRIVE Children's Group	29
Adult Support Group	29
Personal Advocacy (Crisis counseling)	562

Other Information

Began plans for 11th Annual Golf Tourney - June 1, 2007

Implemented several activities for Child Abuse Prevention Month

Funding Sources:

State and Federal Government Grants: these grants provide 67% of our funding

Private Foundation Grants: these grants provide 17% of our funding

Local Grants and Contributions/Thrift Stores: this provides 16% of our funding

Families First, Incorporated, has a low administrative cost of 15% which translates to \$.85 of every

dollar goes directly to clients served.

Agenda Item #11: ORDINANCE - RESCIND EXISTING SEWER USE ORDINANCE for COLUMBUS COUNTY and APPROVAL and ADOPTION of REVISED SEWER USE ORDINANCE for COLUMBUS COUNTY:

Leroy Sellers, Public Utilities Director, requested Board approval to rescind the existing Sewer Use Ordinance for Columbus County and Board approval and adoption of the following New 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
 - (iii) If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (iv) The individuals described in paragraphs I-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
 - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the County Manager prior to or together with any reports to be signed by an authorized representative.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
 - (6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.
 - (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (8) 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 waste stream 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 (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (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 or Discharge.** Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section **[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.(c).
- (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 waste stream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

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

- (a) The County Manager shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 1.2(a) (39). All SIUs must be evaluated within one (1) year of being designated an SIU. The County Manager may require any user to develop, submit for approval, and implant such a plan or other specific action. Alternatively, the County Manager may develop such a plan for any user.
- (b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, of a slug load. Also see Sections 5.5 and 5.6.
- (c) An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the County Manager of any accidental or slug discharge, as required by section 5.6 of this ordinance; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

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 waste stream.
- (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 waste stream 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, and as required in Section 5.10 and 5.11;
 - (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 the current authorized representative of the user on file with the County as defined in Section 1.2(a) (3) and contain the following certification statement:

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

(d) Application Review And Evaluation:

The 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) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a) (39);
 - (vi) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2 (a) (39), if determined by the County Manager to be necessary for the User;
 - (vii) requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 1.2(a) (39). Also see Sections 5.5 and 5.6; **and**
 - (viii) 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 waste minimization plans to reduce the amount of pollutants discharged to the county wastewater system.
 - (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (vii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (viii) 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).

- (ix) Compliance schedules for meeting pretreatment standards and requirements.
- (x) Requirements for submission of periodic self-monitoring or special notification reports.
- (xi) 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.
- (xii) 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.
- (xiii) 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.
- (xiv) 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.
- (xv) 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 and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g) (4).
- (6) Certification. A statement, reviewed by the user's current authorized representative as defined in section 1.2(a) (3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 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 once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures as set out in Section 5.10 and 5.11 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with section 4.2(c) of this Ordinance.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the 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. See Section 5.6(d) for other reporting requirements.

- (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, as defined in Section 1.2(a) (39), 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.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a) (39).

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

- (a) 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. If allowed by the County Manager, the user is not required to resample:
 - (i) if the County Manager monitors at the user's facility at least once a month; or
 - (ii) if the County Manager samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the County Manager does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the County Manager shall repeat the sampling, and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:
 - (i) the County Manager monitors at the user's facility at least once a month; or
 - (ii) the County Manager samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - (iii) The County Manager requires the user to perform sampling and submit the results to the County Manager within the thirty (30) day deadline of the POTW becoming aware of the violation.

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 waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days 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 Grab and Composite Sample Collection

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

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.

5.14 Electronic Reporting

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

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 POT. 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 (NODES) 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 POT. 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 POT. or causes the POT. to violate any condition of its NODES 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 POT. 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 or Permission to Discharge

The County Manager may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under 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 POT. 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 POT. 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 a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

SECTION 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 NODES 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 POT. Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POT. 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 POT. 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 5th day of June, 2007.

INTRODUCED the 21st day of May, 2007.

FIRST READING: May 21, 2007.

SECOND READING: June 04, 2007.

PASSED this 4th day of June, 2007.

AYES: Chairman Jacobs, Vice Chairman Prevatte, Commissioners McKenzie, Memory, Norris, Bullard and Gore

NAYS: None

ABSENT: None

NOT VOTING: None

APPROVED this 4th day of June, 2007.

/s/ **SAMMIE JACOBS**

Chairman, Columbus County Commissioners

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

(SEAL)

Commissioner McKenzie made a motion to approve and adopt the **revised** Sewer Use Ordinance for Columbus County, on its **second reading**, seconded by Commissioner Norris. The motion unanimously carried.

Agenda item #12: ADMINISTRATION - AMENDMENT to MOTION:

Jim Varner, County Manager, requested Board approval of an amendment to a motion made and approved by the Board, relative to committee members, on its second reading. The first reading of this motion was at the May 07, 2007 Board Meeting.

Commissioner Bullard made a motion to approve the amendment to a motion made and approved by the Board, relative to committee members, on its **second reading**, seconded by

Commissioner Memory. The motion unanimously carried. The contents of this motion may be viewed in the May 07, 2007 Board Minutes.

Agenda Item #13: GOVERNING BODY - APPROVAL to VOID CONFLICT of INTEREST STATEMENT for PLANNING BOARD MEMBERS:

Commissioner Bill Memory requested Board approval to void the Conflict of Interest Statement that was adopted by the Columbus County Planning Board on March 08, 2007, and revised on April 26, 2007, by the Columbus County Planning Board, for signature requirement.

Commissioner Memory made a motion to void the Conflict of Interest Statement that was adopted by the Columbus County Planning Board on March 08, 2007, and revised on April 26, 2007, by the Columbus County Planning Board, for signature requirement, seconded by Vice Chairman Prevatte. The motion unanimously carried.

AGENDA ADD-ONS:

Item #1: RESOLUTION - A RESOLUTION of SUPPORT of HOUSE BILL 262 and SENATE BILL 238 LEGISLATION that PROVIDES NECESSARY ADDITIONAL FUNDS for and IMPROVES ELIGIBILITY of FIRE DEPARTMENTS for STATEWIDE GRANTS:

Kay Worley, Interim Emergency Services Director, and Tony Miller, President of Columbus County Fire and Rescue Association, requested Board approval and adoption of the following Resolution so entitled "A Resolution of Support of House Bill 262 and Senate Bill 238 legislation that Provides Necessary Additional Funds for and Improves Eligibility of Fire Departments for Statewide Grants".

A RESOLUTION of SUPPORT of HOUSE BILL 262 and SENATE BILL 238 LEGISLATION that PROVIDES NECESSARY, ADDITIONAL FUNDS for and IMPROVES ELIGIBILITY of FIRE DEPARTMENTS for STATEWIDE GRANTS

WHEREAS, the Commissioner of Insurance of North Carolina is also the State Fire Marshal; **and**

WHEREAS, as Insurance Commissioner and State Fire Marshall he and the North Carolina Department of Insurance administer the volunteer fire department grant funds and firemen's relief funds; **and**

WHEREAS, fire departments in every county have counted on these annual fire grants for many years to purchase necessary equipment and supplies up to \$20,0000 (with an additional match of \$20,000); **and**

WHEREAS, there are approximately 1,400 volunteer fire departments in the State, a number which translates each year into greater grant requests than the current grant formula is able to bear; **and**

WHEREAS, the current grant formula is also inadequate in that more and more volunteer fire departments are becoming ineligible due to the current caps on population in the respective fire districts, the number of employees in a fire department, and the overall grant cap of \$20,000 annually has not kept up with inflation; **and**

WHEREAS, adjusting the formula and statutes for these grant funds would ensure that more departments are eligible and, furthermore, that they are eligible for larger matching grants, facts which will translate into better ratings for those fire departments and lower homeowners' insurance premiums for homes within the respective fire districts; **and**

WHEREAS, these changes can be accomplished without raising taxes on insurance companies or citizens; **and**

WHEREAS, legislators this year filed House Bill 262 and Senate Bill 238 upon request of the Commissioner of Insurance and the recommendation of the Revenue Laws Committee of the North Carolina General Assembly, legislation that is necessary for the proper administration of these grant funds and for the vitally needed improvements above; **and**

WHEREAS, the Department of Insurance and the Office of State Fire Marshal estimate that more than 200 additional fire departments may become eligible for fire grants by this legislation alone.

NOW, THEREFORE, BE IT RESOLVED, we, the Columbus County Board of Commissioners, strongly support House Bill Number 262 and Senate Bill 238 and respectfully request and fervently encourage that its legislative delegation do all in its might to attain passage of either or both bills during the 2007 session of the North Carolina General Assembly.

BE IT FURTHER RESOLVED that the Columbus County Board of Commissioners, because of pending deadlines for legislative action this session, will hereby notify its legislative delegation in the State House and State Senate by fax, e-mail or by hand delivery, whichever method provides the most prompt communication of this resolution.

APPROVED and ADOPTED this the 21st day of May, 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ **SAMMIE JACOBS, Chairman**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to Board**

Commissioner Memory made a motion to approve and adopt the Resolution so entitled "A Resolution of Support of House Bill 262 and Senate Bill 238 Legislation that Provides Necessary Additional Funds for and Improves Eligibility of Fire Departments for Statewide Grants", seconded by Commissioner Norris. The motion unanimously carried.

Item #2: PRESENTATION - TORNADO RELIEF:

Wade Jernigan, Waste Management, made the following presentation to a fire and rescue department for their assistance with tornado relief. Mr. Jernigan stated the following:

1. On behalf of Waste Management, I would like to present this check in the amount of five thousand and 00/100 (\$5,000.00) dollars to the Buckhead Fire and Rescue Department for being one of the first responders during the tornado that hit the Riegelwood area; **and**
2. This check will be used to purchase equipment for the fire and rescue department.

Ervin Jacobs, Stephan Jacobs, Reah Jacobs and Victor Jacobs, representing Bolton Fire and Rescue Department, accepted the check with great pride and thanked Waste Management for their generous contribution.

Item #4: BICENTENNIAL COMMITTEE - APPROVAL to ADD ONE (1) EX-OFFICIO MEMBER:

The Honorable Kandance Whitehead, Bicentennial Committee Chair, requested Board approval to add one (1) additional ex-officio member (Jim Mauldin-Treasurer) to the Bicentennial Committee.

Commissioner Memory made a motion to approve adding one (1) ex-officio member (Jim Mauldin-Treasurer) to the Bicentennial Committee, seconded by Commissioner Memory. The motion unanimously carried.

Registrar Whitehead stated the following:

1. I originally submitted a request for funds for the Bicentennial Committee, but this request did not get placed on the Agenda;
2. We need at least \$400 for this committee to get a tax exempt status to enable us to accept donations; **and**
3. We would like enough additional funds to purchase enough stationary for our initial startup process.

Commissioner Memory amended his previous motion to include the award of six hundred and 00/100 (\$600.00) dollars to the Columbus County Bicentennial Committee to enable the committee to get their tax-exempt status, Commissioner McKenzie amended his second likewise. The motion unanimously carried.

RECESS REGULAR SESSION and enter into COLUMBUS COUNTY WATER and SEWER DISTRICT III BOARD MEETING:

At 7:07 P.M., Commissioner Memory made a motion to recess Regular Session and enter into Columbus County Water and Sewer District III Board Meeting, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #14: CALL of PUBLIC HEARING - EXTENSION of TIME PERIOD for BONDS from SEVEN (7) to TEN (10) YEARS:

Jim Varner, County Manager, is requesting the Board to establish a Public Hearing date of June 4, 2007, at 6:30 P.M. as the date for this Public Hearing.

This information will be recorded in Minute Book 1 for the Columbus County Water and Sewer District III.

ADJOURN COLUMBUS COUNTY WATER and SEWER DISTRICT III BOARD MEETING and enter into COLUMBUS COUNTY WATER and SEWER DISTRICT IV BOARD MEETING:

At 7:09 P.M., Commissioner Memory made a motion to adjourn Columbus County Water and Sewer District III Board Meeting and enter into Columbus County Water and Sewer District IV Board Meeting, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #15: CALL OF PUBLIC HEARING - EXTENSION of TIME PERIOD for BONDS from SEVEN (7) to TEN (10) YEARS:

Jim Varner, County Manager, is requesting the Board to establish a Public Hearing date of June 4, 2007, at 6:30 P.M. as the date for this Public Hearing.

This information will be recorded in Minute Book 1 for the Columbus County Water and Sewer District IV

ADJOURN COLUMBUS COUNTY WATER and SEWER DISTRICT IV BOARD MEETING and resume REGULAR SESSION:

At 7:13 P.M., Commissioner Memory made a motion to adjourn Columbus County Water and Sewer District IV Board Meeting and resume Regular Session, seconded by Commissioner Gore. The motion unanimously carried.

Agenda Item #16: CAPITAL PROJECT ORDINANCE - COLUMBUS COUNTY WATER and SEWER DISTRICT V:

Jim Varner, County Manager, requested Board approval and adoption of the following Capital Project Ordinance.

**COLUMBUS COUNTY
WATER DISTRICT V - WATER LINES
CAPITAL PROJECT ORDINANCE
Adoption Date: May 21, 2007**

BE IT ORDAINED by the Board of Commissioners of the County of Columbus, North Carolina, that pursuant to Section 159-13.2 of the General Statutes of North Carolina, the Capital Project Ordinance is **HEREBY ADOPTED:**

SECTION 1. The project authorized is the installation of water lines for Water and Sewer District V.

SECTION 2. The project director is hereby directed to proceed with the construction of the water lines and appurtenances.

SECTION 3. The project will be executed in full during fiscal year 07/08.

SECTION 4. The following **revenues** are anticipated to be available to the County to complete the

project as of May 2007.

ACCOUNT NUMBER	TITLE	AMOUNT
46-3716-449300	USDA Rural Development Loan	\$4,564,000
46-3716-436000	USDA Rural Development Grant Funds	\$1,987,000
46-3716-437000	County Funds	\$50,000
TOTAL:		\$6,601,000

SECTION 5: The following amounts are appropriated for the project:

ACCOUNT NUMBER	TITLE	AMOUNT
46-7115-519925	Engineer-Construction Administration/Basic Fees	\$319,219
46-7115-519930	Engineer - Resident Inspection	\$174,000
46-7115-519030	Construction - Contract I T.A. Loving Company	\$2,875,890
46-7115-519035	Construction - Contract II McClam & Assoc., Inc.	\$1,472,206
46-7115-519040	Construction - Contract III Caldwell Tanks, Inc.	\$668,000
46-7115-820025	Debt Service Interest	\$450,000
46-7115-599100	Contingency	\$597,685
46-7115-557020	Land & Right-of-Way Costs	\$19,000
46-7115-519201	Legal Fees	\$25,000
TOTAL:		\$6,601,000

SECTION 6: The Finance Officer is directed to report quarterly on the financial status of this project. She shall keep the Governing Body informed at each regular meeting of any unusual occurrences.

SECTION 7: Copies of the Capital Project Ordinance shall be made available to the Budget Officer and the Finance Officer for directions in carrying out this project.

ADOPTED this the 21st day of May 2007.

COLUMBUS COUNTY BOARD OF COMMISSIONERS:

/s/ **SAMMIE JACOBS, Chairman**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to Board**

Commissioner Norris made a motion to approve the Capital Project Ordinance, Water District V - Water Lines, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #17: ADMINISTRATION - CALL for PUBLIC HEARING:

Jim Varner, County Manager, requested the Board to establish June 04, 2007, as the date for a required Public Hearing for the additional \$2.5 million needed to complete the Columbus County Detention Project. The time is to be determined by the Board.

Commissioner Memory made a motion to establish June 4, 2007, at 6:15 P.M., as the date and time for the required Public Hearing for the additional \$2.5 million needed to complete the Columbus County Detention Project, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #18: APPOINTMENTS - COMMITTEES/BOARDS:

A. **Nursing/Adult Care Home Joint Community Advisory Committee:** Hold

B. Whiteville Zoning Board of Adjustments: Hold

C. Bicentennial Committee:

Commissioner Gore appointed Shirley Price, 55 Pinelevel Church Road, Nakina, North Carolina 28455, Telephone: (910) 642-6293, to the Bicentennial Committee to fill the vacancy of Robin Reaves who has resigned. No term length has been determined.

Agenda Item #19: CONSENT AGENDA ITEM: May 21, 2007 Tax Refunds and Releases

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

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):
May 21, 2007**

Refunds Name: Bryant, James R. Amount: \$0.00
 Value: \$0.00 Year 006 Account # 11-04183 Bill # 22188 Total \$193.00
 Refund user fee that was paid on a house that is vacant, has no power and no trash can.
 85 Tattersall Tr. Burlington NJ 08016

Refunds Name: Pope, Franklin L. Amount: \$0.00
 Value: \$0.00 Year 005 Account # 11-20660 Bill # 16911 Total \$177.00
 Refund user fee that was paid on a trash can that was picked up the first of 2005.
 1243 Red Bug Rd. Hallsboro NC 28442

Refunds Name: Pope, Franklin L. Amount: \$0.00
 Value: \$0.00 Year 006 Account # 11-20660 Bill # 48206 Total \$193.00
 Refund user fee that was paid on a trash can that was picked up the first of 2005.
 1243 Red Bug Rd. Hallsboro NC 28442

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):
May 21, 2007**

Release the Property Value in the name of Baldwin, Betty Amount: \$235.62
 Value: \$30,800.00 Year: 2006 Account # 05-04705 Bill # 8451 Total \$524.82
 Release the value of a double wide, the North Whiteville Fire (50.00), the Columbus Rescue (6.16) and W3 (40.04). The home is double listed in the name of Ricky Strickland (16-01825).

Release the Property Value in the name of Best, Lloyd Amount: \$220.46
 Value: \$30,200.00 Year: 2005 Account # 01-05520 Bill # 9328 Total \$226.50
 Release a portion of the property value and a portion of the Whiteville Rescue. Property billed with incorrect frontage price per neighborhood.

Release the Property Value in the name of Best, Lloyd Amount: \$231.03
 Value: \$30,200.00 Year: 2006 Account # 01-05520 Bill # 0047 Total \$237.07
 Release a portion of the property value and a portion of the Whiteville Rescue. Customer billed with incorrect frontage price per neighborhood.

Release the Property Value in the name of Edge, Billy B. Amount: \$9.33
 Value: \$1,220.00 Year: 2006 Account # 11-00814 Bill # 8151 Total \$11.33
 Release the value of a jet ski, the Hallsboro Fire (.73) and the Columbus Rescue (.24). The jet ski was sold in 2005.

Release the Property Value in the name of James, William Amount: \$7.65
 Value: \$1,000.00 Year: 2006 Account # 09-15560 Bill # 8248 Total \$9.30
 Release the value of a mobile home, the Williams Fire (.60) and the Columbus Rescue (.20). The home was destroyed in a storm.

Release the Property Value in the name of James, William Amount: \$7.30
 Value: \$1,000.00 Year: 2005 Account # 09-15560 Bill # 158 Total \$8.10
 Release the value of a mobile home, the Williams Fire (.60) and the Columbus Rescue (.20). The home was destroyed in a storm.

Release the Property Value in the name of McKoy, Robert L. Amount: \$6.24
 Value: \$800.00 Year: 2004 Account # 01-56540 Bill # 192 Total \$6.40
 Release the property value and the Columbus Rescue. The property is double listed in the same name on account #01-56541.

Release the Property Value in the name of McKoy, Robert Lee Amount: \$6.12
 Value: \$800.00 Year: 2006 Account # 01-56540 Bill # 3406 Total \$6.28
 Release the property value and the Columbus Rescue fee. The property is double listed in the same name on account# 01-56541.

Release the Property Value in the name of McKoy, Robert Lee Amount: \$5.84
 Value: \$800.00 Year: 2005 Account # 01-56540 Bill # 2199 Total \$6.00
 Release the property value and the Columbus Rescue Fee. The property is double listed in the same name on account # 01-56541.

Release the Property Value in the name of Smith, Robert Lee Amount: \$19.50
 Value: \$2,500.00 Year: 2004 Account # 01-86400 Bill # 8367 Total \$21.75

Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$19.13
 Value: \$2,500.00 Year: 2006 Account # 01-86400 Bill # 3773 Total \$21.38
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$18.25
 Value: \$2,500.00 Year: 2005 Account # 01-86400 Bill # 2491 Total \$20.50
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$19.50
 Value: \$2,500.00 Year: 2002 Account # 01-86400 Bill # 1332 Total \$21.75
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$19.50
 Value: \$2,500.00 Year: 2003 Account # 01-86400 Bill # 2037 Total \$21.75
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford

Release the Property Value in the name of Smith, Robert Lee Amount: \$17.38
 Value: \$2,500.00 Year: 1997 Account # 01-86400 Bill # 3106 Total \$19.63
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$17.38
 Value: \$2,500.00 Year: 1998 Account # 01-86400 Bill # 8315 Total \$19.63
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$17.38
 Value: \$2,500.00 Year: 1999 Account # 01-86400 Bill # 0768 Total \$19.63
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$18.00
 Value: \$2,500.00 Year: 2000 Account # 01-86400 Bill # 2363 Total \$20.25
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Smith, Robert Lee Amount: \$19.50
 Value: \$2,500.00 Year: 2001 Account # 01-86400 Bill # 3256 Total \$21.75
 Release the property value, the Brunswick Fire (1.75) and the Whiteville Rescue (.50). The property is

double listed in the name of Hannah P. Ford.

Release the Property Value in the name of Walker, Pansy	Amount:	\$192.63
Value: \$25,180.00 Year: 2006 Account # 13-05121 Bill # 8876	Total	\$323.44

Release the value of a mobile home and the Columbus Rescue. The home is double listed in the name of Wayne Gause (13-04706).

Release the User Fee in the name of Edmund, Charles E.	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 12-06693 Bill # 8195	Total	\$193.00

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

Release the User Fee in the name of Hayes, Chad	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 16-03924 Bill # 5225	Total	\$193.00

Release user fee. There is no trash can here.

Release the User Fee in the name of Inman, Ivery (Heirs)	Amount:	\$0.00
Value: \$0.00 Year: 2005 Account # 13-04355 Bill # 501	Total	\$177.00

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

Release the User Fee in the name of Inman, Ivery (Heirs)	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 13-04355 Bill # 7592	Total	\$193.00

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

Release the User Fee in the name of Murphy, Shirley	Amount:	\$0.00
Value: \$0.00 Year: 2005 Account # 14-11480 Bill # 4337	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 Murphy, Shirley	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 14-11480 Bill # 5602	Total	\$193.00

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

Release the User Fee in the name of Rhodes, Christopher	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 15-00337 Bill # 0074	Total	\$160.83

Release a portion of the user fee. Did not have a trash can for the full year.

Release the User Fee in the name of Singletary, Janice	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 03-21958 Bill # 2817	Total	\$193.00

Release the user fee on a lot that is vacant.

Release the User Fee in the name of Stevens, Sandra	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 07-16670 Bill # 5614	Total	\$193.00

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

Release the User Fee in the name of Stubbs, Marvin G.	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 11-03651 Bill # 6262	Total	\$193.00

Release user fee that is double listed in the name of Gaston Paul Stubbs.

Agenda Item #20: COMMENTS:

Chairman Jacobs opened the floor for comments. The following people spoke.

B. Department Heads:

Carol Worrell - stated the following:

1. We held our first Pitch, Hit and Run Event
2. We had seventy (70) family members in attendance;
3. We had twenty-six (26) athletes in attendance; **and**
4. We will be sponsoring a Golf Tournament on June 1, 2007, and the proceeds will go to Families First.

C. Board of Commissioners:

- _____ 1. **Ricky Bullard:** stated the following:
- A. I have been contacted by the Columbus County Board of Education members about their request to have their medical insurance coverage by Columbus County continued after their retirement. I would like this to be on the next Agenda.;
 - B. We will be holding a Budget Workshop this week on Thursday, May 24, 2007, at 7:00 P.M., in the Commissioners' Chambers;
 - C. We have tentatively set Thursday week, May 31, 2007, at 7:00 P.M., for another Budget Workshop;
 - D. We need to start these Budget Workshops early to determine where some cuts can be made;
 - E. All departments need to look at their budget and determine where some cuts can be made; **and**
 - F. I have been informed that Mr. Varner has purchased a credenza for his office during this critical time of Budget crunch, and I would like for it to be returned.

MOTION:

_____ After discussion was conducted relative to the need and feasibility of this purchase, Commissioner Bullard made a motion for the credenza to be returned, seconded by Vice Chairman Prevatte. A roll-call vote was taken with the following results:

AYES: Vice Chairman Prevatte, Commissioners Memory, Norris, Bullard and Gore

NAYS: Chairman Jacobs, Commissioners McKenzie.

The motion passed on a five (5) to two (2) vote.

2. **Vice Chairman Prevatte:** stated that in February, 2007, the Board requested Steven W. Fowler, Columbus County Attorney, to check into the process and cost of re-districting Columbus County, and we have not heard anything relative to this matter. Mr. Fowler replied stating that he checked into this matter, it will be very costly, and I did not want to obligate the Board to any dollar amount.

MOTION:

After discussion was conducted relative to the need for re-districting to be done now or wait until 2010, Vice Chairman Prevatte made a motion for Steven W. Fowler, Columbus County Attorney, to obtain the dollar amount that it would cost Columbus County for the re-districting process, and to bring this amount to the Board for consideration. This motion was seconded by Commissioner Bullard. A roll-call vote was taken with the following results:

AYES: Chairman Jacobs, Vice Chairman Prevatte, Commissioners Memory, Norris, Bullard and Gore

NAYS: Commissioner McKenzie.

The motion passed on a six (6) to one (1) vote.

3. **Commissioner Ronald Gore:** stated the following:

- A. The Board will have to ask the department heads to do strategic changes in their budgets;
- B. I would like it placed on the next Agenda for the Board to cut the County Commissioners' salaries by ten (10%) percent;
- C. The four thousand one hundred and 00/100 (\$4,100.00) dollars bill the Columbus County Schools charged Columbus County was for the use of their facilities. This bill includes heating/cooling of the facilities, overtime pay for workers needed and custodial services required.

4. **Commissioner Amon E. McKenzie:** I would like for the Board to set a date for a

meeting with the North Carolina Department of Transportation before the Public Hearing is held to answer some of the questions the Board members may have.

Agenda Item #21: ADJOURNMENT:

At 7:47 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner McKenzie. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS III
BOARD MEETING
Monday, May 21, 2007
7:07 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, to act as the Columbus County Water and Sewer District III Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

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

MEETING CALLED TO ORDER:

At 7:07 P.M., Chairman Jacobs called the Columbus County Water and Sewer District III Board Meeting to order.

Agenda Item #14: CALL of PUBLIC HEARING - EXTENSION of TIME PERIOD for BONDS FROM SEVEN (7) to TEN (10) YEARS:

Jim Varner, County Manager, requested the Board to establish a Public Hearing date of June 4, 2007, at 6:30 P.M., as the date for the Public Hearing relative to the extension of the time period for bonds from seven (7) to ten (10) years, with the following publication in The News Reporter on May 24, 2007.

**ORDER AUTHORIZING \$6,571,000
WATER BONDS**

WHEREAS, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina, the Columbus County Water and Sewer District III, in Columbus County, North Carolina, was duly created for the purpose of providing water service to the residents of the territory included within said District and vested with the powers set forth in said Article 6;

WHEREAS, the Board of Commissioners for the County of Columbus, North Carolina has found that there is a demonstrable need for providing water service in said District; and

WHEREAS, pursuant to said Article 6, said Board is the governing body of said District; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Columbus, as the

governing body of the Columbus County Water and Sewer District III, in Columbus County, North Carolina:

1. That, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina and The Local Government Bond Act, as amended, the Columbus County Water and Sewer District III, in Columbus County, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said District may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding \$6,571,000 for the purpose of providing funds, with any other available funds, for constructing a water system of said District, within and without the corporate limits of said District, including the construction and installation of wells, water treatment facilities, an elevated water storage tank, water mains and lines and appurtenant facilities, and the acquisition of necessary land, rights-of-way, and equipment.
2. That taxes shall be levied in said District in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said District has been filed with the Clerk to said Board and is open to public inspection.
4. That this order shall take effect when approved by the voters of said District at a referendum as provided in The Local Government Bond Act, as amended.

The foregoing order took effect on October 3, 2000. Anyone who wishes to be heard on the question of whether the maximum time period for issuing bonds under such order should be extended from seven years to 10 years after such date may appear at a public hearing or an adjournment thereof to be held at 6:00 P.M. on June 4, 2007 in the Dempsey B. Herring Courthouse Annex located at 112 West Smith Street, in Whiteville, North Carolina.

June B. Hall
Clerk to the Board of Commissioners
for the County of Columbus, North Carolina

Commissioner Norris made a motion to establish June 4, 2007, at 6:00 P.M., as the date and time for a Public Hearing relative to the extension of the time period for bonds from seven (7) to ten (10) years, seconded by Commissioner Bullard. The motion unanimously carried.

ADJOURNMENT:

At 7:09 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICT IV
BOARD MEETING
Monday, May 21, 2007
7:09 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, to act as the Columbus County Water and Sewer District IV Board.

COMMISSIONERS PRESENT:

Sammie Jacobs, **Chairman**
James Prevatte, **Vice Chairman**
Amon E. McKenzie
Bill Memory
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

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

MEETING CALLED TO ORDER:

At 7:09 P.M., Chairman Jacobs called the Columbus County Water and Sewer District IV Board Meeting to order.

Agenda Item #15: CALL of PUBLIC HEARING - EXTENSION of TIME PERIOD for BONDS from SEVEN (7) to TEN (10) YEARS:

Jim Varner, County Manager, requested the Board to establish a Public Hearing date of June 4, 2007, at 6:30 P.M., as the date and time for this Public Hearing relative to the extension of the time period for bonds from seven (7) to ten (10) years, with the following publication in The News Reporter on May 24, 2007.

**ORDER AUTHORIZING \$5,142,000
WATER BONDS**

WHEREAS, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina, the Columbus County Water and Sewer District IV, in Columbus County, North Carolina, was duly created for the purpose of providing water service to the residents of the territory included within said District and vested with the powers set forth in said Article 6;

WHEREAS, the Board of Commissioners for the County of Columbus, North Carolina has found that there is a demonstrable need for providing water service in said District; and

WHEREAS, pursuant to said Article 6, said Board is the governing body of said District; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Columbus, as the governing body of the Columbus County Water and Sewer District IV, in Columbus County, North

Carolina:

1. That, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina and The Local Government Bond Act, as amended, the Columbus County Water and Sewer District IV, in Columbus County, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said District may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding \$5,142,000 for the purpose of providing funds, with any other available funds, for constructing a water system of said District, within and without the corporate limits of said District, including the construction and installation of water mains and lines, an elevated water storage tank, water pumping facilities and appurtenant facilities for the transmission and distribution of water to be provided by the Town of Lake Waccamaw, North Carolina and two private water systems, the improvement of certain existing water pumping facilities of said private systems and the acquisition of necessary land, rights of way and equipment.
2. That taxes shall be levied in said District in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of debt of said District has been filed with the Clerk to said Board and is open to public inspection.
4. That this order shall take effect when approved by the voters of said District at a referendum as provided in The Local Government Bond Act, as amended.

The foregoing order took effect on November 7, 2000. Anyone who wishes to be heard on the question of whether the maximum time period for issuing bonds under such order should be extended from seven years to 10 years after such date may appear at a public hearing or an adjournment thereof to be held at 6:10 P.M. on June 4, 2007 in the Dempsey B. Herring Courthouse Annex located at 112 West Smith Street, in Whiteville, North Carolina.

June B. Hall
Clerk to the Board of Commissioners
for the County of Columbus, North Carolina

Commissioner Memory made a motion to establish June 4, 2007, at 6:10 P.M., as the date and time for a Public Hearing relative to the extension of the time period for bonds from seven (7) to ten (10 years, seconded by Commisisoner Norris. The motion unanimously carried.

AGENDA ADD-ON:

Item #3: COLUMBUS COUNTY WATER and SEWER DISTRICT IV - EXTENSION of BOUNDARY LINES:

Jim Varner, County Manager, requested Board approval and adoption of the following Resolution Calling for a Public Hearing on Whether the Board of Commissioners for the County of Columbus, North Carolina, as the Governing Body of the Columbus County Water and Sewer District IV, Should Extend the Boundaries of Said District and Providing for Certain Related Matters.

RESOLUTION CALLING A PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF COLUMBUS, NORTH CAROLINA, AS THE GOVERNING BODY OF THE COLUMBUS COUNTY WATER AND SEWER DISTRICT IV, SHOULD EXTEND THE BOUNDARIES OF SAID DISTRICT AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the Board of Commissioners for the County of Columbus, North Carolina, as the governing body of the Columbus County Water and Sewer District IV (the "District"), has been considering extending the boundaries of the District pursuant to Section 162A-87.1 of the General Statutes of North Carolina, as amended ("Section 162A-87.1"), in order to be able to provide water service in the territory proposed to be annexed to the District as well as in the initial territory of the District, and said Board of Commissioners is authorized to do so only after a public hearing on such proposed extension and satisfying certain other requirements; and

WHEREAS, said Board of Commissioners (the "Board") has received a Preliminary Engineering Report for Columbus County Water and Sewer District IV, revised as of May 21, 2007, which was prepared by Green Engineering, P.L.L.C. (the "Preliminary Engineering Report") and contains the information required by subsection (d) of Section 162A-87.1; and

WHEREAS, it is necessary to call a public hearing on such proposed extension of the boundaries of the District and to provide for certain related matters at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- Section 1. A public hearing shall be held at 6:30 P.M. on June 25, 2007 in the Dempsey B. Herring Courthouse Annex located at 112 West Smith Street, in Whiteville, North Carolina for the purpose of considering whether the boundaries of the District should be extended pursuant to Section 162A-87.1 in order to be able to provide water service in the territory to be annexed to the District as well as in the initial territory of the District.
- Section 2. The Clerk to the Board shall cause a notice of such public hearing to be published in The News Reporter once at least one week before June 25, 2007, such notice to read substantially as follows:

NOTICE OF PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF COLUMBUS, NORTH CAROLINA, AS THE GOVERNING BODY OF THE COLUMBUS COUNTY WATER AND SEWER DISTRICT IV, SHOULD EXTEND THE BOUNDARIES OF SAID DISTRICT.

NOTICE IS HEREBY GIVEN of a public hearing to be held at 6:30 P.M. on June 25, 2007 in the Dempsey B. Herring Courthouse Annex located at 112 West Smith Street, in Whiteville, North Carolina for the purpose of considering whether the Board of Commissioners for the County of Columbus, North Carolina, as the governing body of the Columbus Water and Sewer District IV (the "District"), should extend the boundaries of the District pursuant to Section 162A-87.1 of the North Carolina General Statutes, as amended, in order to be able to provide water service in the territory proposed to be annexed to the District as well as in the initial territory of the District.

Said Board of Commissioners has received a Preliminary Engineering Report for Columbus County Water and Sewer District IV, revised as of May 21, 2007, which was prepared by Green

Engineering, P.L.L.C. and contains the information required by subsection (d) of said Section 162A-87.1. A copy of such report is available for inspection in the office of the Clerk to said Board of Commissioners during normal business hours, which can be confirmed by calling 910-640-6640.

June B. Hall
Clerk to the Board of Commissioners
or the County of Columbus, North Carolina

Commissioner Memory made a motion to approve and adopt the Resolution Calling for a Public Hearing on Whether the Board of Commissioners for the County of Columbus, North Carolina, as the Governing Body of the Columbus County Water and Sewer District IV, Should Extend the Boundaries of Said District and Providing for Certain Related Matters, inclusive of the Notice of Public Hearing on Whether the Board of Commissioners for the County of Columbus, North Carolina, as the Governing Body of the Columbus County Water and Sewer District IV, Should Extend the Boundaries of Said District. The motion was seconded by Commissioner Norris.

After discussion was conducted relative to the time for the Public Hearing being 6:30 P.M., Commissioner Memory rescinded his motion and Commissioner Norris rescinded his second.

Commissioner Memory made a motion to approve and adopt the Resolution Calling for a Public Hearing on Whether the Board of Commissioners for the County of Columbus, North Carolina, as the Governing Body of the Columbus County Water and Sewer District IV, Should Extend the Boundaries of Said District and Providing for Certain Related Matters, inclusive of the Notice of Public Hearing on Whether the Board of Commissioners for the County of Columbus, North Carolina, as the Governing Body of the Columbus County Water and Sewer District IV, Should Extend the Boundaries of Said District, with the time for the Public Hearing being on June 25, 2007, at 6:15 P.M., and for the notice to be published twice. This motion was seconded by Commissioner Norris. The motion unanimously carried.

ADJOURNMENT:

At 7:13 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner Gore. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman