

CURRITUCK COUNTY
NORTH CAROLINA
May 2, 2011

The Board of Commissioners met at 6:30 p.m. to discuss the Comprehensive Transportation Plan.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Commissioners O'Neal, Gilbert, Martin, Etheridge and Rorer. Chairman Aydlett was absent.

Invocation and Pledge of Allegiance

Renee Edwards, Sharon United Methodist Church, was present to give the invocation.

Approval of Agenda

Commissioner Gilbert moved to amend the agenda by adding Item 6A, Consideration of Currituck Chamber Proposal and Item 8A, Appointment to Tourism Board. Commissioner Martin seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Proclamation for Asthma Awareness to Isis Saunders**
- Item 4 **Recognition of Dr. Meghan Doyle, Currituck County Superintendent**
- Item 5 **National Day of Prayer**
- Item 6 **Public Hearing and Action:** PB 11-02 Kitty Hawk Kites - Cotton Gin: Request for a special use permit for an outdoor recreation facility (tandem hang gliding training facility) located in Jarvisburg at 6997 Caratoke Highway (Immediately behind Cotton Gin), Tax Map 108, Parcel 39, Poplar Branch Township.
- Item 6A Consideration of Currituck Chamber of Commerce Proposal**
- Item 7 **Amendments to Wastewater Ordinances**
- Item 8 **Appointment to Fire and EMS Board**
- Item 8A Appointment to Tourism Board**

- Item 9 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Social Services request to reappoint of Walter Gallop to DSS Board
 - 3. Approval of April 18, 2011, Minutes
 - 4. Resolution approving the exhibition, use and discharge of pyrotechnics at the Whalehead Club
 - 5. Approval of request for Lower Currituck VFD to purchase a new command vehicle

Item 10 Commissioner's Report

Item 11 County Manager's Report

Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Vice Chairman Rorer opened the public comment period.

James Innes, recognized the accomplishments of the Currituck Association Soccer Team. The Coach introduced the Soccer Team members.

Meghan Doyle, Superintendent, recognized the members of the Currituck Soccer Team. She also thanked the Board for their continued support of education in Currituck County.

Bob Kohler, stated that there will be a July 4th dedication of the North Carolina Veterans Park in Fayetteville, NC, and requested that a Board member attend this event. Commissioner Martin stated that he would attend.

Donna Benson, Tulls Bay Colony, requested the Board's help in getting a neighbor to remove his sunken boat from the water behind her house. The county will send a letter to the Tulls Bay Property Owners Association.

There being no further comments, Vice Chairman Rorer closed the public comment period.

Proclamation for Asthma Awareness to Isis Saunders

Board presented the Proclamation to Isis Saunders.

**PROCLAMATION
SUPPORTING
ASTHMA AWARENESS MONTH
MAY 2011**

WHEREAS, there is an epidemic of asthma in the United States, affecting 20 million people; and

WHEREAS, asthma is the leading cause of childhood long term illness, hospitalization and school absenteeism; and

WHEREAS, asthma affects up to 23% of children in the Currituck County Schools; and

WHEREAS, asthma is a treatable and controllable disease; and

WHEREAS, there are simple steps people can take to monitor and prevent asthma attacks and effective treatments to control asthma;

NOW, THEREFORE, the Currituck County Board of Commissioners hereby proclaims May 2011 as "**Asthma Awareness Month**" for the County of Currituck.

Recognition of Dr. Meghan Doyle, Currituck County Superintendent

**RESOLUTION
RECOGNIZING
DR. MEGHAN DOYLE**

WHEREAS, the citizens of Currituck County have long recognized the historic link between education and a strong, free nation; and

WHEREAS, the Currituck County School System has enabled generations of Currituck families to build upon the lessons of the past to achieve the dreams of tomorrow; and

WHEREAS, Dr. Meghan Doyle came to Currituck County as an Assistant Superintendent of Secondary Education in 2008, and was named Superintendent of Currituck County Public Schools in 2009; and

WHEREAS, Dr. Doyle's mission was to ensure resources are available for students to graduate ready to achieve success in a 21st century global society; and

WHEREAS, Dr. Doyle has devoted her time, energy and talents to this county and its children and provided experience and sound judgment on its behalf with integrity, dignity and thoughtful reflection.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners and county staff do hereby express our sincere appreciation to Dr. Doyle for her leadership and dedicated, distinguished service to the citizens and children of Currituck County and extend to her our best wishes in her future endeavors.

National Day of Prayer

**PROCLAMATION
NATIONAL DAY OF PRAYER
MAY 5, 2011**

WHEREAS, National Days of Prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775; and

WHEREAS, leaders of our Nation have relied upon the power of prayer throughout American history; and

WHEREAS, May 5, 2011, marks the 60th consecutive observance of National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and May 5, 2011, has been set aside as our National Day of Prayer; and

WHEREAS, it is good that we acknowledge that we are all God's handiwork, and that it is appropriate to call upon Him in prayer; and

WHEREAS, National Day of Prayer's theme is "**A Mighty Fortress Is Our God**" and the scripture is "I will say of the Lord, He is my refuge and my fortress, my God, in whom I trust" Psalm 91:2, and

WHEREAS, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 5, 2011, to worship and pray for the American troops, our nation, churches, families, education, businesses, media and government, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, does hereby proclaim May 5, 2011, as "**NATIONAL DAY OF PRAYER**" in Currituck, North Carolina, and urges its citizens to join together in their homes, places of work, and places of worship to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

Janis Adams received the Proclamation.

Public Hearing and Action: PB 11-02 Kitty Hawk Kites - Cotton Gin: Request for a special use permit for an outdoor recreation facility (tandem hang gliding training facility) located in Jarvisburg at 6997 Caratoke Highway (Immediately behind Cotton Gin), Tax Map 108, Parcel 39, Poplar Branch Township.

Ike McRee, County Attorney, reviewed the rules of procedure for special use permit.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

John Dulucia, Engineer, reviewed the applicant's operation.

John Harris, Kitty Hawk Kites, made a presentation on noise comparison and discussed his request.

Commissioner Etheridge questioned how far up is glider released and wind pattern.

Commissioner Petrey, addressed time of activity.

Commissioner Rorer questioned what light sport aircraft was and would there be any signage.

Barry Lipman, adjacent property owner, had several questions for the applicant such as how many flights per hour and FAA regulations.

Brenda Weaver, questioned what Kitty Hawk Kites plans were for the next 5 years.

Barry Lipman, questioned how they notified adjacent property owners.

Paula Lipman, questioned danger to the area waterfowl.

Howard Forbes, opposes this project.

David Weber, stated this request was hazardous to the community and opposes request.

Paula Lipman, opposes the request.

Roy Etheridge, expressed concerns with traffic and not in harmony and opposes the request.

Andy Newbern, questioned hours of operation and how close it was to his property.

Citizens in support of request:

Chris Shultz, supports project.

David Hughes, supports project.

John Snowden, Maple, representing the Airport Board, supports project.

Doug Brindley, supports more outdoor attractions.

Cheryl Bell, supports project.

Brad Kovac, supports project.

Uli Benewitz, Weeping Radish, supports this project.

Elaine Minton, supports request.

Rick Schneck, supports request.

Rachel Smith, supports request.

Bruce Weaver, answered some of the questions that have come up during hearing and supports the project.

Tommy Wright, Cotton Gin, applicant stated this was a way to get tourists to return to the mainland.

John Harris, applicant, stated that the FAA controls air space.

Jerry Wright, property owner, stated that they have 200 acres for this project.

Joe Harington, supports request.

Owen Etheridge questioned distance from Newbern property which is 800 ft.

Commissioner Gilbert, stated that this is positive for Currituck County.

Public Hearing was closed.

Commissioner Petrey moved to approve with finding of facts, staff recommendations and for a 1 year permit. Commissioner O'Neal seconded the motion. Motion carried.

Consideration of Chamber Proposal.

Mike Florez, Chairman of Board of Directors for the Chamber of Commerce, was present to answer questions.

The Contract will be to implement the Buy Local Campaign. The contract will be for \$60,000 for one year.

Commissioner O'Neal asked if the Economic Development Board, Tourism Board and County Manager support the proposal.

Commissioner Etheridge moved to approve. Commissioner Martin seconded the motion. Motion carried.

Amendments to Wastewater Ordinances

Pat Irwin, Water Superintendent, reviewed the questions about the wastewater ordinances.

Fats, Oils, and Grease (FOG) Program

1. Introduction

Fats, oils, and grease (FOG) is the leading cause of sanitary sewer overflows (SSO) in North Carolina, and FOG is a primary concern of Currituck County. FOG includes animal fats, vegetable oils, and by-products from food service establishments. Residential and commercial users alike commonly introduce FOG into home and building plumbing, and into County-owned sanitary sewer systems. (~~i.e. Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~).

Over time, FOG can build up and form blockages in pipes leading to wastewater backing up into homes, businesses, and resulting in sanitary sewer overflows (SSO) in the streets. Cleanup can be expensive for homeowners, and especially expensive for businesses such as restaurants, which can also be subject to fines and closures. In addition to heavy remediation costs, SSOs carry the potential for health risks which come from contact with disease-causing organisms. Raw sewage can carry bacteria, viruses, and parasitic organisms which cause a number of

diseases, ranging from mild gastroenteritis (diarrhea) to life threatening ailments such as cholera, dysentery and hepatitis. SSOs also increase sewer system maintenance costs and present potential impacts to the environment.

2. Definitions

"County Engineer" shall mean the duly designated Department Head of the County Engineering Department or Department of Public Works, or his duly authorized agent.

"District" shall mean any centralized sewer system (consisting of wastewater collection and treatment) operated by Currituck County. ~~including, Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District.~~

"FOG" shall mean material either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. Examples of FOG include kitchen cooking grease, vegetable oil, bacon grease, etc.

"Food Handling Facilities" shall mean any commercial facility discharging kitchen or food preparation wastewaters including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, churches, etc.

"Grease Trap" shall mean indoor, "under the counter" units designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

"Grease Interceptor" shall mean a device, usually located underground and outside of a Food Handling Facility designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

"Oil Water Separator" shall mean a device, designed to remove oil (e.g. petroleum-based) from the waste stream while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

"User" shall mean any person, establishment, or facility that contributes, causes, or permits the contribution of FOG into the District's sanitary sewer system.

3. FOG Reduction Best Management Practices

The easiest and most efficient way of reducing FOG in plumbing and in the District's wastewater collection system is to prevent it at the source, the drain. Household sinks (bathroom and kitchen) and toilets all discharge to the sanitary sewer system. Residences are encouraged to mix fats, oils, and grease with absorbent waste such as paper towels, coffee grounds, kitty litter, or shredded newspaper, and discard them in the trash. Controlling grease at its source is critical in reducing blockages and backups which result from grease build-up. Appendix A is a *Fact Sheet For Best Management Practices* for commercial establishments prepared by the North Carolina Pretreatment, Emergency Response, and Collection Systems Unit. Special procedures may be required for specific applications.

In addition to controlling FOG at the drain, the District performs systematic annual cleaning operation and maintenance procedures at its pump stations and collection lines. Cleaning includes flushing and vacuuming of residues and deposits in the collection system. The District cleans a minimum of 10% of the total system per year.

4. General Requirements

In order to reduce sewer blockages, Food Handling Facilities that discharge into the District's sanitary sewer system must install a Grease Interceptor. Grease Interceptors shall be required at the User's expense, when such User operates food preparation or serving facilities. Grease Interceptors may be required in other commercial or industrial applications when deemed necessary by the County Engineer. The County Engineer reserves the right to make determinations of Grease Interceptor or Grease Trap adequacy and need based on review of all relevant information regarding Grease Interceptor/Trap performance, maintenance, and facility site and building review to require repairs, modifications or replacement of such Interceptors or Traps. Automotive-related facilities that may contribute petroleum-based oil to the District's sanitary sewer collection system are required to install an

approved Oil-Water Separator. Wastewater from sanitary facilities shall not be introduced into any Grease Interceptor, Grease Trap or Oil/Water Separator. New Food Handling Facilities will not be allowed to initiate operations until a Grease Interceptor is approved and inspected by the County Engineer. Any facility with an existing Grease Interceptor or Trap that anticipates expanding food handling or preparation operations must receive approval from the County Engineer.

5. Authority

The North Carolina Clean Water Act of 1999 requires that municipal wastewater systems obtain a permit from the North Carolina Department of Environment and Natural Resources (NCDENR) for the operation of wastewater collection systems. All Currituck County wastewater systems are permitted by NCDENR. ~~Permits for each of the District's collection systems have been obtained, and are listed below.~~

- ~~• Ocean Sands Wastewater Collection System: DWQ Permit No. WQCS00273~~
- ~~• Newtown Sanitary District Collection System: DWQ Permit No. WQ0004082~~
- ~~• Moyock Commons Sewer District Collection System: DWQ Permit No. WQ0015053~~

Each permit requires the implementation of a FOG enforcement program, and routine inspection and cleaning of the District's collection system to monitor FOG. This document fulfills these requirements.

6. Design Guidelines

Detailed plans, showing the Grease Interceptor facilities and operating procedures, must be approved by the County Engineer prior to construction. The review and approval by the County Engineer shall in no way relieve the User from the responsibility of meeting effluent discharge limitations or properly maintaining the device.

6.1 Grease Traps

Small, indoor, point source Grease Traps incorporated into the kitchen plumbing may be allowed for existing facilities if the installation of a suitable outdoor Grease Interceptor is infeasible, a "hardship" is acknowledged, and a variance is approved by the County Engineer. Certain conditions may be imposed by the County Engineer, such as an increased clean out frequency. All Grease Traps must be designed and installed in accordance with the latest edition of the Uniform Plumbing Code.

6.2 Grease Interceptor Design

For new and existing facilities, in-ground outdoor Grease Interceptors are required, unless a variance is granted by the County Engineer. Grease Interceptors are typically pre-cast concrete units that are plumbed to receive only kitchen wastes (pot sinks, prep sinks, can wash, floor drains, dishwasher, and food grinder waste). The Grease Interceptor should be located as close to the source as possible, and in a manner that is fully accessible for regular and safe maintenance, cleaning and sampling, without creating a nuisance. A registered North Carolina Professional Engineer must seal all designs that encroach in public right-of-ways (not on private property).

Minimum design criteria for pre-manufactured Grease Interceptors shall include:

- Minimum capacity of 1,000 gallons
- 2-inch inlet and outlet differential

- 3-inch minimum wall thickness and reinforced with 6-inch x 6-inch, #10 gauge welded wire
- Minimum 2:1 length/width ratio
- At least two compartments with an interior baffle wall located two-thirds to three-quarters of the distance from the inlet end wall, vented at the top and with adequate flow through holes
- Outlet tee constructed of PVC, PE or equivalent, minimum class 160 pipe extending 50 percent of liquid depth
- Minimum concrete compressive strength of 3,500 psi
- 24-inch minimum access openings over both compartments brought up to at least finished grade and protected from surface water runoff. Access covers shall be cast iron or equivalent.
- Design shall facilitate sampling of the interceptor's effluent, measurement of the grease layer, and clean out pumping operations.
- Watertight per vacuum or exfiltration test
- Properly sealed joints to prevent infiltration or exfiltration.
- Minimum structural criteria should include:
 - Minimum structural design at 150 lbs./ft² (non-traffic installations)
 - H-20 bridge load for vehicular traffic conditions
 - ACI Building Code 318 (reinforced concrete design)
 - ASTM C1227-93 Standards for Pre-cast Concrete Tanks
 - ASTM C890 Structural Design Load for Pre-cast Water and Wastewater Structures.

A licensed North Carolina Plumbing Contractor shall install all Grease Interceptors and Grease Traps in compliance with the latest edition of the Uniform Plumbing Code and obtain a building permit from the County prior to installation.

The User shall verify the minimum tankage required based on the anticipated flow rates and organic loads, using generally accepted methods of design such as Environmental Protection Agency, North Carolina Division of Environmental Health, or Uniform Plumbing Code methods. The User shall be solely responsible for the performance of the device and its ability to consistently reduce effluent FOG concentrations below 100 mg/l as measured by EPA Method 1664A.

7. Maintenance Practices/Records

Grease Interceptors and Traps should be cleaned as frequently as necessary to maintain FOG concentrations below 100 mg/1 in the effluent, but in no case shall cleaning intervals exceed 30 days. Grease Traps may require more frequent cleaning. Grease Interceptors that accumulate a grease cap of greater than 25% of the Interceptor's depth are also considered in violation. Special maintenance requirements may be imposed for undersized installations, which are the result of a hardship or have received a variance. All waste removed from the Grease Interceptor or Trap must be disposed of at a facility permitted by the North Carolina Division of Solid Waste Management to receive such waste. The User shall be responsible for the proper removal and lawful disposal of the Grease Interceptor/Trap waste. The use of enzymes, chemical, or biological additives is not considered acceptable Grease Interceptor/Trap maintenance practice.

All Food Handling Facilities that discharge into the District's sanitary sewer system shall maintain written records on site of Grease Interceptor maintenance. A copy of an approved Grease Interceptor Maintenance form is provided in Appendix B. A Grease Interceptor Maintenance Log form that summarizes maintenance activities is provided in Appendix D. This form should be clearly posted to summarize maintenance activities and compliance with these regulations. Maintenance records must be kept for at least three (3) years and shall be provided upon request from representatives of the District or the Albemarle Regional Health Services (local North Carolina Division of Environmental Health). Failure to provide maintenance records upon request shall be considered a violation.

8. Determination of Compliance with Maintenance Requirements

A Grease Interceptor shall be considered out of compliance if any of the following conditions exist:

- The grease layer exceeds 25% of the units depth.
- FOG concentrations are found to exceed 100 mg/1 as measured by EPA Method 1664A.
- Maintenance cleaning has not been accomplished every 30 days.
- Failure to submit records.
- Inspection hindrance.
- Failure to maintain on-site records.
- Failure to maintain Interceptors or Traps in proper working order.
- Source of sewer blockage.
- Source of sanitary sewer overflow.
- Falsification of records.

Typically, the FOG generator will be evaluated based on maintenance cleaning compliance. The District may perform random inspections to determine if grease layers exceed 25% of the interceptor's depth and/or collect samples for determination of effluent FOG concentrations.

9. Inspection and Sampling

The County Engineer may conduct inspections of Food Handling Facilities connected to the sanitary sewer system, as the County Engineer deems necessary to ascertain whether the purpose and requirements of these FOG regulations are being met. Persons or occupants of premises where wastewater is created, discharged or suspected to be discharged, shall allow the County Engineer ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination. The County Engineer shall have the right to set up on the Users property such devices as are necessary to conduct sampling, inspection, and compliance monitoring operations. Denial of the County Engineer access to the User's property shall be deemed a violation. Unreasonable delays may be considered denial of access. A Grease Interceptor Inspection Form is contained in Appendix C.

10. Variance

A variance to the design and maintenance requirements contained herein may be requested. The User must submit sufficient documentation as required by the County Engineer that explains the need to vary from design or maintenance requirements. After review of the documentation, the County Engineer will notify the Food Handling Facility in writing of acceptance or denial of the variance request. If a variance is granted and the User subsequently increases anticipated food service production or, the County Engineer later determines that the discharge adversely impacts the sanitary sewer collection system or treatment works, the variance may be revoked.

11. Enforcement

If any residence or Food Handling Facility is determined to be the source, in whole or in part, of a sanitary sewer blockage and/or overflow, the residence or Facility will be assessed a fine of not less than \$100 and not more than \$5,000, plus remediation costs for clean up, in addition to any fines dispensed from the State of North Carolina. The fines contained herein are not exclusive and the County Engineer may use other methods to remedy the situation, such as the termination of wastewater service, legal action, etc. Fines for violations are listed below:

Minor Violations

Violation	Offense			
	1st	2nd	3rd	4 th & Up
Inspection Hindrance	Warning	\$50	\$75	\$100
Failure to Maintain On-Site Records	Warning	\$50	\$75	\$100

Moderate Violations

Violation	Offense			
	1st	2nd	3rd	4 th & Up
Failure to Maintain Grease Interceptors and Traps in Proper Working Order	Warning	\$75	\$100	\$150
Failure to Clean Out Grease Interceptors and Traps Every 30 Days	Warning	\$75	\$100	\$150

Major Violations

Violation	Offense	
	Minimum Fine	Maximum Fine
Source of Sewer Blockage	\$500	\$5,000 plus State Fines
Source of Sanitary Sewer Overflow	\$1,000	\$5,000 plus State Fines

Falsification of Records	\$1,000	\$5,000 plus State Fines
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Sanitary Sewer Ordinance

1. General Provisions

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect discharges into the wastewater collection and treatment system of any centralized sewer operated by Currituck County (~~Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~), herein referred to as the "District", and enables the District to comply with all applicable State and Federal laws.

The objectives of the ordinance are:

- a. To prevent the introduction of pollutants into the public wastewater system which will interfere with the operation of the system or the treatment or disposal of wastewater;
- b. To prevent the introduction of pollutants into the public 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 protect both District personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public; and
- d. To provide for equitable distribution of the cost of operation, maintenance and improvement of the public wastewater system.
- e. To ensure that the District complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the wastewater system is subject.

This ordinance provides for the regulation of direct and indirect discharges into the District's 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 necessary to carry out the program established herein.

1.2 Applicability of Sewer Use Provisions

The ordinance shall apply to the District and users of the District's System.

1.3 Definitions

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

- a) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.
- b) "Approval Authority" shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.
- c) "Board" shall mean the members of the Currituck County Board of Commissioners.
- d) "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).
- e) "Building Sewer" shall mean a sewer conveying wastewater from the premises of a user to the System.
- f) "Department of Environment and Natural Resources or NCDENR". The North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this Section references to the Division of Water Quality or DWQ shall be deemed to be DENR.
- g) "Director" shall mean the Currituck County Public Utilities Director.
- h) "Domestic user" shall mean any person who discharges domestic wastewater to the public sanitary sewer.
- i) "Domestic wastewater" shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in Section 7. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non industrial and noncommercial laundries. The discharge rate shall not exceed twenty-five thousand (25,000) gallons per day.
- j) "Environmental Protection Agency" (EPA) shall mean the United States Environmental Protection Agency.
- k) "Flow" shall mean the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.
- l) "Grease interceptor" shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.
- m) "Hauled wastewater" shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

- n) "Indirect discharge" or "Discharge". The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- o) "Industrial user or User" shall mean any person which is a source of indirect discharge.
- p) "Industrial wastewater" shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in Section 7 of this Article.
- q) "Interference" shall mean the inhibition, or disruption of the District treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any State or Federal requirements or prevents sewage sludge disposal in compliance with specified applicable State and Federal Statutes.
- r) "Medical Waste" shall mean 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.
- s) "Owner" shall mean the fee simple owner of real property whose premises is or can be provided utility service by the District.
- t) "POTW Treatment Plant" shall mean the portion of the POTW designed to provide treatment to wastewater.
- u) "Pretreatment Regulations" shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.
- v) "Publicly Owned Treatment Works" (POTW) shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.
- w) "Significant Industrial User" shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW Treatment Plant (excluding sanitary wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW

Treatment Plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- x) "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.
- y) "User" shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.
- z) "Wastewater" shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, 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.

2. Applicability of Sewer Use Provisions

This Article shall apply to all users of the District's wastewater system. By discharging wastewater into the wastewater system, industrial users within the District service area agree to comply with the terms and conditions established in this Article as well as any permits, enforcement actions, or orders issued hereunder.

2.1 Administrative Authority

The Public Utilities Director is hereby assigned the responsibility of administering all provisions of this Article, and shall exercise these responsibilities in accordance with the intent of this Article in a fair and objective manner. The Director may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers or responsibilities granted to or imposed on the Director may be delegated by the Director to other County or District personnel.

2.2 Sewer Use Required

- a) When the owner of a property inside the District service area shall use such property in any manner which results in the generation of wastewater, and such wastewater shall be discharged into a public sanitary sewer, the owner shall install, at his expense, a suitable building sewer and any other facilities necessary to connect the building sewer directly to the public sewer at an access point provided by the District.
- b) When the District is unable to serve single-family residential property through the gravity sanitary sewer system, as determined by the POTW director, the District may, upon written notification, approve the owner of the property to purchase and install a motor, lines, and pump so that wastewater can be pumped to the public sewer at the provided access point. It will be the responsibility of the property owner to complete the sewer connection with the purchased equipment and to maintain the pump, lines and motor to the property line at his own expense.
- c) Whenever a building sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer collects wastewater shall, upon notification of the POTW director, reconstruct, alter, clean or repair the

building sewer as the condition of such may require within thirty (30) days after receiving notification.

3. Procedures for New Connections

3.1 Application for Service

An owner or developer proposing to extend utility lines and/or to make other improvements to be served by the District shall first obtain approval by the District. The applicant shall employ at the applicant's expense an engineer registered in the State of North Carolina to prepare plans for the project. Approval of plans or specifications for a project does not relieve the owner/developer/applicant from meeting the requirements or obtaining other approvals that may be necessary for other regulating agencies including but not limited to Currituck County, North Carolina Department of Transportation, and North Carolina Department of Environment and Natural Resources. The submission of a master plan and/or engineering report may be required at the discretion of the Director in addition to plans and specifications and other documentation described herein.

The applicant shall construct infrastructure to be accepted by the District utilizing the District-approved Technical Standards and Specifications. No extension to the sanitary sewer system of the District shall be made and no application shall be approved except in accordance with the requirements of this ordinance.

3.2 Abandonment of Private Systems

All private septic systems and other similar facilities shall be properly abandoned, or removed at the time service to the POTW is made available to real estate upon which is located any structure serviced by a private septic system, and the applicable property owner shall be required to connect to the POTW at the time of such abandonment or removal.

Upon 24 hours notice, representatives of the District may enter any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

4. Standards for Building Sewers

4.1 Method of Connection

Connections of Building Sewers to the District's wastewater collection system will be made in accordance with the following requirements:

- a) All Connections shall be made in accordance with the provisions of the State of North Carolina Building Code Volume II, Plumbing, current edition.
- b) No person, unless authorized, shall uncover, make any connections with, or disturb any portion of the District's wastewater collection system, except in accordance with the applicable provisions of this Ordinance.
- c) All costs and expenses incident to the installation and connection of the Building Sewer for non-residential connections and connections occurring after the initial installation of the POTW shall be borne by the Owner. The owner shall indemnify and hold harmless the District from any loss or damage to the POTW that may directly or indirectly be occasioned by the installation of the Building Sewer.

- d) A separate and independent Building Sewer shall be provided for every building. An exception may be granted where one building on an interior lot stands at the rear of another and it is not economically feasible for the District to provide a tap to the rear building. In such event, the Building Sewer may be extended to the tap for the front building and the whole considered as one (1) Building Sewer. Exceptions such as these require a permit to be issued by the District, and shall require a written agreement between the Owners and the District as to the share of the costs of construction and maintenance that each will contribute.
- e) All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will permit a minimum average slope of the Building Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum average slope. Costs of the pumping units, piping, and power shall be borne by the Owner.
- f) Old building sewers may be used in connections with new buildings only when they are found, upon examination and testing by the District, to meet all requirements of this ordinance.
- g) No connections that will allow inflow to enter the POTW shall be permitted. Such prohibited Connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- h) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sands traps or other interceptors as required by these Rules and Regulations.
- i) Connections to POTW will be made at the tap provided for the structure to be served.
- j) Any new connections to the POTW shall be prohibited unless sufficient capacity is available in all downstream portions of the POTW and at the POTW Treatment Plant, including, but not limited to capacity for flow, BOD and suspended solids, as determined by the District.
- k) The size of gravity sewer collection and gravity outfall lines shall be determined by the ultimate size of the area to be serviced and by the projected use and population of the area. The sewer collection and outfall lines shall be designed to maintain a velocity of at least two (2) feet per second at full flow.
- l) The District may require the developer to install sewer collection and outfall lines at a deeper depth and/or larger size than that needed by the existing proposed immediate development in order to provide future service to undeveloped area anticipated to be developed in the future or an existing development which will require service.

4.2 Inspection and Testing

The applicant for the connection shall notify the District when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the District or its representative.

Sewer collection and outfall lines shall be tested and inspected by the Director, County Engineer, or their designees to determine the accuracy of alignment and grade. The allowable amount of infiltration is defined as 0 gallons per diameter inch per mile per day.

The District shall be allowed to inspect the work at any stage of construction.

4.3 Maintenance of Building Sewer/Damages

- a) Whenever a Building Sewer connected to POTW becomes clogged, broken, out of order or detrimental to the use of POTW, or the public health and welfare, the Owner of any building or premises through which the Building Sewer collects wastewater shall, upon notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification.
- b) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

5. Use of Public Sewers

- a) It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any wastewater or other polluted water.
- b) It shall be unlawful within the District to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Temporary portable toilet facilities may be permitted by special permit issued by the District for the purpose of providing toilet services for construction projects or special events or purposes.
- c) Construction of any new structures within the District from which wastewater is or shall be discharged shall not occur without first securing a connection to the POTW.
- d) The Owner of any building or property which is located within the District, or in any area under the jurisdiction of the District, and from which wastewater is discharged, shall be required to connect to the POTW, at the Owner's expense, within sixty (60) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the North Carolina Building Code and this ordinance. Said official notice shall be given by the District, or its designated agent, and shall be served upon the Owner personally or by certified mail.

- e) In the event an Owner shall fail to connect to a public sewer in compliance with a notice given under this section, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be a lien against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of Currituck County in which the land is situated and shall be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.
- f) Storm water and all other unpolluted water shall be discharged to a storm sewer or other appropriate outlet, subject to existing regulatory requirements.
- g) No connection shall be permitted that will allow inflow other than sanitary waste to enter the District's wastewater collection and treatment system. Said prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains or other sources of storm waters or groundwater to a building sewer which is connected directly or indirectly to a public sanitary sewer.

6. Industrial Uses and Users Prohibited

Discharge of wastewater into the sewer from a Significant Industrial User within the District is prohibited.

7. Limitations on Wastewater Strength

7.1 Federal Pretreatment Standards

Federal Pretreatment Standards and general regulations promulgated by the EPA pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the Currituck County Engineer, approval to modify the specific limits in the federal pretreatment standards. In all other respects, industrial users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the Pretreatment Regulations or any applicable pretreatment standard.

7.2 State Requirements

State requirements and limitations on discharges shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

7.3 District's Right of Revision

The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this ordinance.

7.4 Local Limits

Any discharge to the District's wastewater system shall meet the average discharge limits listed below. If the limits are exceeded, then the District reserves the right to require pre-treatment or preliminary treatment of waste prior to discharge into the District's wastewater system, or may

assess a surcharge on the user.

Parameter	Value (mg/L)
Aluminum	2
Ammonia-Nitrogen	17
Arsenic	0.003
Barium	0.15
Beryllium	0.2
BOD	200
Boron	1
Cadmium	0.003
CBOD	200
Chlorides	343
Chromium	0.002
COD	600
Copper	0.041
Cyanide	0.015
Iron	2.9
Lead	0.049
Manganese	60
Mercury	0.0003
Methylene Chloride	0.1
Nickel	0.021
Oil and Grease (Hexane Extraction)	73
Organic Nitrogen	18
Phosphorus Ortho	3
Phosphorus Total	6.1
Selenium	0.2
Silver	0.005
Sulfates	250
Sulfides	8
Tetrachloroethylene	0.5
TKN	35
Total Solids	831
Total Suspended Solids	200
Trichloroethylene	0.5
Zinc	0.165

7.5 Dilution

No User shall 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 any local or state requirements or federal pretreatment standards.

7.6 Reports

Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the Pretreatment Regulations shall be submitted to the District by affected Users.

8. Discharge of Certain Materials Prohibited

No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any of the following waste pollutants:

- a) All waste of any type generated from any source outside the designated sewer service area as provided for in this Agreement.
- b) All waste generated from septic tank contents, portable toilets, privy vault contents, sewage holding tanks and the like generated from within the limits of the designated sewer service area.
- c) Any wastes which may directly or indirectly impair the proper functioning of the POTW.
- d) Any wastes with strength or pollution effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate State and Federal water quality standards.
- e) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade). At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- f) Solid or viscous substances in amounts which will cause obstruction to the flow in the sewer resulting in interference with the operation of the POTW. Substances and items include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- g) Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage to the POTW, the POTW Treatment Plant, or District personnel.
- h) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65 degrees Centigrade), 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 105 degrees Fahrenheit (40 degrees Centigrade).
- i) Any pollutants which result in the presence of toxic gases, vapors or fumes in the receiving waters of the POTW in a quantity that may cause any worker health and safety problems. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended.
 - j) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - k) Any substance which may cause treated effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW Treatment Plant to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - l) Any wastewater which imparts color which cannot be removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
 - m) Any wastewater containing any radioactive wastes or isotopes that violate any statute or any rule, regulations, or ordinance of any public agency or State or Federal regulatory body.
 - n) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Centigrade and 65.6 degrees Centigrade); and any wastewater containing oil and grease concentrations of mineral origin of greater than 25 mg/l, whether emulsified or not. See Section 8.2 for requirements for grease interceptors.
 - o) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
 - p) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the POTW.
 - q) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200; or wastewater causing, alone or in conjunction with other sources, the treated effluent to fail a toxicity test.

It is unlawful for any person to make or maintain a connection between eaves trough, rainspouts, footing drains, or any other conductor used to carry natural precipitation or ground water, and the sanitary system or any part thereof.

Any property owner in violation of this section and upon receiving notice of said violation, shall disconnect the conductor from the POTW. Any property owner in violation of this section shall be assessed a monthly surcharge, the amount of which will be established by the Board, for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of a disconnected conductor, may result in the suspension from use of POTW.

9. Pre-Treatment of Wastewater

9.1 Grease Removal

- a) Grease traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing or serving food and/or food products. Grease interceptors are required for the proper handling of liquid wastes containing oil and/or grease to ensure concentrations do not exceed one hundred sixty (25) mg/l by weight (hexane extractable).
- b) All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the Director and as outlined in the District's Technical Standards and Specifications Manual and the Fats, oils, and grease policy. The interceptor shall be readily and easily accessible for cleaning and inspection. No more than twenty (20) percent of the interceptor's total volume will be used for a sludge pocket. The interceptor shall be kept free of materials including kitchen utensils, paper or plastic products, and rags which may settle into the required sludge pocket, and all other floating material shall be skimmed from the trap or basin tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of the liquid.
- c) All such interceptors shall be serviced and emptied of the waste content as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer.
- d) No waste removed from the interceptor shall be reintroduced into the sanitary sewer or back into the interceptor which will cause the interceptor's discharge to exceed sewer use ordinance limits. The owner shall be responsible for sanitary disposal of such waste.
- e) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.2 Sand, Grit and Oil removal

- a) Sand, grit, and oil traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand, grit, oil, or flammable waste in excessive amounts.
- b) All such interceptors shall be of a type and capacity approved by the Director and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their contents as required, in order to maintain their minimum

design capability to intercept grit, sand, oil, and flammable waste prior to the discharge of wastewater to the public sanitary sewer.

- c) Wastes removed from sand, grit and oil interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.
- d) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.3 Preliminary Treatment Devices

Where pretreatment, or grease; oil, grit and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

10. Accidental Discharges

Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which such waste may enter the POTW, shall be reported to the District and County by the persons responsible for the discharge, or by the Owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the District on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the District and County within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- a) the time and location of the spill;
- b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- c) time period and volume of wastewater discharged;
- d) actions taken to correct or control the spill;
- e) a schedule of corrective measures to prevent further spill occurrences.

11. Inspection and Sampling

The District may conduct such tests as are necessary to enforce this ordinance, and employees of the District may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the District for the purpose of determining whether the User is in compliance with regulations, the cost of such tests shall be charged to the User and added to the User's User Fee. In those cases where the District determines that the nature or volume of a particular User's wastewater requires more frequent than normal testing, the District may charge such User for the tests, after giving the User ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the User's User Fee.

While performing the necessary work on private properties referred to in this section, the authorized employees of the District shall observe all safety rules applicable to the premises established by the User.

Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

12. 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 agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District 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 that 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, state disposal system 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.

13. Enforcement

13.1 Consent Order

The District 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.

13.2 Suspension

The District may suspend the wastewater treatment service 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, or interferes with the POTW.

13.3 Civil Penalties

Any User who is found to have failed to comply with any provisions of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to one thousand dollars (\$1,000) per day per violation.

14. Effective Date

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

Commissioner O'Neal moved to adopt. Commissioner Gilbert seconded the motion. Motion carried.

Appointment to Fire and EMS Board

Commissioner Etheridge moved to appoint Paul Beaumont, George Bergamini, Mitch Copeland and Kurt Black for a 2 year term. Commissioner Petrey seconded the motion. Motion carried.

Appointment to Tourism Board

Commissioner Gilbert moved to appoint Jeff Nelson. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

1. Social Services request to reappoint Walter Gallop to DSS Board
2. Approval of April 18, 2011, Minutes
3. Resolution approving the exhibition, use and discharge of pyrotechnics at the Whalehead Club
4. Approval of request for Lower Currituck VFD to purchase a new command vehicle
5. Budget Amendments

Commissioner Etheridge moved to approve. Commissioner Martin seconded the motion. Motion carried.

RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF PYROTECHNICS AT THE WHALEHEAD CLUB IN COROLLA, NORTH CAROLINA

WHEREAS, pursuant to N.C. Gen. Stat. §§14-410 and 14-413 a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the board of commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as The Whalehead Club in Corolla, North Carolina on July 4, 2011 which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that:

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as The Whalehead Club in Corolla, North Carolina on July 4, 2011.

Section 2. This resolution shall be effective upon adoption

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-502100	Salaries - Overtime	\$ 34,000	
10510-505000	FICA	\$ 2,601	
10510-507000	Retirement	\$ 2,179	
10510-508000	Supplemental Retirement	\$ 1,700	
10510-532001	Canine Supplies	\$ 400	
10510-590000	Capital Outlay	\$ 7,289	
10510-526000	Advertising		\$ 400
10511-502000	Salaries - Regular		\$ 34,000
10511-505000	FICA		\$ 2,601
105110-507000	Retirement		\$ 3,879
10330-449900	Miscellaneous Grants		\$ 7,289
		<u>\$ 48,169</u>	<u>\$ 48,169</u>

Explanation: Sheriff (10510); Jail (10511) - Transfer funds for operations for the remainder of this fiscal year and to purchase tasers that were funded through a State grant.

Net Budget Effect: Operating Fund (10) - Increased by \$7,289.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-532000	Supplies	\$ 1,000	
10531-590000	Capital Outlay		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Emergency Management (10531) - Transfer funds for phones to set up the Emergency Operations Center.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-531000	Gas, Oil Etc	\$ 4,900	
66868-545000	Contract Services		\$ 2,500
66868-514500	Training & Education		\$ 300
66868-531400	Equipment Fuel		\$ 500
66868-516400	Equipment Maintenance		\$ 500
66868-536000	Uniforms		\$ 100
66868-532000	Supplies		\$ 1,000
		<u>\$ 4,900</u>	<u>\$ 4,900</u>

Explanation: *Southern Outer Banks Water System (66868)* - Transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Southern Outer Banks Water System Fund (66) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-514500	Training & Education	\$ 246	
10640-514100	Camp Transportation		\$ 246
		<u>\$ 246</u>	<u>\$ 246</u>

Explanation: *Cooperative Extension (10640)* - Transfer funds for MAPS supervisors training.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10441-590000	Capital Outlay	\$ 6,000	
10441-514500	Training & Education	\$ 1,175	
10441-557100	Software License Fee	\$ 2,160	
10440-506000	Insurance Expense		\$ 358
10441-506000	Insurance Expense		\$ 2,000
10460-506000	Insurance Expense		\$ 6,977

\$	9,335	\$	9,335
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Explanation: *Information Technology Services (10441)* - Transfer budgeted funds to purchase Employee Self Service for Human Resources. This program will enable employees and department heads to enter timesheets and access leave balances electronically.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-532000	Supplies	\$ 5,000	
61818-533200	Lab Tests	\$ 600	
61818-516000	Repairs & Maintenance		\$ 5,600
		<u>\$ 5,600</u>	<u>\$ 5,600</u>

Explanation: *Mainland Water (61818)* - Transfer funds for operations.

Net Budget Effect: Mainland Water (61818) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-590000	Capital Outlay	\$ 10,221	
60808-516000	Repairs & Maintenance		\$ 8,000
60808-545000	Contracted Services		\$ 2,221
		<u>\$ 10,221</u>	<u>\$ 2,221</u>

Explanation: *Ocean Sands Water & Sewer (60808)* - Transfer funds for operations.

Net Budget Effect: Ocean Sands Water and Sewer Fund (60) - No change.

Commissioner's Report

Commissioner Rorer, commented on the Duck Wine Festival that supported the Currituck Kids First.

Commissioner Gilbert thanked Chris Dailey for his presentation to the Airport Board. The Moyock VFD will have a fish fry on May 4.

Commissioner Martin commented on the closure to 9/11.

Commissioner Etheridge commended our men and women in uniform.

Commissioner O'Neal objects to a toll for the Knotts Island Ferry and directed staff to send a letter to be added to Representative Spear's bill. He also stated that they needed to have a work session on businesses on the northern beaches.

County Manager's Report

County Manager stated that there will be A work session on the budget on Wednesday, May 11, from 8:30 to 4:00 p.m.

Adjourn

There being no further business, the meeting adjourned.